

1857

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 24 2012	
By _____	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

Case No. 39576

**Subcase No.: 37-21268
(Uncontested Overlap)**

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

1/20/12
 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

1-20-12
 Date

In Re SRBA	)	Subcase No.: 37-21268
	)	(Uncontested Overlap)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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 **Date**
Attorney for Harry S. Rinker

OBJECTORS:

Craig D. Hobdey 1-19-12
 Craig D. Hobdey Date
 Attorney for Big Wood Canal Company

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

IDWR CONCURRENCE:

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

IDWR CONCURRENCE:

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

05/11/2011

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

RIGHT NUMBER: 37-21268

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

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 1.200 CPS
311-40 210.00 APY

AY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 2.5 aka per acre for irrigation of the described lands.

PRIORITY DATE: 09/16/1960

POINT OF
DIVERSION:

T03N R18E S32 NWSENE SEBE within BLAINE County

Des

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

311-40 1.200 CPS
210.00 APY

APB

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S32	NENE	38.00	T03N R18E S32	SENE	8.00
T03N R18E S32	SENE	15.00	T03N R18E S32	NESE	7.00

60 60-4 ACRES TOTAL

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, 37-20428, 37-20431, 37-21268, 37-21269 and 37-21270.

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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 37-2640.

21

05/11/2011

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

RIGHT NUMBER: 37-21268

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

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 1.200 CFS
~~211.40~~ 210.00 APY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afu per acre for irrigation of the described lands.

PRIORITY DATE: 09/16/1960

POINT OF
DIVERSION:

T03N R18E S32 ~~NWSENE~~ SESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 11/01	1.200 CFS ~~211.40~~ 210.00 APY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S32	NENE	38.00	~~T03N R18E S32~~	~~SENE~~	~~2.00~~
T03N R18E S32	SENE	15.00 ~~16.00~~	T03N R18E S32	NESE	7.00 ~~4.40~~
60 ~~60.4~~ ACRES TOTAL					

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, 37-20428, 37-20431, 37-8998, 37-21268 and 37-22498.

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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 37-2640.

Standard Form 5

37-21268

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

Jeri Harris
Signature of person or attorney mailing the form