

1355

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

FEB 13 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.: 37-20624

Case No. 39576

STANDARD FORM 5

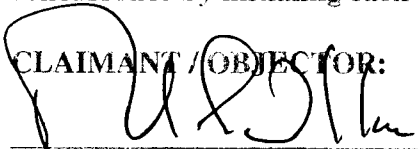
STIPULATED ELEMENTS OF A
WATER RIGHT

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.

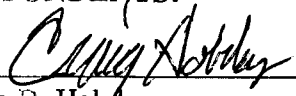
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:


Robert E. Williams
Attorney for Harry S. Rinker

2/4/12
Date

RESPONDENTS:


Craig D. Hobday
Attorney for Big Wood Canal Company

2-7-12
Date


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

2-8-12
Date

IDWR CONCURRENCE:

Steve Clelland 2/3/12

Steve Clelland

Date

Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spender 2-3-12

Nicholas B. Spender

Date

Deputy Attorney General
Attorney for IDWR

02/03/2012

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

5cc
NBS

SOURCE: SEAMANS CREEK

TRIBUTARY: SINKS

QUANTITY: 6.060 CFS

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 498.5 ac at the field headgate.

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

new
CH
APB

PRIORITY DATE: 07/22/1880 05/15/1900

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: 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	59.00	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 - Decreed

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.

CERTIFICATE OF SERVICE

I certify that on February 9, 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
Fredericksen Williams
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

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☐ 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

Don Davis

Signature of person or attorney mailing the form