

Kelly, Vicki

From: Kelly, Vicki
Sent: Friday, March 15, 2013 11:40 AM
To: 'Rob Williams'
Subject: Water Right 37-113K, Uncontested Overlapping Right to 37-20624 (Harry S. Rinker)

Good morning Mr. Williams

Attached is a copy of the partial decree issued in Harry Rinker subcase 37-20624 last year. In doing general SRBA clean-up in Basin 37, we took a closer look at rights that hadn't moved to partial decree yet, which included several of the 37-113 split rights. Right 37-113K, claimed by Harry Rinker, is an uncontested overlap to Mr. Rinker's 37-20624 right. Right 37-20624 was originally disallowed, but was found to be a valid right through objection resolution. We recommended the right with combined use language under both the quantity and place of use elements. Two of the four rights listed in that language, 37-482D and 37-705, have already moved to partial decree, and that's okay. Being as 37-113K has not moved forward, IDWR would like to update the combined use language to reference right 37-20624 -- to serve as another flag of the relationship between the four rights. Might be helpful information in the event of a future transfer.

I've also attached below the recommendation of 37-113K as the right stands now, and an SF5 on the uncontested overlap containing a recommendation of the right showing the addition of the 37-20624 reference.



Partial Decree
37-20624.pdf



Recommendation
37-113K.pdf



SF5 37-113K.pdf

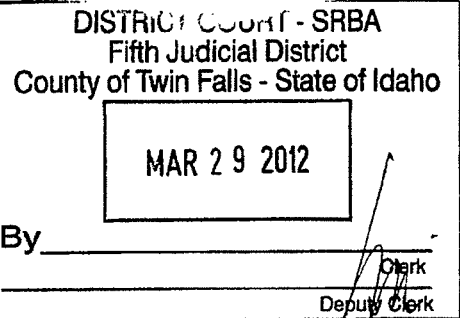
If you concur with the change, please sign the SF5, initial the recommendation pages and email the SF5 back to me. I'll file it with the court. Please let me know if you have any questions. Thanks very much. Vicki Kelly, Paralegal - IDWR

NOTICE: THIS ELECTRONIC MESSAGE TRANSMISSION CONTAINS INFORMATION WHICH MAY BE PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL(S) OR ENTITY(IES) NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR USE OF THE CONTENTS OF THIS INFORMATION IS PROHIBITED. IF YOU HAVE RECEIVED THIS ELECTRONIC TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY THE SENDER AND DELETE THE COPY YOU RECEIVED.

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-20624



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

SOURCE: SEAMANS CREEK TRIBUTARY: SINKS

QUANTITY: 6.06 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 herein.
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: 07/22/1880

POINT OF DIVERSION: T01N R19E S06 NWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	6.06 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T01N R18E S01	NENE 36.0	NWNE 3.0
	SENE 20.0	
R19E S06	NWNW 37.0	SWNW 39.0
	SENW 6.0	
141.0 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wadman
Presiding Judge of the
Snake River Basin Adjudication

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

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	SENE	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

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.

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.

This right is a combination of right nos. 37-113K, 37-113L and 37-113M.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

**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.: 37-113K
) (Uncontested Overlap to
) Right 37-20624)

) 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 Date
Attorney for the Harry S. Rinker

IDWR CONCURRENCE:

Steve Clelland 3/13/13
Sr. Water Resource Agent Date

IDWR CONCURRENCE:

Nicholas B. Spencer 3-14-13
Deputy Attorney General Date
Attorney for IDWR

03/12/2013

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 4.000 CFS

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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	SENE	6.00

MITIGATION same as IRRIGATION

141 ACRES TOTAL

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03/12/2013

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

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.

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This right is a combination of right nos. 37-113K, 37-113L and 37-113M.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

SW
NBS

CERTIFICATE OF SERVICE

I certify that on _____, 2013, 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
P.O. Box 168
Jerome, ID 83338

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

Signature of person or attorney mailing the form