

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

JAN 24 2012

By _____

Clerk

Deputy Clerk

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

In Re SRBA

Subcase No.: 37-20427

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Robert E. Williams
Attorney for Harry S. Rinker

Date

OBJECTORS:

Craig D. Hobdey
Attorney for Big Wood Canal Company

Date

Albert P. Barker
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van Der
Meulen, Grace Eakin, Rocky Sherbine,
Gerald Bashaw, and Pepin Corso-Harris

Date

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

In Re SRBA

Case No. 39576

Subcase No.: 37-20427

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Robert E. Williams
Attorney for Harry S. Rinker

Date

OBJECTORS:

Craig D. Hobdey
Attorney for Big Wood Canal Company

Date

Albert P. Barker
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van Der
Meulen, Grace Eakin, Rocky Sherbine,
Gerald Bashaw, and Pepin Corso-Harris

Date

IDWR CONCURRENCE:

Douglas Jones 1/12/12
Date
Douglas Jones
Technical Engineer I

IDWR CONCURRENCE:

Andrea L. Courtney 1/12/12
Date
Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

12/29/2011

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

RIGHT NUMBER: 37-20427

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

AK

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.200 CFS

Right Nos. 37-20427, 37-20429, and 37-20431 are limited to a total combined diversion rate of 7.67 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.

PRIORITY DATE: 05/21/1890

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

Plw

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

2.200 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S32	NENE	38.00	T03N R18E S32	SENE	19.00 20-30
T03N R18E S32	NESE	10.00 20-30	T03N R18E S33	NWSW	25.00 24-30
132 130.4 ACRES TOTAL					

~~Right Nos. 37-20427, 37-20429, and 37-20431 are limited to the irrigation of a combined total of 132.4 acres in a single irrigation season.~~

The rights listed below are limited to the irrigation of a combined total of 132 acres in a single irrigation season. Combined Right Nos.: 37-20427, 37-20429, 37-20431, 37-8298, 37-21268 and 37-22498.

apb

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

AF

Standard Form 5

37-20427

12/29/2011

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

The approval of ~~this transfer~~ Transfer No. 69271 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

The right holder shall accomplish the change authorized by ~~this transfer~~ Transfer No. 69271 within one year of the date of this approval.

This right does not grant any right-of-way or easement across the land of another

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.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Failure of the right holder to comply with the conditions of ~~this transfer~~ Transfer No. 69271 is cause for the Director to rescind approval of the transfer.

Handwritten signatures and initials:
JH O/K
an New

12/29/2011

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

RIGHT NUMBER: 37-20427

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

AK

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.200 CFS

Right Nos. 37-20427, 37-20429, and 37-20431 are limited to a total combined diversion rate of 7.67 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.

PRIORITY DATE: 05/21/1890

POINT OF
DIVERSION:

T03N R18E S20 SWNW 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	2.200 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S32	NENE	38.00	T03N R18E S32	SENE	19.00 29-30
T03N R18E S32	NESE	10.00 29-30	T03N R18E S33	NWSW	25.00 34-40
132 130.4 ACRES TOTAL					

~~Right Nos. 37-20427, 37-20429, and 37-20431 are limited to the irrigation of a combined total of 130.4 acres in a single irrigation season.~~

The rights listed below are limited to the irrigation of a combined total of 132 acres in a single irrigation season. Combined Right Nos.: 37-20427, 37-20429, 37-20431, 37-2298, 37-21268 and 37-22498.

AK

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

AK

12/29/2011

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

The approval of ~~this transfer~~ Transfer No. 69271 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

The right holder shall accomplish the change authorized by ~~this transfer~~ Transfer No. 69271 within one year of the date of this approval.

This right does not grant any right-of-way or easement across the land of another.

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.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Failure of the right holder to comply with the conditions of ~~this transfer~~ Transfer No. 69271 is cause for the Director to rescind approval of the transfer.

21

AT

CERTIFICATE OF SERVICE

I certify that on January 23, 2012, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Robert E. Williams
Williams, Meservy & Lothspeich LLC
P.O. Box 168
Jerome, ID 83338

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Craig D. Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Albert P. Barker
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Dori Harris

Signature of person or attorney mailing the form