

40

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00154B
Date Received: 10/26/1988
Receipt No: C003814
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HARRY S. RINKER 714-879-8300
Address: P.O. BOX 7250
NEWPORT BEACH, CA 92658-7250

2. Date of Priority: DEC 13, 1887

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

4. Point of Diversion:

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

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
RECREATION	01/01	12/31	0.440		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
USED FOR MAKE UP FLOW LOSS IN RECREATIONAL POND AND CHANNEL

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	6	NE	SE		REC	
			SE	SE		REC	
		7	NE	NE		REC	

A37-00154B

Page 1

Date: 12/08/88

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	7	SW	NE		REC	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-07822

14. Remarks:

DESCRIPTION OF EXISTING DIVERSION WORKS: CONCRETE HEADGATE WITH CORRUGATED METAL PIPE AND GATE (RINKER 11A) OR CONCRETE STURCTURE WITH SLIDE GATE (RINKER 11). DITCHES CARRY WATER THROUGH EXISTING RECREATIONAL POND SOUTH THROUGH SUBDIVISION AND THENCE RETURNED TO BIG WOOD RIVER. CLAIMANT OWNS LAND AT DIVERSION POINTS AND POND BUT NOT THE ENTIRE LENGTH OF DITCH. THIS IS A DECREED WATER RIGHT WHICH HAS HISTORICALLY BEEN USED FOR IRRIGATION BUT IS PRESENTLY BEING USED FOR RECREATION AND TO MAKE UP FOR LOSSES ASSOCIATED WITH PERMIT 37-7822. THIS 22 MINERS INCH RIGHT HAS BEEN ERRONEOUSLY CLAIMED UNDER A37-00154 BY GOULD & RINKER

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree 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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A37-00154 B

Date Received 10/26/88

Receipt Number C003814

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

OCT 26 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Harry S. Rinker Phone (714) 879-8300

Mailing Address P.O. Box 7250 Newport Beach CA Zip 92658-7250

2. Date of Priority (Only one (1) per claim) 12-13-1887

3. Source of water supply (a) Big Wood River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 3N Range 18E Section 6,
1/4 of NE 1/4 of SE 1/4, Govt. Lot, B.M., County of Blaine
Rinker 11 Headgate
Additional points of diversion if any: Rinker 11A.

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.

Concrete headgate with corrugated metal pipe and
gate (Rinker 11A) or concrete structure with slide gate.
(Rinker 11). Ditches carry water through existing
recreational pond south through subdivision and thence
returned to Big Wood River.

RECORDED
FEB 22 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Recreation purposes from Jan 1 to Dec 31 amount .44 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .44 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is — acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Used for make up of flow loss in recreational pond and channel

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	18E	6													R			R	
		7	X		X														

Total number of acres irrigated —

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 _____ No X

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

Claimant owns land at Silverton (S) and pond but not the entire length of ditch.

13. Describe any other water rights used at the same place and for the same purposes as described above. 37-7822 or None ()

14. Remarks: This is a decreed water right which has historically been used for irrigation but is presently being used for recreation and to make up for losses associated with permit 37-7822.

This 22 minor inch right has been erroneously claimed under A37-00154 by Gould & Rinker

Last Name Rinker Ident No. A37-00154B

Copies: White -State, Yellow -Claimant

FILED
FEB 22 1993

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Wood River Property
37-7822

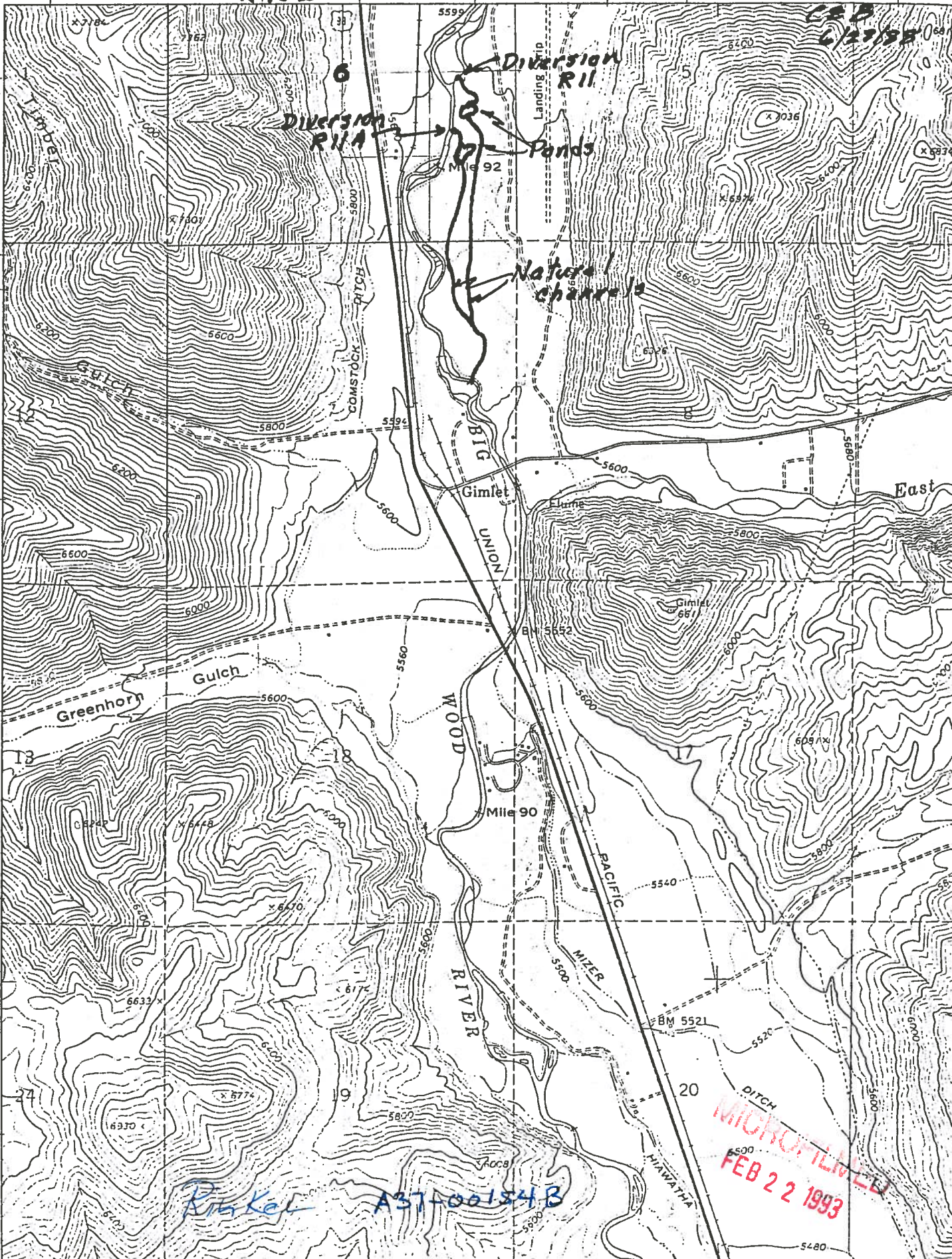
114°22'30" 712000m E. R. 17 E. R. 18 E. **R10E**

SUN VALLEY 6 MI.
KETCHUM (IDAHO 75) 4.2 MI.

715 20'

716

T3N



DITCH
MICROFILMED
FEB 22 1993

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X Portion of 37-0154
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below 1 We acknowledge that 1 We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) 1 We do _____ do not X
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 Brochey Date 10/26/88
Power of attorney Date _____

For Organizations: I do solemnly swear or affirm that I am _____ 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 _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 26th day of Oct. 19 88

SEAL

Notary Public John D. Minter

Residing at Kimberly, Id

My Commission Expires 6/30/94

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 _____

MICROFILMED
FEB 22 1993

Last Name Rinker Ident. Number A37-00154B

Copies White-State, Yellow-Claimant

8/01/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME HARRY S. RINKER

CLAIM IDENT. NO. A37-00154

DATE RECEIVED 10/26/88

CK # 2813

AMOUNT \$ 147

(Two Claims)

YES

NC

1. Is the name and address complete with zip code?

2. Is priority date entered?

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required)

4. Is the legal description of the p.d. complete?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. Is the consumptive use correct?

If required is a consumptive use entered?

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4.

10. Is (are) the place(s) of use entered?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" checked?

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

15. Is the basis of the claim checked?

16. Is the claim signed by the claimant?

Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

Has the claim been signed, sealed, and dated by a notary?

Is the fee enclosed correct?

If this claim is based on an existing water right, has the identification number been entered?

N/A

Should this claim be receipted and data entered?

Claim checked by: MICROFILMED

Comments: _____

FEB 22 1993

SPECIAL POWER OF ATTORNEY

I, Harry S. Rinker, Individually and as Trustee under Declaration of Trust dated 7/31/74 designate Dr. Charles E. Brockway as my attorney in fact to do and perform all acts and execute all documents and instruments, for and on behalf, and in my place and stead, necessary and appropriate in connection with any water matters on property that I own individually or my Trust owns in the State of Idaho and in particular any applications, permits or other documents pertaining to or required by the State of Idaho Department of Water Resources or the Army Corps of Engineers.

In Witness Hereof, I have executed this instrument the date set forth in the acknowledgement attached hereto.

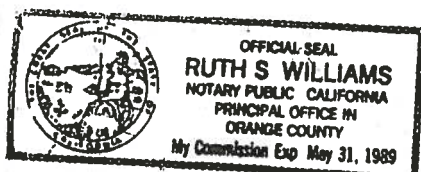
Harry S. Rinker
Harry S. Rinker, Individual
Harry S. Rinker
Harry S. Rinker, Trustee
U/D/T dated 7/31/74

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.

On October 5, 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared Harry S. Rinker, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

Ruth S. Williams
Ruth S. Williams
Notary Public



MICROFILMED
FEB 22 1993

RINKER

A37-00154B

WR

37.154 (10 cfs)

Transfer 1735

(9.66) A B (0.44 cfs)
Rinker

Transfer 4520

Comstock (9.34) C D (0.22)
Rinker

Transfer 5423

(8.85) C 0.49
Rinker C reduced
by 24.4 acres

AJ Claims

Matches WR - B Rinker 0.44
37.154 B

Matches WR - C Rinker 8.85
37.154 C

Matches WR 21329 } Holtzman 0.06
37.154 D 21330 } 0.16

0)

WR

0)

37.154 (10 cfs)



Transfer 1735

1974 (26.4 ac)

w/2 NE Sec 7 still of record

(9.66) A

B (0.44 cfs)

Rinker



Transfer 4520 1994

Comstock (9.34) C

D (0.22)

Rinker

Removed w/2 NE Sec 7 1997 166.8 ac

T4827

8-21329

8-37-21330

T#71412 2004

Transfer 5423 1999

(8.85) C

0.49

Rinker

142.4 ac

C reduced

by 24.4 acres

AJ Claims

Disallowed (undocumented change in use)
Obj. by claimant

Matches WR - B Rinker 0.44
37.154 B

Obj. by CWD/BACE

Matches WR - C Rinker 8.85
37.154 C

Obj. by CWD/BACE

Matches WR 21329 } Holtzman 0.01
37.154 D 21330 } 0.11

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-154B

WATER RIGHT NUMBER: 37-154B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRY S RINKER BOX 672 KETCHUM, ID 83340
Original Owner	M A COMSTOCK , ZZ

Priority Date: 12/13/1887

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>
IRRIGATION	/ to /	0.440 CFS	
	<u>Total Diversion:</u>	0.440 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SE1/4SE1/4	Sec. 6,	Twp 03N,	Rge 18E, B.M.
BLAINE County				

Place of Use

IRRIGATION

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

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. P/D DESCRIBED AS NWNE S6 T3N R18E IN TRANS. 1735.
PRESENT P/D DETERMINED FROM WATERMASTER.
AC. IRRIG. = 26.4.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-154B

Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Alturas Water Co, et al
Decree Plaintiff: S C Frost, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21329 V1

WATER RIGHT NUMBER: 37-21329 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	STEVEN D HOLZMAN TRUST C/O STEVE HOLZMAN 1161 VIRGINIA RD SAN MARINO, CA 91108 (208) 726-6200
Original Owner	GLENN B GOULD FAMILY PARTNERSHIP 1876 E 4300 N BUHL, ID 83316 (208)543-6256
Original Owner	RINKER CO PO BOX 7250 NEWPORT BEACH, CA 92658 (714)979-8300

Priority Date: 12/13/1887

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>
WILDLIFE	01/01 to 12/31	0.060 CFS	3.20 AF
AESTHETIC	01/01 to 12/31	0.060 CFS	3.20 AF
	Total Diversion:	0.060 CFS	3.20 AF

Location of Point(s) of Diversion

BIG WOOD RIVER BLAINE County	NE1/4SE1/4	Sec. 6,	Twp 03N,	Rge 18E, B.M.
BIG WOOD RIVER BLAINE County	NE1/4SE1/4	Sec. 6,	Twp 03N,	Rge 18E, B.M.

Place of Use

WILDLIFE

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21329 V1

AESTHETIC

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

Conditions of Approval:

1. E61 The total instantaneous diversion of water from all points of diversion under Transfer No. 71412 for wildlife and aesthetic uses shall not exceed 0.09 cfs, nor a total combined annual volume of 3.2 af.
2. E53 The annual volume of consumptive wildlife and aesthetics uses under right 37-21329 and 37-21331 is 3.2 af per year.
3. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. R03 Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of discharge.
5. 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.
6. J01 Property is also known as Lots 9, 10 & 29, Gimlet Subdivision No. 11.
7. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
8. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
9. Right Nos. 37-8838, 37-21329 and 37-21331 are used in combination and are diverted at what is locally known as the R-11 and R-11A diversions from the Big Wood River.
10. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Remarks:Comments:

1. psdaggs 11/23/2004 11:20:56 AM Transferred Right
 Comment: This is now a approved transfer, transfer number = 71412

2. csaxton 2/7/2007 Updated Conditions
 Comment: Changed POU lot and subdivision identification comment to JO1 which is explanatory and possibly some others. I am logging changes after the fact so I do not remember if I messed with anything else.

3. akriwox 2/15/2007 POU
 Comment: 2-15-07..corrected POU shape

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-21329 V1

SubCase:

SubCase Number: 37-21329
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: eretelle
Basis of Claim: Decreed
Date Filed: 1/10/2008 Objection Status: Active
Date Filed: 1/10/2008 Objection Status: Active
Date Filed: 1/10/2008 Objection Status: Active
Date Filed: 1/10/2008 Objection Status: Active
Date Filed: 12/28/2007 Objection Status: Active
Date Filed: 1/10/2008 Objection Status: Active
Date Filed: 1/10/2008 Objection Status: Active
Date Filed: 1/10/2008 Objection Status: Active
Date Filed: 1/10/2008 Objection Status: Active
Date Filed: 12/21/2007 Objection Status: Active
Date Filed: 1/10/2008 Objection Status: Active
Date Filed: 1/10/2008 Objection Status: Active
Date Filed: 1/10/2008 Objection Status: Active
Date Filed: 1/10/2008 Objection Status: Active
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Date Filed: 1/10/2008 Objection Status: Active
Date Filed: 1/10/2008 Objection Status: Active
Date Filed: 1/4/2008 Objection Status: Active
Date Filed: 11/14/2007 Objection Status: Active
Date Filed: 11/14/2007 Objection Status: Active
Date Filed: 11/14/2007 Objection Status: Active
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Date Filed: 11/14/2007 Objection Status: Active
Date Filed: 11/14/2007 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21330 V1

WATER RIGHT NUMBER: 37-21330 V1

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	RINKER CO PO BOX 7250 NEWPORT BEACH, CA 92658 (714)979-8300
Current Owner	STEVEN D HOLZMAN TRUST C/O STEVE HOLZMAN 1161 VIRGINIA RD SAN MARINO, CA 91108 (208) 726-6200
Original Owner	GLENN B GOULD FAMILY PARTNERSHIP 1876 E 4300 N BUHL, ID 83316 (208)543-6256
Trustee	STEVEN D HOLZMAN 1161 VIRGINIA RD SAN MARINO, CA 91108 (213) 817-2201
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421

Priority Date: 12/13/1887

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>
IRRIGATION	04/15 to 10/31	0.160 CFS	14.30 AF
	<u>Total Diversion:</u>	0.160 CFS	14.30 AF

Location of Point(s) of Diversion

BIG WOOD RIVER	NE1/4SE1/4	Sec. 6,	Twp 03N,	Rge 18E, B.M.
BLAINE County				
BIG WOOD RIVER	NE1/4SE1/4	Sec. 6,	Twp 03N,	Rge 18E, B.M.
BLAINE County				

Place of Use

IRRIGATION

Twp	Rge	Sec		NE		NW		SW		SE							
	NE		NW		SW		SE		NE		NW		SW		SE		Totals

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-21330 V1

03N 18E 7		4.1				4.1
Total Acres: 4.1						

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
3. E56 The rights listed below are limited to the irrigation of a combined total of 4.1 acres in a single irrigation season. Combined Right Nos.: 37-21330 and 37-21332
4. Right Nos. 37-21330 and 37-21332 are used in combination and are diverted at what is locally known as the R-11 and R-11A diversions from the Big Wood River.
5. R67 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. Place of use is located within Lots 9, 10 and 29, Gimlet Subdivision No. 11.
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. 004 This right does not grant any right-of-way or easement across the land of another.
10. E61 The total instantaneous diversion of water from all points of diversion under Rights 37-21330 and 37-21332 shall not exceed 0.23 cfs, nor a total combined annual volume of 14.3 af.

Remarks:

Comments:

1. psdaggs 11/23/2004 11:20:56 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 71412
2. cfritsch 2/8/2007 Updated Conditions
Comment: Updated Conditions
3. akriwox 2/15/2007 POU
Comment: corrected irrigation POU based on corrected shape of pond from 37-21329 and 37-21331

Page 3

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-21330 V1

SubCase:

SubCase Number: 37-21330
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: eretelle
Basis of Claim: Decreed
Date Filed: 12/28/2007 Objection Status: Active
Date Filed: 1/4/2008 Objection Status: Active

Water Supply Bank:

01/10/2007

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

RIGHT NUMBER: 37-154B
NAME AND ADDRESS: HARRY S RINKER
PO BOX 7250
NEWPORT BEACH CA 92658-7250

DISALLOWED

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.440 CFS
PRIORITY DATE: 12/13/1887
POINT OF DIVERSION:

T03N R18E S6 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	1/01 12/31	0.440 CFS

PLACE OF USE: RECREATION in BLAINE County

T03N R18E S06	NESE	T03N R18E S06	SESE
T03N R18E S07	NENE	T03N R18E S07	SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Change in use; insufficient evidence of date of change.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

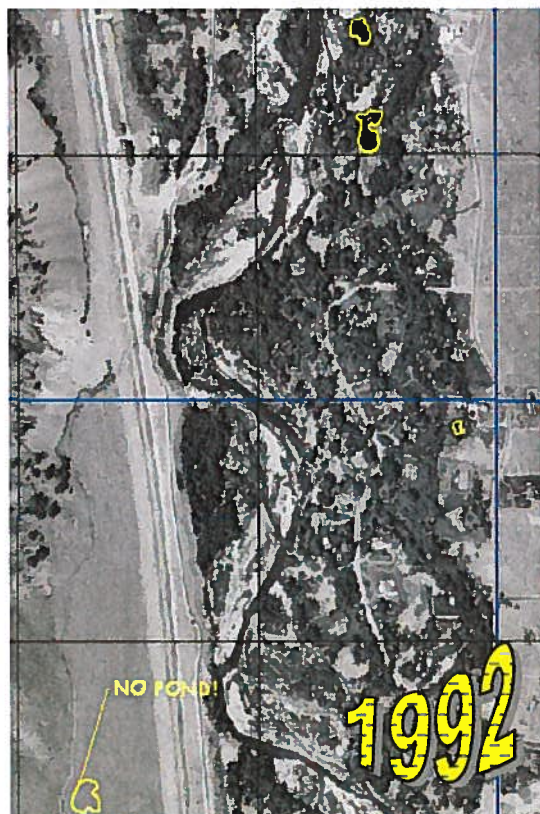
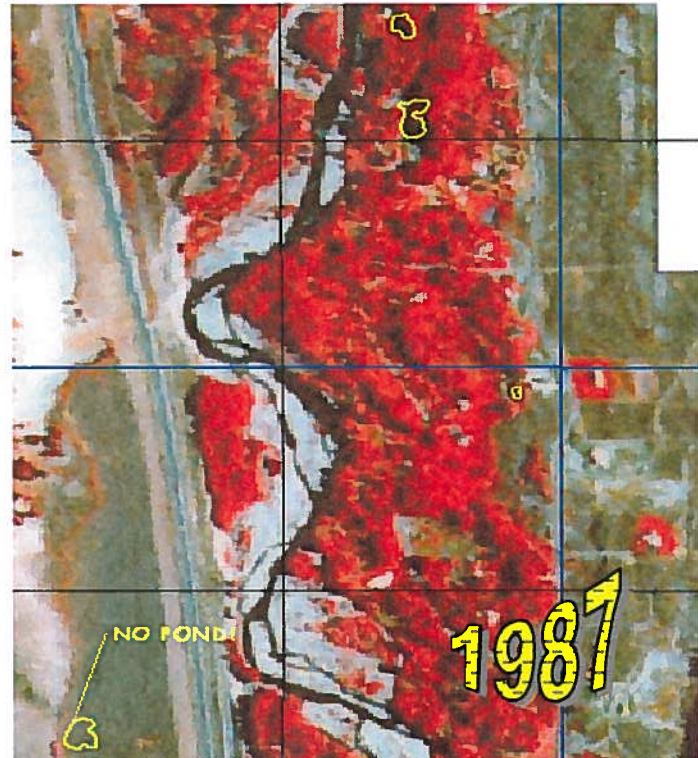
Change in use, insufficient evidence of date of change: This is included for a claim that is proposed to be disallowed because use of the water right was changed without prior IDWR approval and the claimant did not submit sufficient evidence from which the date of the change could be determined. The date of change is necessary to determine if the right may be claimed as changed without prior IDWR approval, and if the change will result in injury to other water right holders.

37-154B

1969 & 1974 imagery shows none of the claimed recreation ponds in S6 or S7

1987 & 1992 imagery shows no pond in the SWNE of S7

2004 imagery shows all 4 ponds (S6 & S7)



1974 transfer #1735: irrigation use (recreation not identified). Changed pod and 26.4 acres of the pou.

1971 mandatory permit date for surface water...doesn't appear that these ponds were developed before 1974...

At this point inclination is to disallow pending further direction from state office staff re: the ponds. Claim does not address the storage issue, volume...etc. Appears that this claim needs a storage component before a recommendation can be made.

SWNE ownership- Algis Pabarcus
NENE ownership- Scott Glenn
S6 Ownership – Greg Carr

No change of ownership has been done

Questions during noon talk to Kelly Christensen!

95600-10310


Department of State.
CERTIFICATE OF INCORPORATION
OF
SOUTH GIMLET WATER USERS ASSOCIATION, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Incorporation for the incorporation of _____
SOUTH GIMLET WATER USERS ASSOCIATION, INC.
duly signed pursuant to the provisions of the Idaho Nonprofit Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Incorporation and attach hereto a duplicate original of the Articles of Incorporation.

Dated June 19, 19 91.




SECRETARY OF STATE

Corporation Clerk

CINP 778

**ARTICLES OF INCORPORATION
OF**

SOUTH GIMLET WATER USERS ASSOCIATION, INC.
an Idaho non-profit corporation

RECORDED
362-19 JAN 8 31
The undersigned, acting as the incorporator of a nonprofit corporation ("Corporation") organized under and pursuant to the Idaho Nonprofit Corporation Act, Chapter 3, Title 30, Idaho Code ("Act"), adopts the following Articles of Incorporation for the Corporation.

ARTICLE I

NAME

The name of the Corporation is South Gimlet Water Users Association, Inc.

ARTICLE II

NONPROFIT STATUS

The Corporation is a nonprofit corporation.

ARTICLE III

PERIOD OF DURATION

The period of duration of the Corporation is perpetual.

ARTICLE IV

INITIAL REGISTERED OFFICE AND AGENT

The location of the Corporation is in the City of Ketchum, County of Blaine, State of Idaho. The address of the initial registered office is 120 East Avenue, P. O. Box 987, Ketchum, Idaho 83340, and the name of the initial registered agent at this address is James P. Speck.

ARTICLE V

PURPOSES

The purposes for which the Corporation is organized and will be operated are as follows:

- A. To own, operate and maintain a recreational and

ARTICLES OF INCORPORATION - 1

aesthetic water system, including all water rights necessary for the operation of such system, for the mutual and non-exclusive benefit of the members of the Corporation.

B. To exercise all powers granted by law necessary and proper to carry out the above-stated purposes, including but not limited to the power to accept donations of money, property, whether real or personal, or any other thing of value. Nothing herein contained shall be deemed to authorize or permit the Corporation to carry on any business for profit, to exercise any power, or to do any act that a corporation formed under the Act, or any amendment thereto or substitute therefor, may not at any time lawfully carry on or do.

ARTICLE VI

LIMITATIONS

No part of the net earnings or the assets of the Corporation shall inure to the benefit of, or be distributable to, its members, directors, officers or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article V hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles, the Corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended from time to time.

ARTICLE VII

MEMBERSHIP

There shall be one membership in the Corporation for each of the following lots (a "Lot") within the Gimlet area of Blaine County, Idaho, as shown on the official plats of the respective subdivisions recorded in the office of the Blaine County Recorder in the City of Hailey, Blaine County, Idaho:

(SEE EXHIBIT A ATTACHED HERETO)

Each membership is and shall always be appurtenant to a particular Lot and shall automatically pass with transfer of

ARTICLES OF INCORPORATION - 2

title to the Lot, but is otherwise non-assignable. The owner of a Lot automatically becomes the owner of the membership for that Lot and automatically has the benefits of and is subject to the burdens attributable to such membership. If title to a Lot is held by more than one person, the membership relating to that Lot shall be shared by all such persons in the same proportion and interests and in the same type of tenancy in which title to the Lot is held. There shall be one class of membership and each member shall have one vote for the membership attributable to a Lot. Cumulative voting shall be allowed in the election of Directors of the Corporation as provided by Section 30-134, Idaho Code. Each member may vote by written proxy under the terms and conditions prescribed in the Bylaws of the Corporation.

ARTICLE VIII

BOARD OF DIRECTORS.

The affairs of the Corporation shall be managed by its Board of Directors. The Board of Directors shall consist of not less than three (3) nor more than five (5) individuals, each of whom, at all times, shall be a member of the Corporation. The actual number of Directors shall be fixed by the Bylaws of the Corporation, except that the number of the initial board is as set forth below. Other than the Directors constituting the initial Board of Directors, who are designated in these Articles, the Directors shall be elected or appointed by the Members in the manner and for the term provided in the Bylaws of the Corporation.

The names and mailing addresses of the persons constituting the initial Board of Directors are:

<u>NAME</u>	<u>ADDRESS</u>
Brian J. Finegan	P. O. Box 1677 Ketchum, ID 83340
Richard Emik	P. O. Box 861 Ketchum, ID 83340
Wyman Taylor	P. O. Box 2382 Ketchum, ID 83340
Francesca Lyon	P. O. Box 6037 Ketchum, ID 83340
Robert N. Lieder	P. O. Box 3609 Ketchum, ID 83340

ARTICLES OF INCORPORATION - 3

ARTICLE IX

MEMBERSHIP ASSESSMENTS.

The Corporation may levy assessments upon its Members in equal shares. The Board of Directors may from time to time fix the total amount and method of collection of such assessments as further provided in the Bylaws of the Corporation. The payment of such assessments shall be secured by liens upon the Lots in the manner prescribed in the Bylaws of the Corporation.

ARTICLE X

DISTRIBUTION ON DISSOLUTION.

Upon dissolution of the Corporation, the Board of Directors shall, after paying or making provision for the payment of all liabilities of the Corporation, distribute all the assets of the Corporation consistent with the purposes of the Corporation. Any such assets not so distributed shall be distributed by the district court of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organizations, as such court shall determine to be consistent with the purposes of the Corporation.

ARTICLE XI

INCORPORATOR.

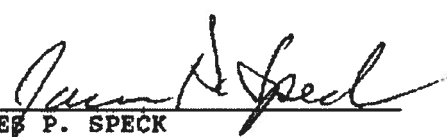
The name and street address of the incorporator is James P. Speck, 120 East Avenue, Ketchum, Idaho 83340.

ARTICLE XII

BYLAWS.

Provisions for the regulation of the internal affairs of the Corporation shall be set forth in the Bylaws.

DATED this 17th day of June, 1991.


JAMES P. SPECK

j\gimlet\artinc
6/17/91

ARTICLES OF INCORPORATION - 4

STATE OF IDAHO)
) ss
County of Blaine)

I, the undersigned, a notary public, do hereby certify that on this 17th day of June, 1991, personally appeared before me JAMES P. SPECK, who, being by me first duly sworn, declared that he is the Incorporator of SOUTH GIMLET WATER USERS ASSOCIATION, INC., that he signed the foregoing document as Incorporator of the corporation, and that the statements therein contained are true.

Ruby Marion Becker
Notary Public for Idaho
Residing at: Nashua, ND
Comm. Expires: 1/17/93

J:\gimlet\artinc
6/17/91

ARTICLES OF INCORPORATION - 5

EXHIBIT "A"

GIMLET WATER SYSTEM PROPERTY DESCRIPTION

Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30 and 31 of GIMLET SUBDIVISION NO. 11, according to the official plat thereof on file in the records of Blaine County, Idaho.

and

Lots 1, 2 and 3 of GIMLET SUBDIVISION NO. 20, according to the official plat thereof on file in the records of Blaine County, Idaho.

and

Lots 5, 6, 7, 9, 10 and 11 of GIMLET SUBDIVISION NO. 1, Revised, according to the official plat thereof on file in the records of Blaine County, Idaho.

and

Lots 1, 2 and 3 of GIMLET SUBDIVISION NO. 8A, according to the official plat thereof on file in the records of Blaine County, Idaho.

and

Tax Lots 4398, 4590, 4513, 4276 and 4512, Sec. 6, 3N, 18E, Blaine County, Idaho.

and

Lots 1, 2 and 3 of GIMLET SUBDIVISION NO. 8, according to the official plat thereof on file in the records of Blaine County, Idaho.

jean\gimwater.des

RECEIVED

JUL 15 1999

Department of Water Resources
Bozeman, Montana

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) A37-00154B
Adjudication Claim Number(s) _____
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) FRANK L. ARENSBERG
260 NEW PORT CENTER DR., STE. 460 NEW PORT BEACH, CA. 92660
4. New Owner/Claimant(s) GREG C. CARR
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 975 MEMORIAL DR. #1008
City, State and ZIP Code CAMBRIDGE, MA. 02138
New Telephone Number (208) 522-7895
5. Date you acquired the property FEB. 5, 1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) [Signature] for Greg C. Carr Date 7-14-99

Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please have your Appearance completed by your attorney.

OWNER
CODE

NAME & ADDRESS

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

DIVERSION
RATE

DIVERSION
VOLUME

C HARRY S RINKER
PO BOX 7250
NEWPORT BEACH CA 926587250
(714) 879-8300

12/13/1887 RECREATION

01-01 12-31

0.44 CFS

0.44 CFS

Water Source: BIG WOOD RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T03N R18E S06 NESE

BLAINE County

Place of use Legal Description for: RECREATION												
NE												
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WARRANTY DEED

For Value Received

HARRY RINKER AND DIANE J. RINKER, HUSBAND AND WIFE

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto
KENNETH C. RINKER, AS HIS SOLE AND SEPARATE PROPERTY

whose address is: P. O. Box 7250, Newport Beach, Ca. 92652-7250

Hereinafter called the grantee, the following described premises, in BLAINE County, Idaho,
to-wit:

LOT 2, GIMLET NO. 20 SUBDIVISION, Blaine County, Idaho,
according to the official plat thereof recorded December
1986, as Instrument No. , records of Blaine County,
Idaho.

SUBJECT TO:

Declaration of Restrictions affecting Gimlet Parcel No. 2
as recorded in the records of Blaine County, Idaho.

Easements and Restrictions of record in the records of
Blaine County, Idaho.

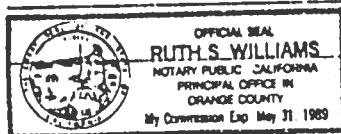
Warranty Deed from Harry S. Rinker and Diane J. Rinker
to Gargo, Inc., a Delaware Corporation, recorded as
Instrument No. 229817, records of Blaine County, Idaho.

Easements and Restrictions as shown on the official plat
of Gimlet No. 20 Subdivision.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
and to the Grantee's heirs and assigns forever. And the said Grantor does hereby
covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises;
that they are free from all incumbrances except as described above and that Grantor will warrant
and defend the same from all lawful claims whatsoever.

Dated:

October 14, 1987



Harry Rinker
HARRY RINKER

Diane J. Rinker
DIANE J. RINKER

STATE OF Calif., COUNTY OF Orange
On this 14th day of October, 19 88,
before me, a notary public in and for said State, per-
sonally appeared HARRY S. RINKER AND
DIANE J. RINKER

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Ruth S. Williams
Notary Public
Residing at Santa Ana Ca, Idaho
Comm Expires May 31, 1989

STATE OF IDAHO, COUNTY OF Blaine
I hereby certify that this instrument was filed for record at
the request of

at 12 minutes past 4 o'clock P. M.,
this 30 day of Aug.
1988, in my office, and duly recorded in Book
of Deeds at page

Mary Green

Ex-Officio Recorder

By

[Signature]

Deputy.

Fees \$ 300
Mall to:

097751

WARRANTY DEED

For Value Received

HARRY RINKER AND DIANE J. RINKER, HUSBAND AND WIFE

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto
BART F. RINKER TRUSTEE OF THE BART F. RINKER TRUST
ESTABLISHED MAY 21, 1990

whose address is: P. O. Box 972, Ketchum, Idaho 93340

Hereinafter called the grantee, the following described premises, in Blaine..... County, Idaho,
to-wit:

Lot 1, GIMLET NO. 20 SUBDIVISION, Blaine County, Idaho,
according to the official plat thereof recorded December,
1986, as Instrument No. , records of Blaine County, .
Idaho.

SUBJECT TO:

Declaration of Restrictions affecting Gimlet Parcel No. 2
as recorded in the records of Blaine County, Idaho.

Easements and Restrictions of record in the records of
Blaine County, Idaho.

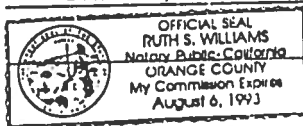
Warranty Deed from Harry S. Rinker and Diane J. Rinker
to Galgo, Inc., a Delaware Corporation, recorded as
Instrument No. 229817, records of Blaine County, Idaho.

Easements and Restrictions as shown on the official plat
of Gimlet No. 20 Subdivision.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
and to the Grantee's heirs and assigns forever. And the said Grantor does hereby
covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises;
that they are free from all incumbrances except as described above and that Grantor will warrant
and defend the same from all lawful claims whatsoever.

Dated:

June 25, 1990



Harry S. Rinker
Harry S. Rinker
Diane J. Rinker
Diane J. Rinker

STATE OF CALIF , COUNTY OF ORANGE
On this 25th day of June , 1990,
before me, a notary public in and for said State, per-
sonally appeared HARRY S. RINKER AND
DIANE J. RINKER

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Ruth S. Williams
Notary Public
Residing at Scriber Creek Dr , Idaho
Comm. Expires 8/6/93

STATE OF IDAHO, COUNTY OF Blaine
I hereby certify that this instrument was filed for record at
the request of Sawtooth Title Co., Inc.
at 17 minutes past 2 o'clock P.M.,
this 5 day of April 1991.
In my office, and duly recorded in Book
of Deeds at page

Mary Green
Deputy Recorder
By *[Signature]* Deputy.
Fees \$ 3.00
Mail to:

328840

RECORDING REQUESTED BY
and
WHEN RECORDED MAIL TO:

BLAINE CO. REQUEST
OF SAWTOOTH TITLE

1993 OCT 22 P 2: 35

358215

MARY GREEN, CLERK
FEES \$ 6⁰⁰

Deed

MAIL TAX STATEMENTS TO:

(Space Above This Line For Recorder's Use)

GRANT DEED

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, BART F. RINKER, TRUSTEE OF THE BART F. RINKER TRUST ESTABLISHED MAY 21, 1990 ("Grantor"), hereby grants, sells and conveys unto FRANK L. ARENSBERG, TRUSTEE OF THE FRANK L. ARENSBERG DECLARATION OF TRUST DATED JULY 27, 1987, whose current address is c/o Arensberg Enterprises, 260 Newport Center Drive, Suite 460, Newport Beach, California 92660 ("Grantee"), the following described premises situated in Blaine County, Idaho, to wit:

Lot 1 of GIMLET NO. 20 SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 280429, records of Blaine County, Idaho.

Excepting therefrom all mineral and mineral rights.

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto, if any.

SUBJECT TO:

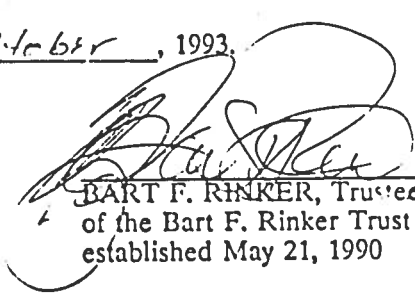
1. Rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record.

2. Permitted Exceptions as set forth in Schedule B - Section 2 of that certain Commitment for Title Insurance issued by Sawtooth Title Company, Commitment Date:

GRANT DEED - 1

August 23, 1993, Order No. 19230, and any Indorsements thereto, which Commitment is incorporated herein by this reference thereto.

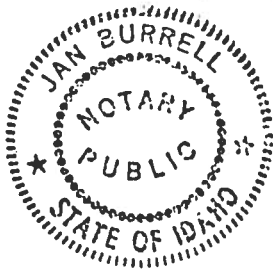
DATED this 22nd day of October, 1993.


BART F. RINKER, Trustee
of the Bart F. Rinker Trust
established May 21, 1990

STATE OF IDAHO)
County of Blaine) ss.

On this 22nd day of October, 1993, before me, Jan L. Burrell, a Notary Public in and for said State, personally appeared BART F. RINKER, known or identified to me to be the TRUSTEE OF THE BART F. RINKER TRUST ESTABLISHED MAY 21, 1990, the Trust that executed the within instrument or the person who executed the instrument on behalf of said Trust, and acknowledged to me that such Trust 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.



Jan L Burrell
Notary Public for Idaho
Residing at Harley
My commission expires 2-18-95

ORDER NO. 19231

RECORDING REQUESTED BY
and
WHEN RECORDED MAIL TO:

BLAINE CO. REQUEST
OF SAWTOOTH TITLE

1993 OCT 22 P 2:35

MARY ELLEN, CLERK
FERS 5
6⁺

358216

See

MAIL TAX STATEMENTS TO:

(Space Above This Line For Recorder's Use)

GRANT DEED

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, KENNETH C. RINKER, an unmarried man ("Grantor"), hereby grants, sells and conveys unto FRANK L. ARENSBERG, TRUSTEE OF THE FRANK L. ARENSBERG DECLARATION OF TRUST DATED JULY 27, 1987, whose current address is c/o Arensberg Enterprises, 260 Newport Center Drive, Suite 460, Newport Beach, California 92660 ("Grantee"), the following described premises situated in Blaine County, Idaho, to wit:

Lot 2 of GIMLET NO. 20 SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 280429, records of Blaine County, Idaho.

Excepting therefrom all mineral and mineral rights.

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto, if any.

SUBJECT TO:

1. Rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record.

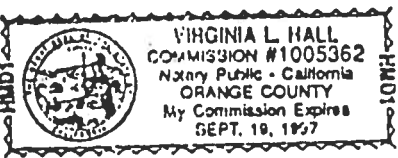
2. Permitted Exceptions as set forth in Schedule B - Section 2 of that certain Commitment for Title Insurance issued by Sawtooth Title Company, Commitment Date:

GRANT DEED - 1

August 24, 1993, Order No. 19231, which Commitment is incorporated herein by this reference thereto.

DATED this 15th day of OCTOBER, 1993.

Kenneth C. Rinker
KENNETH C. RINKER

State of <u>CALIFORNIA</u>		} TOP OF THUMB HERE RIGHT THUMBPRINT (OPTIONAL)
County of <u>ORANGE</u>		
On <u>OCT. 15, 1993</u> before me, <u>VIRGINIA L. HALL, NOTARY PUBLIC</u> (DATE) (NAME, TITLE OF OFFICER - I.E., "JANE DOE, NOTARY PUBLIC")		
personally appeared <u>KENNETH C. RINKER</u> (NAME(S) OF SIGNER(S))		
☒ personally known to me - OR - ☐ 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.		
		CAPACITY CLAIMED BY SIGNER(S) ☒ INDIVIDUAL(S) ☐ CORPORATE _____ OFFICER(S) _____ (TITLE(S)) ☐ PARTNER(S) ☐ ATTORNEY IN FACT ☐ TRUSTEE(S) ☐ GUARDIAN/CONSERVATOR ☐ OTHER: _____
(SEAL)		SIGNER IS REPRESENTING: (NAME OF PERSON(S) OR ENTITY(IES)) _____ _____ _____
<u>Virginia L. Hall</u> (SIGNATURE OF NOTARY)		
ATTENTION NOTARY: The information requested below is OPTIONAL. It could, however, prevent fraudulent attachment of this certificate to any unauthorized document.		
THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:	Title or Type of Document <u>GRANT DEED</u> Number of Pages _____ Date of Document <u>10/15/93</u> Signer(s) Other Than Named Above _____	

SVTC Order No. 99-15138

WARRANTY DEED

FOR VALUE RECEIVED

FRANK L. ARENSBERG, Trustee of the FRANK L. ARENSBERG DECLARATION OF TRUST, Dated July 27, 1987

the grantor, does hereby grant, bargain, sell and convey unto

GREG C. CARR, a single man

the grantee(s), whose current address is 975 Memorial Dr Apt 1008
Cambridge, MA 02138

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

Lots 1 and 2 of GIMLET NO. 20 SUBDIVISION, BLAINE COUNTY, IDAHO, as shown on the official plat thereof, recorded December 26, 1986, as Instrument No. 280429, records of Blaine County, Idaho, excepting therefrom all mineral and mineral rights.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: January 26, 1999

Frank L. Arensberg, Trustee
Frank L. Arensberg, Trustee

923873
BLAINE CO. REQUEST
OF SUN VALLEY TITLE
99 FEB 5 PM 1 09
MARSHALL KENNAM, CLERK

State of Idaho
County of Blaine

On this 15 day of January, 1999, Before me a Notary Public in and for said State, personally appeared Frank L. Arensberg, Trustee of the Frank L. Arensberg Declaration of Trust, dated July 27, 1987 known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity as trustee.

Carol Baird
Notary Public
Residing at 4400
Comm. Expires 3-14-2003



FULLER & CARR

ATTORNEYS AT LAW

Mark R. Fuller
Steven E. Carr*

SHANE BUILDING
301 "A" Street
P.O. Box 50935
Idaho Falls, Idaho 83405-0935

Telephone
(208) 524-5400
Facsimile
(208) 522-7976

*Also Licensed in Utah

July 14, 1999

RECEIVED

JUL 15 1999

Department of Water Resources
Bartlett Bldg.

Georgia Satterlee
State Of Idaho
Idaho Dept. of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301-3380

Re: Water Rights for Greg Carr

Dear Georgia,

Please find enclosed the documents that change water rights and copies of the deeds from the chain of title that have been missing. I hope that I have provided everything that you will need to do the transaction. If you need anything else, please call me.

Hope you have a great day.

Sincerely,



Jill Hansen

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Georgia Satterlee

DATE
July 1, 1999 11:07am

CUSTOMER
Jill H. @ ID. Title/Trust

SUBJECT: A37-00154B, 37-07822
phone call (x) walk-in (.)

The search on the deeds: STEVENSON to CARR and ARENSBERG to CARR, found the two claims, as you described. I am faxing you the original Notice of Claim for A37-00154B in the name of Rinker, which in Item 14. the license right 37-07822 is mentioned. It appears there is a break in title chain.

In order to get these properties, and claims, in Carr's name, we will need the chain of title; for example, if Rinker sold to Stevenson who then sold to Carr, we will need the deed from Rinker to Stevenson. The same holds true with Arensberg to Carr. The licensed right 37-07822 will need to be proportioned. What portion did the Wood River Properties, Inc., sell, and to whom?

Hopefully these questions can be answered by calling the Blaine County Assessor's Office. Contact person for Rinker is Charles Brockway, Sr.

Blaine County Assessor's Office, phone #788-5535

Charles Brockway/Power of Attorney for Rinker, #734-2580

07/01 11:34
912085227976-244305
00:03:32
10
OK
STANDARD
ECM

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

TIME : 07/01/1999 11:38
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

SVTC Order No. 99-15306

WARRANTY DEED

FOR VALUE RECEIVED

JOHN FELL STEVENSON, a married man as his sole and separate property

the grantor, does hereby grant, bargain, sell and convey unto

ERIC CARR, an unmarried man

the grantee(s), whose current address is 975 Memorial Dr #1008
Cambridge, MA 02138

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

Lot 3 and Greenbelt of GIMLET SUBDIVISION NO. 8A, BLAINE COUNTY, IDAHO, according to the official plat thereof, on file in the office of the County Recorder, recorded November 24, 1975, as Instrument No. 163067, records of Blaine County, Idaho.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 4, 1999


John Fell Stevenson

427273

Deed

BLAINE CO. REQUEST
OF: SUN VALLEY TITLE

'99 MAY 14 PM 3 26

MARSHA LEE: MGR. CLERK
FEES \$3.00 + MPP

State of Idaho
County of Blaine

On this 13th day of May, 1999, Before me a Notary Public in and for said State, personally appeared John Fell Stevenson known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public
Residing at Blaine
Comm. Expires 3-14-2003



P.O. 310
Belvue, Wa
83313

no
house
lot
only

001543

SVTC Order No. 99-15138

WARRANTY DEED

FOR VALUE RECEIVED

FRANK L. ARENSBERG, Trustee of the **FRANK L. ARENSBERG DECLARATION OF TRUST**, Dated July 27, 1987

the grantor, does hereby grant, bargain, sell and convey unto

GREG C. CARR, a single man

the grantee(s), whose current address is 975 Memorial Dr Apt 1008
Cambridge, MA 02138

the following described premises, in **BLAINE COUNTY, IDAHO**, to wit:

Lots 1 and 2 of **GDULET NO. 20 SUBDIVISION, BLAINE COUNTY, IDAHO**, as shown on the official plat thereof, recorded December 26, 1986, as Instrument No. 280429, records of Blaine County, Idaho, excepting therefrom all mineral and mineral rights.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances except as shown of record.

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: January 24, 1999

Frank L. Arensberg
Frank L. Arensberg, Trustee

IDAHO
JAN 25 1999
BLAINE COUNTY, IDAHO
CLERK

State of Idaho
County of Blaine

On this 24th day of January, 1999, before me a Notary Public in and for said State, personally appeared **Frank L. Arensberg**, Trustee of said **Frank L. Arensberg Declaration of Trust**, dated July 27, 1987 known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity as trustee.

Carolyn Smith
Carolyn Smith
Notary Public
Residing at
Carmel, Idaho



260 New Port Center Dr
Ste. 460
New Port Beach, CA 92660

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse — Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

January 21, 1974

RECEIVED

JAN 23 1974

Department of Water Administration
Southern District Office

Re: Transfer No. 37-0154 B

Harry S. Rinker
Box 672
Ketchum, Idaho 83340

Dear Mr. Rinker:

Enclosed is a copy of your approved Application for Transfer or Water Right No. 37-0154. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosures

cc: Reid J. Newby

bcc: Southern District

Identification No. 3701548
Transfer No. 37-0154 1735

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Harry S. Rinker
Post office address Box 672, Ketchum, Idaho 83340
2. Right obtained by:
a. Decree to M. A. Comstock in Case of Alturas Water Company
(Name)
vs. S. C. Frost, Dated Oct. 6, 1909 in 4th Judicial
(Name of Court)
Court. County of Blaine and Lincoln
- b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Big Wood River tributary to Snake River
(Name of stream or source)
4. Date of Priority December 13, 1887
5. Amount of water a. 10.0 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from Apr. 1 to Nov. 1
(Month, Day) (Month, Day)
7. Original location of point of diversion is SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29,
Township 4N, Range 18E, B.M., in Blaine County;
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3N	18E	7	X	X	X	X								X		X	X	X	320
		17						X											40
		18	X	X	X	X	X			X									240

Total number of acres presently irrigated 600

9. If applicant was not the original holder this right explain how it was acquired: _____
by right of purchase

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: .44 c.f.s. and/or _____ acre feet

b. New point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 67, Township 3N
_____, Range 18E, B.M.

c. Description of method of diversion and conveyance from new points of diversion: _____
Headgate, gravity flow - ditch

d. Is water to be conveyed to the lands previously irrigated? Yes X No _____

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

Easier to receive water through own diversion point. More use of water
is obtained.

f. Do you intend to make the transfer permanent? Yes

g. Do you intend to abandon completely the old point of diversion? Yes

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3N	18E	7	X			X													26.4

Total number of acres to be irrigated 26.4

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
No. New diversion for same land

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: _____

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Harry Pinker
(signature of applicant)

Subscribed and sworn to before me this 27th day of November, 1973

Ruth S. Williams

My commission expires May 2, 1977



**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0154,
and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this department shall be
permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 21 day of January, 1974.

R. Keith Higgins
Director
Department of Water Administration

FOR DEPARTMENT USE ONLY

Received by jmm 2:30p Date 11-29-73

Protest filed by: _____ Date _____

Prelim. check by 1407 Date 11-30-73

Fee received by _____ Date _____ Fee \$ 30.00

1407 Approved for publication by _____
Wood River Journal
Published in _____ Dates 12-13& 12-20-73

Hearing held _____

Watermaster Recommendation sent _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7822

WATER RIGHT NUMBER: 37-7822

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTH GIMLET WATER USERS ASSN INC C/O WYMAN TAYLOR PO BOX 2382 KETCHUM, ID 83340 (208)726-9085
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	WOOD RIVER PROPERTIES INC PO BOX 7250 NEWPORT BEACH, CA 92658 (714)979-8300

Priority Date: 03/25/1980

Basis: License

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>
AESTHETIC	1/01 to 12/31	20.000 CFS	7,300.00 AF
RECREATION	1/01 to 12/31	20.000 CFS	7,300.00 AF
	<u>Total Diversion:</u>	20.000 CFS	7,300.00 AF

Location of Point(s) of Diversion

BIG WOOD RIVER	NE1/4SE1/4	Sec. 6, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	6													X				X
03N	18E	7	X			X													

AESTHETIC same as RECREATIONConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7822

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. 027 Use of water under this right shall be non-consumptive.
3. Measuring devices of a type approved by the Department shall be maintained at the points of diversion. The Director retains jurisdiction of this right to require installation of measuring devices at the points where water returns to the Big Wood River.
This project shall be operated in a manner that will not conflict or interfere with the future upstream diversion of water for irrigation or other beneficial consumption.
Upon a future determination by the Department of Water Resources that water is lost to the injury of prior right holders, the losses shall be replaced from a source acceptable to the Department.
The water shall be returned to the Big Wood River at the discharge point located in lot 31, Gimlet 11 Subdivision, located within the SENE Section 7, T03N R18E B.M.
Water diverted under this right shall meet Idaho Water Quality Standards.
4. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

Comments:

Water Supply Bank: