

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 37-523C
Date Received: 4/6/1989
Receipt No: S006800
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HARRY S RINKER Phone: (714)979-8300
PO BOX 7250
NEWPORT BEACH CA USA 92658-7250

AMENDED

2. Date of Priority: 05/21/1890

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	32	NW NE	BLAINE	
03N	18E	29	SW NE	BLAINE	

5. Description of diverting works:

OSBORN #24 HEADGATE
Diversion from Big Wood River to Osborne Ditch (Pd 1), or Hiawatha Canal
(Pd 2); lateral from canal to place of use

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	1.2	

7. Total Quantity Appropriated is:
1.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	29	SE	SE	IRRIGATION	18.8
Section Acres						18.8
Total Acres						18.8

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Claimed diversion rate is based on the watermasters decree book.

Change of ownership and an amended claim submitted together. See memo to file titled 37-521, 522D, 523C Rinker dated 2-4-2003 kkc

SEE OSBORN VS. OSBORN, ET. AL.

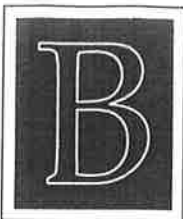
P/U INCOMPLETE. SEE FILE.

P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

RT. DECREED FROM BIG WOOD R. BUT DIV. FROM RIVER & PURDUM SLOUGH. PORTION IF 37-00523 DECREE. C PORTION ORIGINALLY FOR 2.94 CFS UNDER OSBORNE'S NAME.

15. Basis of Claim: Decreed

*See also 37-20864 & 522D
for overlap.*



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

January 21, 2003

Mr. Allen Merritt, Director
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED

JAN 24 2003

Department of Water Resources
Southern Region

Re: Ownership change and SRBA Claims – Harry Rinker
“KSKI” Property
Project No. 128-25-2001

Dear Allen:

Mr. Rinker recently purchased land east of Highway 75 in the vicinity of Deer Creek Road. This property adjoins Mr. Rinker’s Peregrine Ranch to the south, and is known internally as the “KSKI” property because of the radio located there.

Portions of the Osborne water rights (37-521, 37-522, and 37-523) are appurtenant to the property. To record the ownership change, I am submitting a Notice of Change of Ownership with an Assignment of Water Rights to indicate the transfer of water right ownership. Also enclosed is a map showing the points of diversion and place of use.

The SRBA claims filed by the previous owner for this property appear to have been based the wrong portion of the Osborn rights – the portion owned by Mr. Poppy west of the highway. I am therefore enclosing amended claims to reflect historic gravity irrigation on Mr. Rinker’s land totaling 18.8 acres. This acreage was calculated using a 1950 rectified FSA photo.

As you know, the history of the Osborne rights is extremely convoluted. At some point in the past, the three rights became “unstacked” to some extent via transfer proceedings, leaving the KSKI property with parts of 37-522 and 37-523, but not 37-521, according to the watermaster records. Therefore, I am also filing a late claim for a portion of 37-521J (the untransferred portion) to protect Mr. Rinker’s possible interest in this right should IDWR eventually determine that some portion is rightly appurtenant to this land.

The documents are signed by Charles E. Brockway, with Power of Attorney for Harry S. Rinker. Please let me know if you need further information.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Cordially,



Charles G. Brockway, F.E.

Enc.: Ownership change form
Assignment of Water Rights and legal description of land purchased
Amended SRBA Claims for 37-522D and 37-523C
SRBA Claim for 37-521 (part of 37-521J) and \$50 filing fee
Map showing points of diversion and place of use
Aerial photo workup showing historic irrigation

cc: Harry Rinker

AMENDED

Clal. No. 37-523C

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Harry S. Rinker Phone (714) 979-8300Mailing Address P.O. Box 7250, Newport Beach, CA Zip 926582. Date of Priority (Only one (1) per claim) 5/21/18903. Source of water supply (a) Big Wood Riverwhich is tributary to (b) Malad River4. a. Location of existing point of diversion is: Township 3N Range 18E Section 29,1/4 of SW 1/4 of NE 1/4, Govt. Lot, B.M., County of BlaineAdditional points of diversion if any: NW1/4 NE1/4 Sec. 32, T. 3 N., R. 18 E.

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. Diversion from Big Wood River to Osborn Ditch
(PD #1), or Hiawatha Canal (PD #2); lateral from canal to place of use.

COPY

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/15 to 10/31 amount 1.20 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.20 (cfs) and / or (b) _____ (acre feet)

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

9. Non-irrigation uses; described fully (e.g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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 together 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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	29																18.8	18.8

Total number of acres irrigated 18.8

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

SRBA Claims 37-521(part); 37-522D Or None ☐

14. Remarks:

Claimed diversion rate is based on the watermaster's decree book.

COPY

Last Name _____

Ident. No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 37-523E (part)
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date 1/29/2003

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Of _____, that I have signed the foregoing
Organization

Document in the space below as _____ of _____
Title Organization

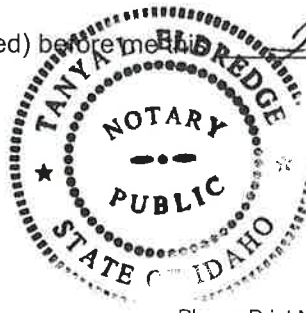
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho / or Idaho }
County of Twin Falls } SS.

Subscribed and sworn (or affirmed) before me on 29th day of January, 2003
SEAL Notary Public Tanya L. Eldredge
Residing at Twin Falls
My Commission Expires 12-19-06



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 _____

COPY

Last Name _____ Ident. Number _____

RECEIVED

DEC 14 1998

Department of Water Resources



RINKER COMPANY

December 8, 1998

Shelley W. Keen, Water Rights Supervisor
State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
P. O. Box 83720
Boise, Idaho 83720-0098

Re: Water Right No. 37-08854

Dear Mr. Keen:

Thank you for your letter of December 1 regarding subject water right. I will file your letter and proceed as required.

If it would be possible I would very much appreciate your department circulating a memo requesting that all water matters and correspondence pertaining to properties I own that a carbon copy automatically go to:

Charles E. Brockway Ph.D, P.E.
BROCKWAY ENGINEERING
2160 Washington Street North, #4
Twin Falls, Idaho 83301
208/736-8543

Dr. Brockway has a complete Power of Attorney pertaining to all my water matters and is entitled to sign any papers on my behalf.

Thank you for your cooperation.

Sincerely,


Harry S. Rinker

/lc

cc: Charles E. Brockway, Ph.D, P.E.

RECEIVED

NOV 05 1998

LIMITED POWER OF ATTORNEY

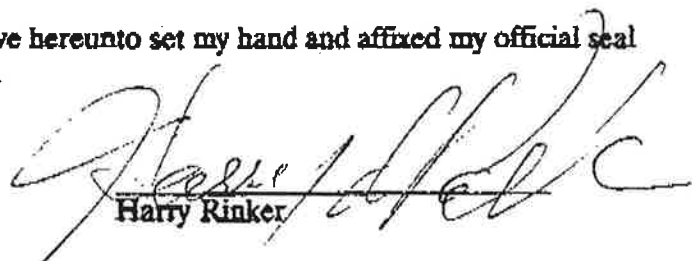
Department of Water Resources
Southern Region

KNOW ALL MEN BY THESE PRESENTS:

I, Harry Rinker, dba Rinker Company, hereby nominate and appoint Charles E. Brockway, of Kimberly, Idaho, as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to any and all water rights I may own or seek to acquire in Blaine County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal, and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these presents.

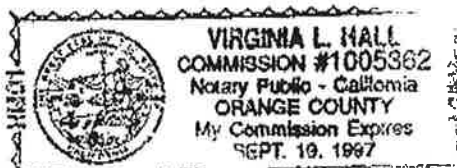
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
this 1st day of Sept., 1995.


Harry Rinker

CALIF
STATE OF ~~IDAHO~~)
ORANGE) ss.
County of ~~Blaine~~)

On the 1st day of Sept., 1995, before me, a Notary Public, in and for said County and State, personally appeared HARRY RINKER, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he 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.



08319501gds


NOTARY PUBLIC FOR ~~IDAHO~~ CALIF.
Residing at: LAGUNA NIGUEL
My commission expires: 9/10/97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
222 Shoshone Street East • Twin Falls, Idaho • 83301-6105

MICROFILMED
NOV 22 1996



RECEIVED

APR 01 1996

Department of Water Resources
Southern Region

MICROFILMED
NOV 22 1996

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES
UNABLE TO FORWARD
RETURN TO WRITER



92533-7355 48





State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

March 25, 1996

JOHN E MC CAW JR
5808 LAKE WASHINGTON BLVD NE
KIRKLAND WA 98033

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS A37-00522D AND A37-00523C

Dear Mr McCaw

I have started reviewing the adjudication claims based upon the decreed rights 37-00521, 37-00522, 37-00523 (referred to as the Osborn rights), and other rights delivered through the Purdum Slough, the Osborn ditch, and/or the Hiawatha canal.

I initially contacted Barry Luboviski who is currently listed as attorney of record for your claims. He stated that he no longer represents your interests for these claims.

A37-00522D

I am unable to confirm the validity of your claims based upon the information contained in the claim files. The records indicate that A37-00522D is for property you purchased from Simplot, however, the legal description listed as the place of use in the claim does not match the warranty deed legal description. As the property identified in the warranty deed is within the boundaries of the decreed place of use for the Osborn rights why is only one of the three rights claimed? The copy of the warranty deed I have with the file is silent regarding water rights.

A37-00523C

The claimed place of use for A37-00523C overlaps with the place of use for other adjudication claims, primarily A37-11659, A37-11661, and A37-11657. These claims by Liselotte Van are also based upon the

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NOV 22 1996

March 25, 1996

MC CAW

PAGE 2

Osborn rights. The orthophotographic quad map attached to your claim has three different areas highlighted with only a portion of that area matching the claimed place of use. Again, I am unable to determine what property this claim should be appurtenant to. I do not have any warranty deeds in your name describing property in this area. Assuming that you do own land in the southern portion of TNS 03N; RNG 18E; SEC 32; SE $\frac{1}{4}$ B.M. and/or TNS 03N; RNG 18E; SEC 33; SW $\frac{1}{4}$ B.M., then the question of why you claimed against only one of the Osborn rights also must be asked.

I am doing a preliminary review prior to making a recommendation for the director's report in the Snake River Basin Adjudication. These issues and possibly others need to be answered before I can make a recommendation. If you have a different attorney that you wish to represent your interests in this area, please have him/her contact me at this office.

Sincerely,

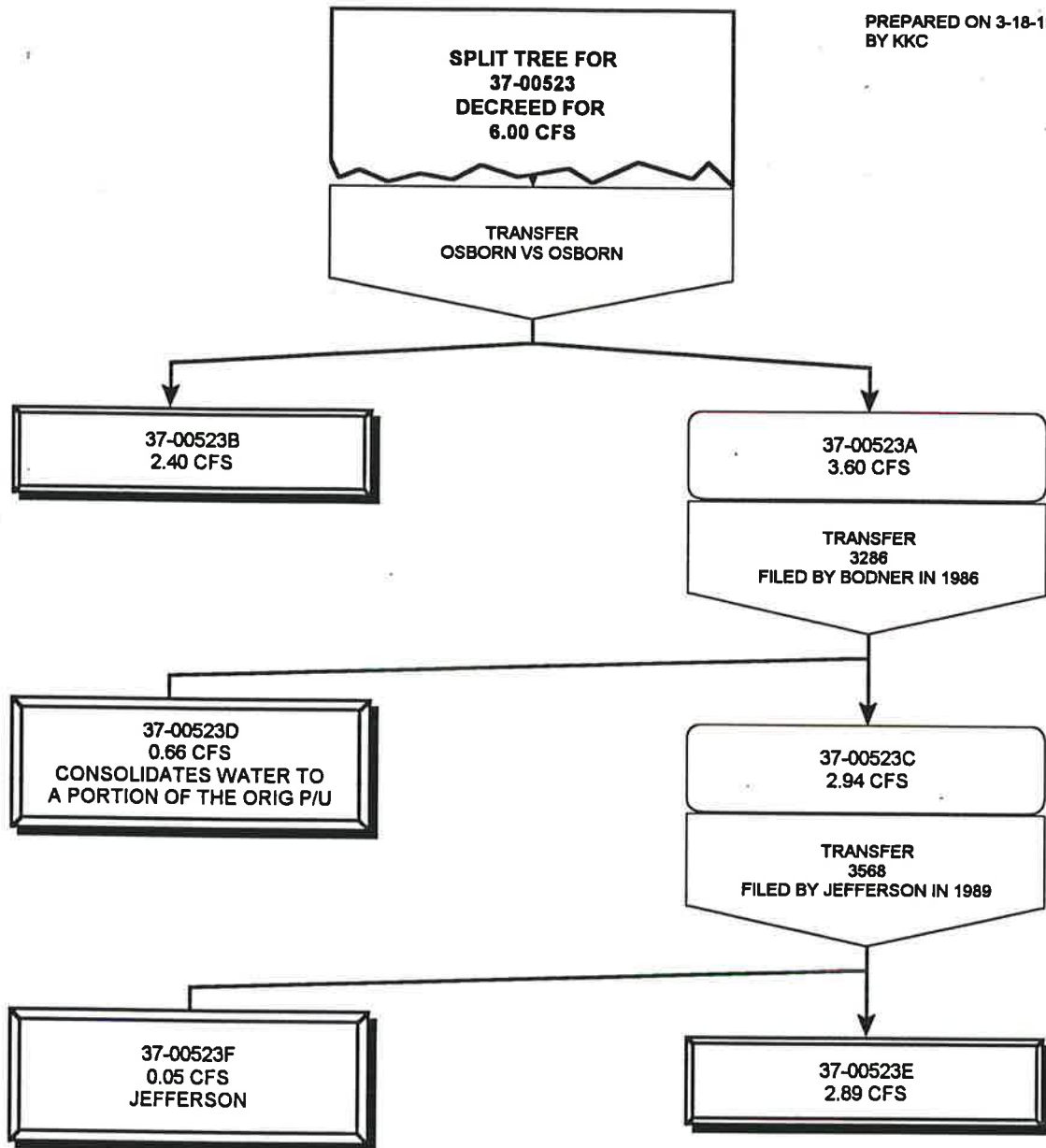


Kelly K Christensen
Sr Water Resource Agent

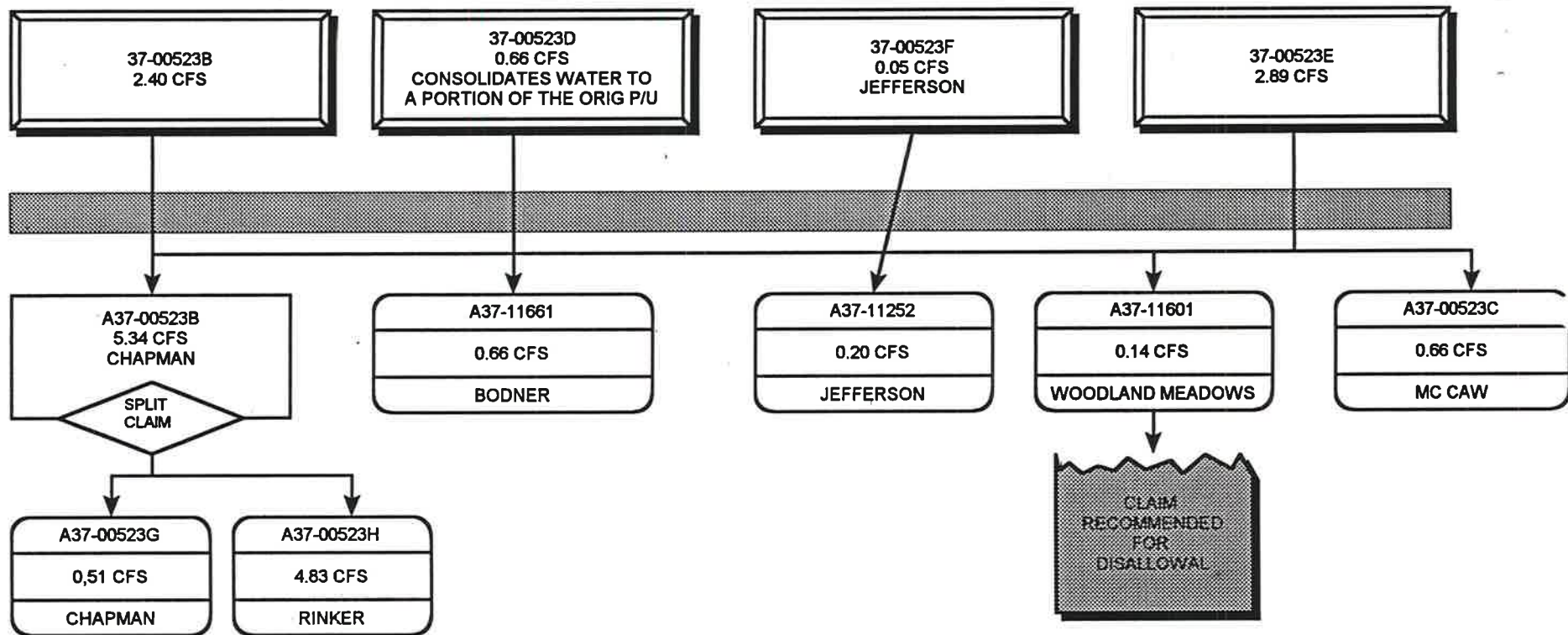
Enclosures

MICROFILMED
NOV 22 1996

PREPARED ON 3-18-1996
BY KKC



MICROFILMED
NOV 22 1996



MICROFILMED
NOV 22 1996

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE

February 27, 1996 4:36pm

CUSTOMER

BARRY LUBOVISKI

SUBJECT: STATUS OF A37-00522D AND A37-00523C
phone call (X) walk-in (.)

I called Barry to discuss the conflicts in the claims. He indicated that he remembered talking to Mr Slette about the claims but hadn't looked at them yet. He stated that he is no longer the attorney of record for Mr McCaw. He said that he would pull the files and review the records and call me back tomorrow.

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NOV 22

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NOV 22 1996

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: A37-00523C
Date Received: 4/05/1989
Receipt No: 5006800
Received By: TW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN E. MCCAWE, JR. 206-827-4500
Address: 5808 LAKE WASHINGTON BLVD., NE
KIRKLAND, WA 98033

2. Date of Priority: MAY 21, 1890

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	29	SW	NE			BLAINE
		32	NW	NE			BLAINE

5. Description of diverting works:
OSBORN #24 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.660		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	32	NE	SE		IRR	4.0
			SE	SE		IRR	11.0
Section Acres							15.0

A37-00523C

Page 1

Date: 04/06/89

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FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	33	NW	SW	IRR	4.0
			SW	SW	IRR	19.0
					Section Acres	23.0
					Total Acres	38.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

SEE OSBORN VS. OSBORN, ET. AL.
P/U INCOMPLETE. SEE FILE.
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
RT. DECREED FROM BIG WOOD R. BUT DIV. FROM RIVER & PURDUM SLOUGH.
PORTION IF 37-00523 DECREE. C PORTION ORIGINALLY FOR 2.94 CFS
UNDER OSBORNE'S NAME.

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 _____

MICROFILMED
FEB 23 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

March 16, 1989

RECEIVED

APR 5 1989

Department of Water Resources
Southern Region Office

Luboviski, Wygle & Fallowfield
P O Box 1172
205 Giacobbi Annex
Ketchum, ID 83340

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # 872 for
\$ 88.00 which you submitted to our office. I am returning
these pursuant to Rule 10,4 of the Department's Adjudications Rules and
Regulations. In checking your claim it appears that the following
items need clarification:

- [] Item #2 Priority
- [] Item #4 Point of Diversion Legal Description
- [] Item #6 Uses descriptions
- [] Item #9 Description of Non-irrigation Uses
- [] Item #10 Place of Use Legal Description
- [] Item #16 Signature & Notorization
- [✓] Improper fee (THE CORRECT FEE IS \$ 138.00) (88+50)
- [] Other or Remarks

Late fee

A LATE FEE IS DUE FOR ALL CLAIMS IN BLAINE
County Submitted AFTER October 26th, 1988

~~If you wish to continue to press your claim please find enclosed
instructions and another claim form to use. If you will make the
necessary corrections and return your claim with the correct fee and a
copy of this letter within 30 DAYS of the date of this letter, your
filing will be considered timely and will not be assessed an additional
late fee of \$ 50.00.~~

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

MICROFILMED
FEB 23 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 37-00523C Adj. Flag Translation: Standard Water Right Number Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
OSBORN ISRAEL T. 1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/21/1890 17 D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

03N	18E	20	SW NW			(13) BLAINE
03N	18E	29	SW NE			(13) BLAINE
03N	18E	32	NW NE			(13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 2.940

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
2.940

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

03N	18E	29	SW SE			01	IRRIGATION	(13) BLAINE
03N	18E	29	SE SE			01	IRRIGATION	(13) BLAINE
03N	18E	32	NE NE			01	IRRIGATION	(13) BLAINE
03N	18E	32	NW NE			01	IRRIGATION	(13) BLAINE
03N	18E	32	SE NE			01	IRRIGATION	(13) BLAINE
03N	18E	32	NE SE			01	IRRIGATION	(13) BLAINE
03N	18E	32	SE SE			01	IRRIGATION	(13) BLAINE
03N	18E	33	NW SW			01	IRRIGATION	(13) BLAINE
03N	18E	33	SW SW			01	IRRIGATION	(13) BLAINE

Total Acres:

+ - - Diversion Means - HEADGATE #22 & HIAWATHA CANAL; OSBORN #24 & PURDUM #25 HEADGATES

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

FEB 23 1989
WR0728NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - 37-00523C Adj. flag translation: Standard Water Right Number

+ - - - - Remarks - - - - - +
SEE OSBORN VS. OSBORN, ET. AL.
P/U INCOMPLETE. SEE FILE.
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
RT. DECREED FROM BIG WOOD R. BUT DIV. FROM RIVER & PURDUM SLOUGH.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
S. C. FROST, ET. AL. ALTURAS WATER COMPANY, ET. AL. 12/13/1909

+ - - Audit Fields -

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 12/09/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- P
Decree Date	- 12/13/1909				

MICROFILMED
FEB 23 1993

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:

Ident. Number

Date Received

Receipt Number

39576

A37-00523C

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 15 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) John E. McCaw, Jr. Phone (206) 827-4500
Mailing Address 5808 Lake Washington Blvd., N.E.
Kirkland, WA Zip 98033

2. Date of Priority (Only one (1) per claim) May 21, 1890

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

4. a. Location of existing point of diversion is: Township 3N Range 18E Section 20,
1/4 of Sw 1/4 of NW 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: 3N 18E Sec. 29, SW1/4 NE1/4, Blaine
3N 18E Sec. 32, NW1/4 NE1/4, Blaine

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,

_____ 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. Osborn #24 headgate

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 11/1 amount .66 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .66 (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.) N/A

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	
<u>3N</u>	<u>18E</u>	<u>32</u>													<u>4</u>			<u>11</u>	<u>15</u>
<u>3N</u>	<u>18E</u>	<u>33</u>										<u>4</u>	<u>19</u>						<u>23</u>

Total number of acres irrigated 38

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 X No _____

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

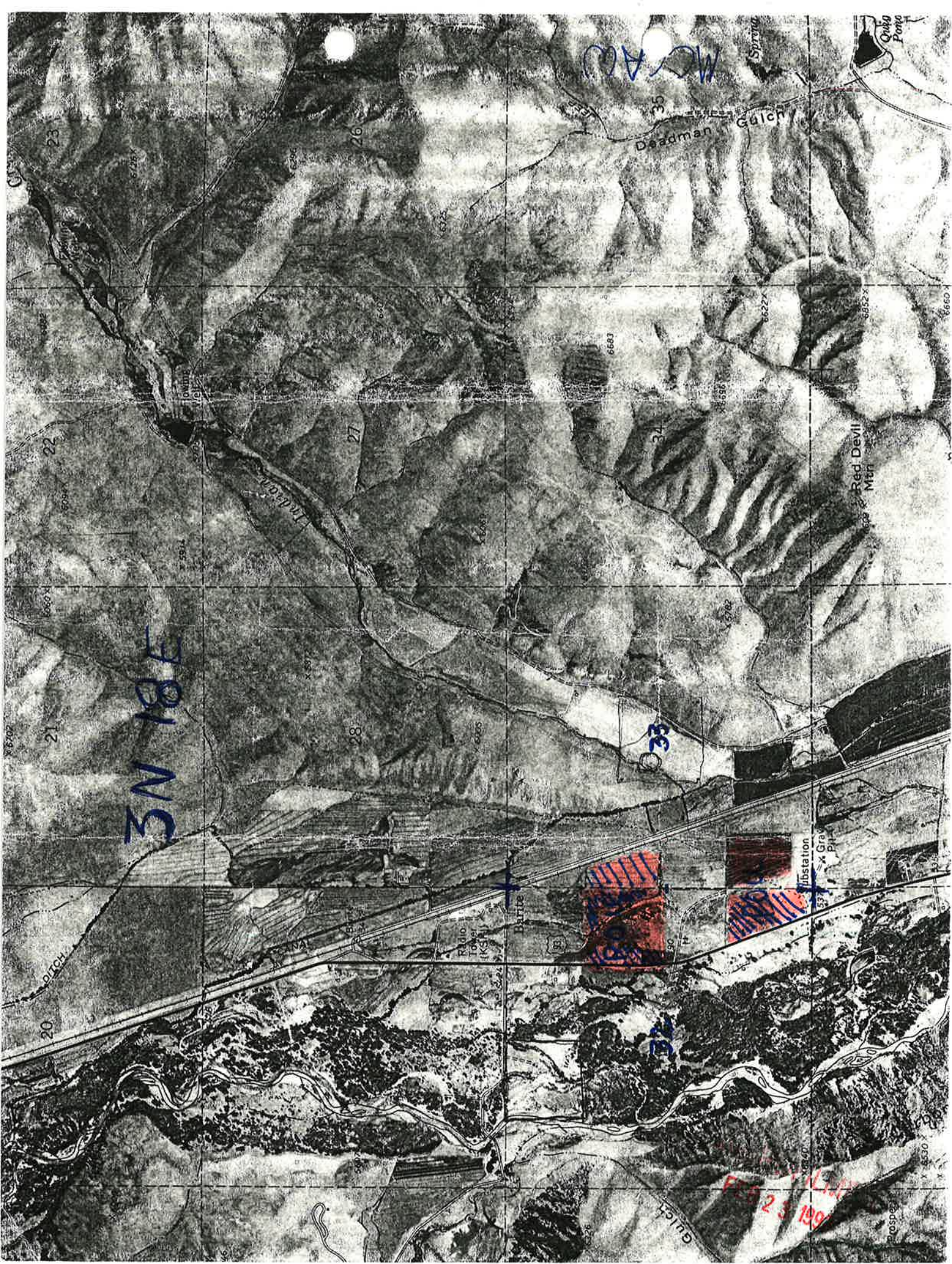
or None (X)

14. Remarks:

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FEB 23 1993

Last Name McCaw Ident No. _____

Copies: White -State, Yellow-Claimant



Scale: 2 inches equals 1 mile

Scale: 2 inches equals 1 mile

A large grid of 16 columns and 16 rows of squares. Each square contains a crosshair pattern consisting of a vertical line, a horizontal line, and two diagonal lines intersecting at the center. The grid is used for graphing or drawing.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 37-00523C

Court _____ Case Number _____ Decree Date 12/13/09

Plaintiff vs Defendant S.C. Frost, et al. v. Alturas Water Co., et al.

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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X [Signature] Date _____

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 Blaine) SS.

Subscribed and sworn (or affirmed) before me this 3rd day of March 19 89

SEAL

Notary Public

Barry J. Luboviski

Residing at

Ketchum

My Commission Expires

11-7-1991

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Barry J. Luboviski 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

Barry J. Luboviski

Address P.O. Box 1172, Ketchum, Idaho, 83340

Date March 3, 1989

MICROFILMED
FEB 23 1993

Last Name McCaw Ident. Number _____

Copies White-State, Yellow-Claimant

01/10/2007

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

RIGHT NUMBER: 37-523C

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

VERIFIED BY KKC

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 05/21/1890

POINT OF DIVERSION:

T03N R18E S29 SWSWNE 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	1.200 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29 SESE 18.80

18.8 ACRES TOTAL

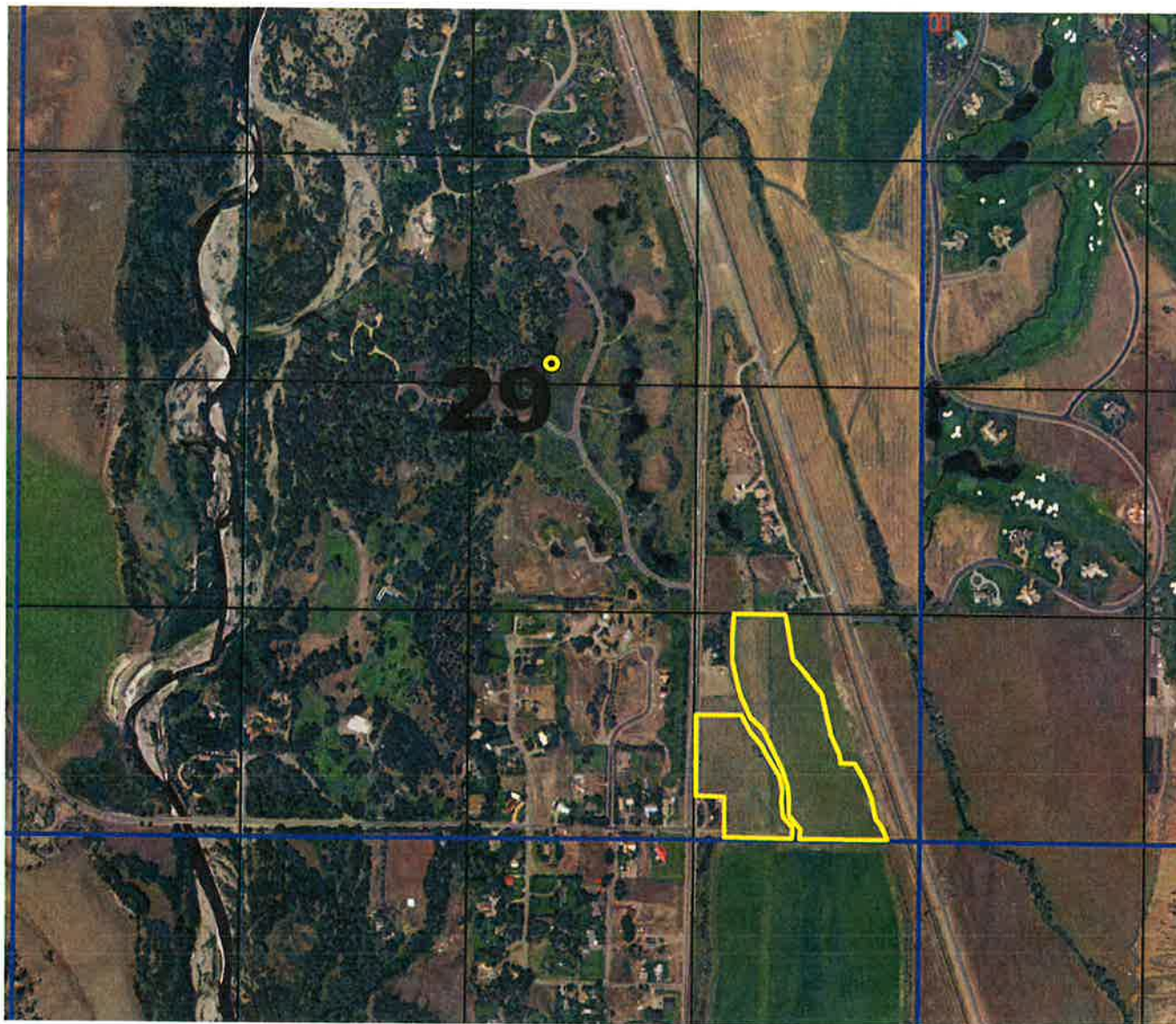
The rights listed below are limited to the irrigation of a combined total of 18.8 acres in a single irrigation season. Combined Right Nos.: 37-522D and 37-523C.

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

RECOMMENDED PLACE OF USE FOR 37-522D, & 37-523C.



1320 0 1320 2640 3960 Feet

PLACE OF USE
TWP 3N, RNG 19E, SEC 29
Data entry on January 10, 2007

- RECOMMENDED POINT OF DIVERSION
 - RECOMMENDED PLACE OF USE
 - TOWNSHIP LINES
 - SECTION LINES
 - QUARTER/QUARTER LINES
 - ★ LOCATION IN BASIN
- GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



Idaho Dept of Water Resources
Claims review notes and narrative

Date: 2-4-2003

File: 37-521, 522D, 523C Rinker

Prepared by Kelly K Christensen

37-521, 522D, 523C Rinker

I Met with Chuck Brockway Jr on 2-3-03 concerning the package relating to the rights listed above.

The adjudication claims are not being split. The split right check on the change of ownership represents their understanding of the allocations base right that the claims should relate to.

McCaw's claims were initially filed with the wrong place of use identified. The claimed legal descriptions matches property owned by other individuals. I had attempted to contact Mr McCaw years earlier but received no response from him at that time. Chuck indicated that to the best of his knowledge the land purchased by Rinker (approximately 18 acres) is the only place of use that these rights should be associated with. John McCaw has signed an 'Assignment of Water Rights' indicating that the claims in full are to go to Rinker as described in attachment A. Attachment A is the legal descriptions for the parcels that make up the 18± acre place of use purchased by Rinker.

I am accepting the change of ownership as filed and the amendments changing the place of use to the 18 acres.

A new claim to be filed against base right 45-521 is based upon the premise that the transfer that unstacked and moved a portion of 45-521 could possibly be disallowed and that portion again identified as appurtenant to the Rinker property. I am accepting this claim waving the 50 dollar late fee, and excluding the variable fee as this right is for the same place of use as identified under the other two rights.