

NAME - 4

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: A37-00627
Date Received: 11/25/1988
Receipt No: C003581
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: AUGUST K. REITER, III 714-979-8300
Address: P.O. BOX 7250
NEWPORT BEACH, CA 92658

AND

Name: GAIL L. REITER 714-979-8300
Address: P.O. BOX 7250
NEWPORT BEACH, CA 92658

2. Date of Priority: JUN 01, 1891

3. Source: SMITH CREEK Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	17E	26	NE	NE	SE		BLAINE

5. Description of diverting works:
EARTHEN DAM WITH HEADGATE, GRAVITY DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.320		
STOCKWATER	01/01	12/31	0.230		

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

8. Total consumptive use is 540.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 1000 HEAD CATTLE.

A37-00627

Page 1

Date: 01/05/90

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	17E	26	NE		NE		IRR	27.0
			SW		NE		IRR	6.0
			SE		NE		IRR	19.0
			SE		SW		IRR	9.0
			NE		SE		IRR	4.0
			NW		SE		IRR	31.0
			SW		SE		IRR	28.0
			Section Acres					124.0
		35	NW		NE		IRR	16.0
			NE		NW		IRR	17.0
			SE		NW		IRR	19.0
			NE		SW		IRR	16.0
			SE		SW		IRR	13.0
			SW		SE		IRR	11.0
			Section Acres					92.0
			Total Acres					216.0

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:
37-01151A, 37-01151C, 37-01152A, 37-01152B

14. Remarks:
RT. DECREED FROM SMIDT CR. BUT USGS MAP SHOWS SMITH CR.
RT. IS FOR ENTIRE FLOW OF STREAM.
STOCKWATER PLACE OF USE IS SAME AS IRRIGATED LANDS.

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 _____

RECEIVED

DEC 28 1989

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

Department of Water Resources
Southern Region Office

Water Right Number(s): 37-00627, 37-12157, 37-01151A, 37-01151C, 37-01152B
and 37-01152A

[] Name and Address of
Former Claimant:

Great Southwest Life Insurance Company

P.O. Box 53330

Houston, TX 77052

[] New Claimant(s):

August H. Reiter, III and Gail L. Reiter, husband and wife

[] New Mailing Address:

P.O. Box 7250

Newport Beach, CA 92658-7250

New Telephone Number: (714) 979-8300

[] Does the change in ownership result in a splitting of the
water right claimed? _____ yes _____x_____ no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership

Describe proof attached: Recorded Warranty Deed

[] Signature of New Claimant(s):

August H. Reiter, III

Gail L. Reiter

Date:

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

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SAWTOOTH TITLE CO. INC.

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DEC 28 1989

Department of Water Resources
Southern Region Office

December 27, 1989

Idaho Department of Water Resources
2148 Fourth Avenue East
Twin Falls, Idaho 83301

Gentlemen:

RE: Our Order No. 16074
REITER, August H.

Enclosed is a copy of the Corporation Warranty Deed recorded as Blaine County Instrument No. 313243 by which Great Southwest Life Insurance Company conveyed to August H. Reiter, III, and Gail L. Reiter, husband and wife.

Also enclosed is the signed Change in Ownership of Notice of Claim for your file.

If we may be of further assistance, please let us know.

Very truly yours,

SAWTOOTH TITLE CO., INC.


Anita Moseley

Encls.

160
RECEIVED

COPY

DEC 28 1989

Department of Water Resources
Southern Region Office

CORPORATION WARRANTY DEED

THIS INDENTURE, made this 27th day of November, 1989, between GREAT SOUTHWEST LIFE INSURANCE COMPANY, a Texas corporation, hereinafter referred to as "GRANTOR," and AUGUST H. REITER, III and GAIL L. REITER, husband and wife, hereinafter referred to as "GRANTEE";

W I T N E S S E T H :

FOR VALUE RECEIVED, the GRANTOR has granted, conveyed, bargained and sold, and does hereby grant, bargain, sell, convey and confirm to the GRANTEE and their successors and assigns forever, that certain real property situated in the COUNTY OF BLAINE, STATE OF IDAHO, which is more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof.

SUBJECT TO:

1. Property taxes, including any assessments collected with taxes, levied for the year 1989 and all subsequent years.
2. Mineral reservations contained in Deed from T. H. Gooding and Hester M. Gooding to O. S. Leavell recorded February 1, 1972, as Instrument No. 142188, records of Blaine County, Idaho, reciting: "Reserving and excepting the mineral rights therein."
3. Easement reserved in Deed from Agatha C. Schmidt, a widow, to Thomas H. Gooding, Sr. and T. H. Gooding, Jr., dated January 11, 1927, recorded June 16, 1927, in Book 118 Deeds, page 566, records of Blaine County, Idaho, reserving the right of ingress and egress to the Westerly bank of Rock Creek for stock watering purposes, at a point on the lane Westerly from the barn near the Southeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, said reserved right of way to be approximately as original fence is now located to Westerly bank of said creek and to low water line on the East bank, said right of way being approximately 50 feet wide.
4. Power Line Easement from O.S. Leavell to the Idaho Power Company dated May 11, 1962, recorded August 17, 1963, in

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FEB 23 1993

Book 176 of Deeds, page 405, records of Blaine County, Idaho, granting a right of way and easement for power line over and across a portion of the property described in Exhibit "A" hereof.

5. Power Line Easement from Thomason Brothers to Idaho Power Company dated May 9, 1962, recorded October 15, 1962, as Instrument No. 117654, in Book 176 of Deeds, page 467, records of Blaine County, Idaho, granting right of way and easement over and across the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho.

6. Power Line Easement from Hedley C. Board and June H. Board, his wife, to the Idaho Power Company dated August 26, 1959, recorded in Book 171 of Deeds, page 451, records of Blaine County, Idaho, granting right of way over and across the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 1 North, Range 17 East, Boise Meridian, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, Township 4 North, Range 17 East, Boise Meridian.

7. Power Line Easement from Thomas W. Cloughton and Ila I. Cloughton, his wife, to the Idaho Power Company dated June 26, 1962, recorded August 17, 1962, as Instrument No. 117309, in Book 176 of Deeds, page 407, records of Blaine County, Idaho, granting right of way over and across the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 14, Township 1 North, Range 17 East, Boise Meridian.

8. Grant of Easement and Right of Way from Blaine County to the United States of America, Department of the Interior, Bureau of Land Management, dated June 12, 1962, recorded June 22, 1962, in Book 176 of Deeds, page 363, records of Blaine County, Idaho, granting right of way and easement over and across the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 1 North, Range 17 East, Boise Meridian.

9. Reservation contained in Warranty Deed from George W. Stewart and Ella Mae Stewart, husband and wife, to Thomas W. Cloughton and Ila I. Cloughton, husband and wife, dated September 28, 1960, recorded February 6, 1968, as Instrument NO. 129169, records of Blaine County, Idaho, reciting: "Reserving to the grantors an undivided one-half interest to the mineral rights

appurtenant to the following described property: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14; NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14; SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, all in Township 1 North, Range 17 East of the Boise Meridian.

10. Reservations contained in Quitclaim Deed from Fred K. Povey and Dorothy L. Povey to John Brown, Inc., recorded May 11, 1967, in Book 147 as Instrument No. 126972, records of Blaine County, Idaho, reciting: "Reserving all mineral rights therein."

11. All other easements, claims of easement or encumbrances which are shown by the public records or which appear on the premises.

12. Discrepancies, conflicts in boundary lines, shortage in area, encroachment or any other facts which a correct survey would disclose, and which are not shown by the public records.

13. Unpatented mining claims, reservations or exceptions in patents or state deeds or in acts authorizing the issuance thereof.

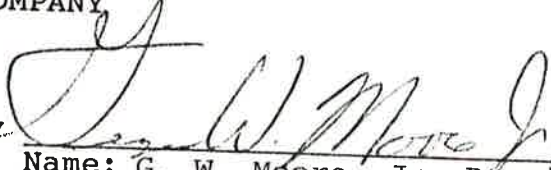
SUBJECT TO those exceptions to title to which this conveyance is expressly made subject and those made, suffered or done by the GRANTEE and excluding all warranties of any and all water and grazing rights; the GRANTOR covenants to the GRANTEE, their successors and assigns, that the GRANTEE shall enjoy the quiet and peaceful possession of the above-described premises, and GRANTOR warrants to the GRANTEE, their successors and assigns, that GRANTOR is the owner of said premises in fee simple and has the right and authority to convey the same to GRANTEE, and it will defend the same from all lawful claims whatsoever.

The current address of the GRANTEE is P.O. Box 7250, Newport Beach, California 92658-7250.

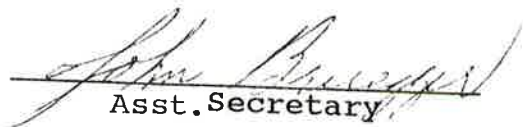
IN WITNESS WHEREOF, said Grantor has caused these presents to be executed by its President and its corporate seal to be affixed as of the day and year first above written.

GREAT SOUTHWEST LIFE INSURANCE
COMPANY

By


Name: G. W. Moore, Jr., President
Title: PRESIDENT
(a duly authorized officer)

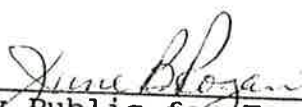
ATTEST:


Asst. Secretary

STATE OF TEXAS)
) ss.
County of HARRIS)

On this 27th day of November, 1989, before me,
June B. Rogan, the undersigned, a Notary
Public in and for said State, personally appeared
George W. Moore, Jr., known or
identified to me to be the President of GREAT SOUTHWEST LIFE
INSURANCE COMPANY, the corporation that executed the foregoing
instrument or the person who executed said instrument on behalf
of said corporation, and acknowledged to me that such corporation
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.


Notary Public for Texas
Residing at Houston, Texas
My commission expires 9/28, 1993

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FEB 23 1993

Order No. 16074
Commitment No. BF765312

EXHIBIT "A"

PARCEL I

Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho:

Section 14: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$

Section 15: E $\frac{1}{4}$ E $\frac{1}{4}$

Section 22: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 23: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 24: N $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 25: W $\frac{1}{4}$, W $\frac{1}{4}$ E $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$

Section 26: E $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, W $\frac{1}{4}$

Section 27: E $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$

Section 34: S $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 35: NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

Township 1 North, Range 18 East, Boise Meridian, Blaine County, Idaho:

Section 30: Lots 2, 3, 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$

PARCEL II:

Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho:

Section 13: NW $\frac{1}{4}$, N $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL III:

Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho:

Section 1: Lot 1, S $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$

Section 2: SE $\frac{1}{4}$

Section 11: NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 12: N $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Township 1 North, Range 18 East, Boise Meridian, Blaine County, Idaho:

Section 7: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 6: Lots 4, 5, 6 and 7, E $\frac{1}{4}$ W $\frac{1}{4}$

Township 2 North, Range 18 East, Boise Meridian, Blaine County, Idaho:

Section 31: Lots 3 and 4, E $\frac{1}{4}$ SW $\frac{1}{4}$

PARCEL IV:

Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho:

Section 13: S $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$

Section 14: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ W $\frac{1}{4}$

Section 15: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$

Section 21: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ N $\frac{1}{4}$, S $\frac{1}{4}$

Section 22: Lots 1, 2, 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$

Section 23: N $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 1 North, Range 18 East, Boise Meridian, Blaine County, Idaho:

Section 18: Lot 2

Guy Lode Patented Mining Claim - Lot No. 37

EXHIBIT "A"

TOGETHER with all and singular the structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TOGETHER ALSO with all water and water rights thereunto belonging or in anywise appertaining and together also with all grazing rights and privileges thereunto belonging or in anywise appertaining, including but not limited to those grazing privileges held through or under the United States Department of the Interior, Bureau of Land Management, commonly referred to as the Kent Canyon Allotment, the Poison Creek Allotment and the Scattered Tracts Allotment and any and all grazing rights held in association with the Sawtooth Grazing Association pursuant to State of Idaho, State Lease No. G-7576-5.

313243

BLAINE CO. REQUEST
OF Sawtooth Title Co. Inc.

Neck

89 NOV 29 PM 1 15

MARY GREEN, CLERK *CH*

FEES \$ / 8 ⁰⁰

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: A37-00627
Date Received: 11-18-88
Receipt No: 0003581
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GREAT SOUTHWEST LIFE INSURANCE COMPANY 713-223-4061
Address: P.O. BOX 53330
HOUSTON, ID 77052

2. Date of Priority: JUN 01, 1891

3. Source: SMITH CREEK Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	17E	26	NE	NE	SE		BLAINE

5. Description of diverting works:
EARTHERN DAM WITH HEADGATE, GRAVITY DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.320		
STOCKWATER	01/01	12/31	0.230		

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

8. Total consumptive use is 540.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 1000 HEAD CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	17E	26	NE	NE		IRR	27.0
			SW	NE		IRR	6.0

A37-00627

Page 1

Date: 11/10/88

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	17E	26	SE		NE		IRR	19.0
			SE		SW		IRR	9.0
			NE		SE		IRR	4.0
			NW		SE		IRR	31.0
			SW		SE		IRR	28.0
			Section Acres					124.0
		35	NW		NE		IRR	16.0
			NE		NW		IRR	17.0
			SE		NW		IRR	19.0
			NE		SW		IRR	16.0
			SE		SW		IRR	13.0
			SW		SE		IRR	11.0
			Section Acres					92.0
			Total Acres					216.0

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:

37-01151A, 37-01151C, 37-01152A, 37-01152B

14. Remarks:

RT. DECREED FROM SMIDT CR. BUT USGS MAP SHOWS SMITH CR.

RT. IS FOR ENTIRE FLOW OF STREAM.

STOCKWATER PLACE OF USE IS SAME AS IRRIGATED LANDS.

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 Organizations:

I do solemnly swear or affirm that I am Vice President of
Title
GREAT SOUTHWEST LIFE INS. CO., that I have signed the foregoing
Organization
document in the space below as Vice President of
Title
GREAT SOUTHWEST LIFE INS. CO. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
GREAT SOUTHWEST LIFE INS. CO.

Vice President
Title and Organization

November 15, 1988
Date

State of TEXAS)
County of HARRIS) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of November 19 88

[Signature]
Notary Public

Seal

Residing at Houston, Texas

My Commission Expires 2/28/89

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Great Southwest LifeCLAIM I.D. NO. A37-00627DATE RECEIVED 11-18-88CK # 084775AMOUNT \$ 588 - (4)1. Is the name and address complete with zip code? YES ☒ NO ☐2. Is a priority date entered? YES ☒ NO ☐

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? YES ☒ NO ☐(b) Is a tributary to entered? (if required) N/A ☐4. Is the legal description of the p.d. sufficient? YES ☒ NO ☐5. Is there a description of the diverting works? YES ☒ NO ☐6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. YES ☒ NO ☐Is the period of use included? YES ☒ NO ☐Is a quantity claimed for each use? YES ☒ NO ☐7. Is a total quantity claimed entered? YES ☒ NO ☐8. If required is a consumptive use entered? N/A ☐Is the consumptive use correct? N/A ☐9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. YES ☒ NO ☐10. Is (are) the place(s) of use and purpose(s) indicated? YES ☒ NO ☐11. Is (are) the county(ies) entered? YES ☒ NO ☐12. Is the ownership of p.u. checked? YES ☒ NO ☐13. Are other water rights listed or "none" indicated? YES ☒ NO ☐14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) YES ☒ NO ☐15. Is the basis of the claim indicated? YES ☒ NO ☐16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) YES ☒ NO ☐Has the claim been signed, sealed, and dated by a notary? YES ☒ NO ☐Was this claim filed on time, or was an extension granted? YES ☒ NO ☐Is the fee enclosed correct? Exempt ☐If this claim is based on an existing water right, has the identification number been entered? N/A ☐Should this claim be receipted and data entered? YES ☒ NO ☐Claim checked by: CA

Comments: _____

MICROFILMED ED

FEB 23 1993

Date Received

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

RECEIVED

OCT 17 1988

Hand Delivered

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

GREAT SOUTHWEST LIFE INSURANCE COMPANY

Name of Claimant

c/o Hawley Troxell Ennis & Hawley

P.O. Box 1617

P.O. Box 53330

Post Office Address

Boise, Idaho 83701

City, State, Zip Code

Houston, Texas 77052

Blaine County, Idaho

County(s) where Place of Use is located

October 26, 1988

Date Claim Originally Due

Water Permit Nos. 37-01152A, 37-01152B, 37-01151A,
37-01151B, 37-01151C

Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested: The real property upon which the water rights were granted was foreclosed by Great Southwest Life Insurance Company. Great Southwest is located in Houston, Texas, and no one there has actual knowledge of the usage of the water. Since the foreclosure the real property has been leased. The lessee and a representative from Great Southwest will meet this week to gather as much information as possible necessary to complete the claims. Because the rights are the result of court decrees there is (see attached) Claimant requests an extension to November 25, 1988.

By: Richard F. Goodson

Signature

Richard F. Goodson

Attorney in Fact

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

granted denied

and the filing deadline extended to Nov 25, 1988.

Signed this 18 day of October, 1988.

Re-considered with additional

information on 10/19/88.

Request approved on 10/19/88.

Director or his designated agent

DAVID B. SHAW

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 SRBA

Case No. 39576

) Subcase No.: 37-627
) (Formerly Disallowed)

) 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 Date
Attorney for the Harry S. & Diane J. Rinker
Revocable Trust and Harry S. Rinker

IDWR CONCURRENCE:

Kelly K. Christensen 12-7-10
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

11/05/2010

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

RIGHT NUMBER: 37-627

NAME AND ADDRESS: HARRY S & DIANE J RINKER REVOCABLE TRUST
PO BOX 7250
NEWPORT BEACH CA 92658

SOURCE: SMITH CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 1.620 CFS

The quantity of water under this right for stockwater uses shall not exceed
13,000 gallons per day.

PRIORITY DATE: 06/01/1891

POINT OF
DIVERSION:

T01N R17E S26 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	04/15 10/31	0.230 CFS
IRRIGATION	04/15 10/31	1.620 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R17E S26	SWNE	3.70	T01N R17E S26	NWSE	28.00
T01N R17E S26	SWSE	17.00	T01N R17E S35	NWNE	8.70
T01N R17E S35	SWNE	0.40	T01N R17E S35	NENW	12.00
T01N R17E S35	SENE	11.00			

STOCKWATER in BLAINE County

T01N R17E S26	SWNE		T01N R17E S26	NWSE	
T01N R17E S26	SWSE		T01N R17E S35	NWNE	
T01N R17E S35	SWNE		T01N R17E S35	NENW	
T01N R17E S35	SENE				

80.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of
293.4 acres in a single irrigation season. Combined Right Nos.: 37-627,
37-1151D, 37-1152, 37-22398, and 37-22464.

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.

This water right shall be administered as being from a separate source
pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of
this right seeks to change the right pursuant to Idaho Code Sec. 42-222
or successor statute, nothing in this General Provision shall preclude
any other person or entity from demonstrating that such a change in use
would cause injury to its water right or from receiving relief provided by
law in the event of injury.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

11/05/2010

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

SF-5

RIGHT NUMBER: 37-627

NAME AND ADDRESS: HARRY S & DIANE J RINKER REVOCABLE TRUST
PO BOX 7250
NEWPORT BEACH CA 92658

VERIFIED BY

KKC
11-5-2010

SOURCE: SMITH CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 1.620 CFS

The quantity of water under this right for stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1891

POINT OF
DIVERSION:

T01N R17E S26 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	04/15 10/31	0.230 CFS
	IRRIGATION	04/15 10/31	1.620 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01N R17E S26 SWNE 3.70	T01N R17E S26 NWSE	28.00
	T01N R17E S26 SWSE 17.00	T01N R17E S35 NWNE	8.70
	T01N R17E S35 SWNE 0.40	T01N R17E S35 NENW	12.00
	T01N R17E S35 SENW 11.00		
	<u>STOCKWATER in BLAINE County</u>		
	T01N R17E S26 SWNE	T01N R17E S26 NWSE	
	T01N R17E S26 SWSE	T01N R17E S35 NWNE	
	T01N R17E S35 SWNE	T01N R17E S35 NENW	
	T01N R17E S35 SENW		

80.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 293.4 acres in a single irrigation season. Combined Right Nos.: 37-627, 37-1151D, 37-1152, 37-22398, and 37-22464.

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.

This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

04/06/2010

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

RIGHT NUMBER: 37-627

NAME AND ADDRESS: HARRY S & DIANE J RINKER REVOCABLE TRUST
PO BOX 7250
NEWPORT BEACH CA 92658

VERIFIED BY KKC
4-6-10

SOURCE: SMITH CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 1.620 CFS

The quantity of water under this right for stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:

T01N R17E S26 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/15 10/31	0.230 CFS
IRRIGATION	04/15 10/31	1.620 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R17E S26	SWNE	3.70	T01N R17E S26	NWSE	28.00
T01N R17E S26	SWSE	17.00	T01N R17E S35	NWNE	8.70
T01N R17E S35	SWNE	0.40	T01N R17E S35	NENW	12.00
T01N R17E S35	SENW	11.00			

STOCKWATER in BLAINE County

T01N R17E S26	SWNE	T01N R17E S26	NWSE
T01N R17E S26	SWSE	T01N R17E S35	NWNE
T01N R17E S35	SWNE	T01N R17E S35	NENW
T01N R17E S35	SENW		

80.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 293.4 acres in a single irrigation season. Combined Right Nos.: 37-627, 37-1151D, 37-1152, 37-22398, and 37-22464.

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.

This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, December 23, 2009 10:11 AM
To: 'Robert E. Williams'; Spencer, Nick
Cc: 'Charles G. Brockway'; Kelly, Vicki
Subject: RE: Rinker entity Rock Creek and tributary rights (37-4192, 37-22398 and 37-22264 and others yet to be numbered)

I did a spot check on the excess flow analysis and of the elements I checked they appear acceptable. In reviewing the conveyance losses I do have a couple of issues. First ditch # 8 was field verified to actually be just a cow trail and not a ditch. Also under normal practices conveyance losses for ditches within the field boundary are not considered. Examples are ditches 2, 6, 12, and 30. They should not be considered within conveyance loss calculations. For many of the other major ditches I am not considering the beginning reaches of them as within the field boundary that should be excluded from conveyance loss calculations. I did not specifically walk out the ditches with ditch width in mind nor did I attempt to make any measurements however I did observe that there were areas that both exceeded and were under the 4 ft average figure. I personally cannot comment on the validity of the four ft average but at this time I am accepting Brockway Engineering statement that that is valid.

On page 3 of the report it was stated that in the case of 37-22264 no conveyance losses were 0 as the entire ditch is needed to serve downstream lands and therefore seepage loss is reflected on other rights. As reflected in my recommendation it was my understanding that 37-22264 did not share the same point of diversion or delivery system as 37-1212. When walking out the ditch for 37-1212 I did not observe any way for water to get out of that ditch onto the 5.3 recommended acres under 37-22264. As irrigation would be occurring virtually at the recommended POD I would not expect any conveyance losses to be associated with that right.

I have not had the time to review just how the conveyance losses were associated with the various rights especially in relation to the separate systems of Guy Creek and Rock Creek. As they are separate, only conveyance losses associated with Guy Creek should apply to the Guy Creek rights and those associated with Rock Creek apply to Rock Creek rights.

Kelly

From: Robert E. Williams [mailto:rewilliams@cableone.net]
Sent: Tuesday, December 22, 2009 10:34 AM
To: Christensen, Kelly
Cc: 'Charles G. Brockway'; Kelly, Vicki
Subject: Rinker entity Rock Creek and tributary rights (37-4192, 37-22398 and 37-22264 and others yet to be numbered)

Kelly,

Attached is Chuck Brockway Jr's revised excess flow analysis with respect to the above. The analysis applies to rights 37-22398, 37-22264 and 37-4192 concerning areas omitted in the original agreed to SF-5s, as well as the three rights to be identified by number when the Court grants, as I expect it will, the motions for late claims that will be heard January 19. The pending motions for late claims address the "overlay" for the other Rock Creek and tributary rights over and above the SF-5 amounts previously agreed to for those rights based upon the Frost decree, as justified by the revised excess flow analysis.

I received Vicki Kelly's email this morning regarding your wishes to ask the Court to extend the deadline for filing an amended director's report for 37-4192, et al, until the date for the Late Director's Report to be reported in the spring of 2010. I understand your concerns and will not object to the Court entering such an order.

I am not sure which deputy AG has these cases, so please forward this message and the attachment to the right AG.

Please feel free to talk to Chuck Brockway, Jr. concerning any technical questions you may have regarding the revised excess flow analysis.

Rob Williams

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2008 FEB 22 PM 2 04

**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. 37-627, 37-1151D,
37-1152

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 2/22/08



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/22, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Robert E. Williams
Frederickson Williams Meservy & Lothspeich LLP
PO Box 168
Jerome ID 83338

Charles Brockway
Brockway Engineering
2016 N Washington #4
Twin Falls ID 83301

Gail Reiter
August Reiter III
PO Box 7250
Newport Beach CA 92658



Signature of person or attorney mailing the form

02/20/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-627	HARRY S & DIANE J RINKER REVOCABLE TRUST PO BOX 7250 NEWPORT BEACH CA 92658	Disallowed	Forfeited/abandoned due to non-use from 1982 to 1987.

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

T01N R17E S14	NWNE	8.40	T01N R17E S14	SWNE	2.00
T01N R17E S14	NENW	8.00	T01N R17E S14	SENW	18.00
T01N R17E S14	NESW	19.00	T01N R17E S14	SESW	6.30
T01N R17E S14	NWSE	1.10	T01N R17E S14	SWSE	21.00
T01N R17E S23	NENE	14.00	T01N R17E S23	NWNE	11.00
T01N R17E S23	SENE	15.00	T01N R17E S23	NESE	25.00
T01N R17E S23	NWSE	0.30	T01N R17E S23	SWSE	11.00
T01N R17E S23	SESE	25.00	T01N R17E S26	NENE	19.00
T01N R17E S26	NWNE	4.80	T01N R17E S26	SWNE	13.00
T01N R17E S26	SENE	11.00	T01N R17E S26	NESW	0.70
T01N R17E S26	SESW	14.00	T01N R17E S26	NESE	0.30
T01N R17E S26	NWSE	33.00	T01N R17E S26	SWSE	22.00
T01N R17E S35	NWNE	8.60	T01N R17E S35	SWNE	0.50
T01N R17E S35	NENW	20.00	T01N R17E S35	SENW	18.00

STOCKWATER in BLAINE County

T01N R17E S14	NWNE	T01N R17E S14	SWNE
T01N R17E S14	NENW	T01N R17E S1	
T01N R17E S14	NESW	T01N R17E S14	SESW
T01N R17E S14	NWSE	T01N R17E S14	SWSE
T01N R17E S23	NENE	T01N R17E S23	NWNE
T01N R17E S23	SENE	T01N R17E S23	NESE
T01N R17E S23	NWSE	T01N R17E S23	SWSE
T01N R17E S23	SESE	T01N R17E S26	NENE
T01N R17E S26	NWNE	T01N R17E S26	SWNE
T01N R17E S26	SENE	T01N R17E S26	NESW
T01N R17E S26	SESW	T01N R17E S26	NESE
T01N R17E S26	NWSE	T01N R17E S26	SWSE
T01N R17E S35	NWNE	T01N R17E S35	SWNE
T01N R17E S35	NENW	T01N R17E S35	SENW

350 ACRES TOTAL

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

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

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

02/20/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-1152	HARRY S & DIANE J RINKER REVOCABLE TRUST PO BOX 7250 NEWPORT BEACH CA 92658	Disallowed	Forfeited/abandoned due to non-use from 1982 to 1987.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 22, 2008

ROBERT E WILLIAMS
FREDERICKSON WILLIAMS MESERVY & LOTHSPREICH LLP
PO BOX 168
JEROME ID 83338

RE: SRBA Claim(s) 37-627, 37-1151D, 37-1152

Dear Counselor:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Charles Brockway
Brockway Engineering
2016 N Washington #4
Twin Falls ID 83301

Gail Reiter
August Reiter III
PO Box 7250
Newport Beach CA 82658

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

RECEIVED

NOV 30 2000

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No.(s)	Adjudication Claim No.(s)	Split	Water Right No.(s)	Adjudication Claim No. (s)	Split
_____	<u>37-1151D</u>	☐	<u>37-12157</u>	_____	☐
_____	<u>37-1152</u>	☐	_____	_____	☐
_____	<u>37-627</u>	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐

2. The following REQUIRED information must be submitted with this form:

- A. The appropriate FILING FEE. See instructions for fee amounts.
- B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Gail Reiter, August K. Reiter III
P.O. Box 7250, Newport Beach, CA
4. New Owner/Claimant(s): Harry S. Rinker, Trustee for the Harry S. and
Diane J. Rinker Revocable Trust dated 5/10/66
New Mailing Address: P.O. Box 7250
City, State, Zip Code: Newport Beach, CA 92658
New Telephone Number: (714) 979-8300
5. Date you acquired the property: 1989, 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number: _____

<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other: _____	_____	_____
TOTAL	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number: _____

<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other: _____	_____	_____
TOTAL	_____	_____

7. Signature of New Owner(s) or Claimant(s):
(include title, if applicable)

Chris E. Brundage
Power Attorney

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

FOR OFFICE USE ONLY

Received by: AMB
Received by: AMB
Processed by: _____ AJ

Date: 11-30-06
Date: 11-30-06
Date: _____

Fee: \$200.00
Receipt No: 6082782
WR: _____ Date: _____

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE A

COMMITMENT FOR TITLE INSURANCE

1. Effective Date October 18, 1989, at 4:00 p.m.

Case No. 16074

2. Policy or policies to be issued:

(a)

Amount \$ 1,300,000.00

☒ ALTA Owner's Policy—Form B-1970 (Rev. 10-17-70 & Rev. 10-17-84)

☐ ALTA Residential Title Insurance Policy—1979

Proposed insured: HARRY S. RINKER

(b) ALTA Loan Policy, 1970 (Rev. 10-17-70 & Rev. 10-17-84)

Amount \$ _____

Proposed insured: _____

(c)

Amount \$ _____

Proposed insured: _____

3. Title to the fee simple estate or interest in the land
described or referred to in this Commitment is at the effective date hereof vested in:

GREAT SOUTHWEST LIFE INSURANCE COMPANY, a Texas Corporation

4. The land referred to in this Commitment is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Countersigned at Ketchum, Idaho
SAWTOOTH TITLE CO., INC.
BY: Cheryl Stoltz
Authorized Officer or Agent

Commitment No. BF765312
Schedule A—Page 1

Order No. 16074
Commitment No. BF765312

EXHIBIT "A"

PARCEL I

Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho:

Section 14: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
Section 15: E $\frac{1}{2}$ E $\frac{1}{2}$
Section 22: NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 23: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 24: N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 25: W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
Section 26: E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, W $\frac{1}{2}$
Section 27: E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$
Section 34: S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 35: NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

Township 1 North, Range 18 East, Boise Meridian, Blaine County, Idaho:

Section 30: Lots 2, 3, 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL II:

Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho:

Section 13: NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$

PARCEL III:

Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho:

Section 1: Lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$
Section 2: SE $\frac{1}{4}$
Section 11: NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 12: N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Township 1 North, Range 18 East, Boise Meridian, Blaine County, Idaho:

Section 7: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 6: Lots 4, 5, 6 and 7, E $\frac{1}{2}$ W $\frac{1}{2}$

Township 2 North, Range 18 East, Boise Meridian, Blaine County, Idaho:

Section 31: Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL IV:

Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho:

Section 13: S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$
Section 14: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$
Section 15: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 21: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$
Section 22: Lots 1, 2, 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$
Section 23: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 1 North, Range 18 East, Boise Meridian, Blaine County, Idaho:

Section 18: Lot 2
Guy Lode Patented Mining Claim - Lot No. 37

National Headquarters
Richmond, Virginia

Requirements

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

1. Deed from Great Southwest Life Insurance Company, a Texas corporation, conveying fee simple title to Harry S. Rinker.

(c) Payment of the 1989 taxes, payable but not delinquent, in the following amounts:

[illegible]

ORIGINAL

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE B—Section 2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Unpatented mining claims, reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
7. Mineral reservations contained in Deed from T. H. Gooding and Hester M. Gooding to O. S. Leavell recorded February 1, 1972, as Instrument No. 142188, records of Blaine County, Idaho, reciting: "Reserving and excepting the mineral rights therein."
(Covers Section 14, Township 1 North, Range 17 East, Boise Meridian)
8. Easement reserved in Deed from Agatha C. Schmidt, a widow, to Thomas H. Gooding, Sr., and T. H. Gooding, Jr., dated January 11, 1927, recorded June 16, 1927, in Book 118 Deeds, page 566, records of Blaine County, Idaho, reserving the right of ingress and egress to the Westerly bank of Rock Creek for stock watering purposes, at a point on the lane Westerly from the barn near the Southeast corner of the SW 1/4 of Section 26, said reserved right of way to be approximately as original fence is now located to Westerly bank of said creek and to low water line on the East bank, said right of way being approximately 50 feet wide.
9. Power Line Easement from O. S. Leavell to the Idaho Power Company dated May 11, 1962, recorded August 17, 1963, in Book 176 of Deeds, page 405, records of Blaine County, Idaho, granting a right of way and easement for power line over and across a portion of the property described in Schedule A hereof.

CONTINUED

Exceptions numbered (none) are hereby omitted.

The Owner's Policy to be issued, if any, shall contain the following items in addition to the ones set forth above:

- (1) The Deed of Trust, if any, required under Schedule B—Section 1, Item (b).
- (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing issuance thereof; water rights, claims or title to water.
- (3) Any and all unpaid taxes, assessments and unredeemed tax sales.

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Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B/2 cont'd.

10. Power Line Easement from Thomason Brothers to Idaho Power Company dated May 9, 1962, recorded October 15, 1962, as Instrument No. 117654, in Book 176 of Deeds, page 467, records of Blaine County, Idaho, granting right of way and easement over and across the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho.
(Affects Parcel III only)
11. Power Line Easement from Hedley C. Board and June H. Board, his wife, to the Idaho Power Company dated August 26, 1959, recorded in Book 171 of Deeds, page 451, records of Blaine County, Idaho, granting right of way over and across the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 1 North, Range 17 East, Boise Meridian, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, Township 4 North, Range 17 East, Boise Meridian.
(Affects Parcel IV only)
12. Power Line Easement from Thomas W. Cloughton and Ila I. Cloughton, his wife, to the Idaho Power Company dated June 26, 1962, recorded August 17, 1962, as Instrument No. 117309, in Book 176 of Deeds, page 407, records of Blaine County, Idaho, granting right of way over and across the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and E $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 1 North, Range 17 East, Boise Meridian.
(Affects Parcel IV only)
13. Grant of Easement and Right of Way from Blaine County to The United States of America, Department of the Interior, Bureau of Land Management, dated June 12, 1962, recorded June 22, 1962, in Book 176 of Deeds, page 363, records of Blaine County, Idaho, granting right of way and easement over and across the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 1 North, Range 17 East, Boise Meridian.
(Affects Parcel IV only)
14. Reservation contained in Warranty Deed from George W. Stewart and Ella May Stewart, husband and wife, to Thomas W. Cloughton and Ila I. Cloughton, husband and wife, dated September 28, 1960, recorded February 6, 1968, as Instrument No. 129169, records of Blaine County, Idaho, reciting: "Reserving to the grantors an undivided one-half interest to the mineral rights appurtenant to the following described property: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14; NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14; SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15; N $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, all in Township 1 North, Range 17 East of the Boise Meridian."
(Affects Parcel IV)
15. Reservations contained in Quitclaim Deed from Fred K. Povey and Dorothy L. Povey to John Brown, Inc., recorded May 11, 1967, in Book 147 as Instrument No. 126972, records of Blaine County, Idaho, reciting: "Reserving all mineral rights therein."
(Affects Parcel IV)

CONTINUED

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Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE B/2 cont'd.

16. Reservation in Patents covering Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho:

Section 23: SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ NE $\frac{1}{4}$

Section 14: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 15: N $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 12: SW $\frac{1}{4}$ SE $\frac{1}{4}$

reciting: "subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States" recorded in Book 129 of Patents, page 29, records of Blaine County, Idaho.

17. Reservation in Patents covering Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho:

Section 33: NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 1: E $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 35: E $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 26: SW $\frac{1}{4}$ SE $\frac{1}{4}$

AND Township 1 North, Range 18 East, Boise Meridian, Blaine County, Idaho:

Section 6: Lot 7

reciting: "subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law" recorded in Book 62 of Patents, page 30, records of Blaine County, Idaho.

18. Reservation in Patents covering Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho:

Section 12: N $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 11: NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 26: SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$

Section 1: S $\frac{1}{4}$ SW $\frac{1}{4}$

Section 23: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 15: E $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 14: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$

Section 22: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Lots 2, 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$

Section 25: N $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 35: W $\frac{1}{4}$ NW $\frac{1}{4}$

Section 34: S $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 13: E $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$

CONTINUED

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Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B/2 cont'd.

Item 18, CONTINUED

Section 21: SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 24: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$

Section 27: E $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$

reciting: "subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts. And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States" recorded in Book 99 of Patents, page 440, records of Blaine County, Idaho.

19. Reservation in Patents covering Township 1 North, Range 18 East, Boise Meridian, Blaine County, Idaho:

Section 6: SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$, Lots 3, 4, 5, and 6

Section 30: Lots 2, 3, 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$

Section 7: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$

AND Township 2 North, Range 18 East, Boise Meridian, Blaine County, Idaho:

Section 31: E $\frac{1}{4}$ SW $\frac{1}{4}$, Lots 3 and 4

AND Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho:

Section 1: Lot 1, S $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 21: NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 1, E $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$

Section 15: SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$

Section 22: NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{4}$ SW $\frac{1}{4}$

Section 26: W $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{4}$ NW $\frac{1}{4}$

Section 27: NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 23: W $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 25: SE $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$

Section 14: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 2: SE $\frac{1}{4}$

Section 11: NE $\frac{1}{4}$

Section 12: W $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ NE $\frac{1}{4}$

reciting: "subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862)" recorded in Book 129 of Patents, page 376, records of Blaine County, Idaho.

CONTINUED

Schedule B/Sec Page 4 No.

BF765312

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B/2 cont'd.

20. Reservation in Patents covering Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho:

Section 13: W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

AND Township 1 North, Range 18 East, Boise Meridian, Blaine County, Idaho:

Section 18: Lot 2

reciting: "subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, also, to the United States, pursuant to the provisions of the Act of August 1, 1946 (60 Stat., 755), all uranium, thorium or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same" recorded in Book 129 of Patents, page 635, records of Blaine County, Idaho.

21. Reservation in Patents covering Township 1 North, Range 17 East, Boise Meridian, Blaine County, Idaho:

Section 26: E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

reciting: "subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States" recorded in Book 62 of Patents, page 9, records of Blaine County, Idaho.

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

COMMITMENT FOR TITLE INSURANCE

LAWYERS TITLE INSURANCE CORPORATION, a Virginia corporation, herein called the Company, for valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six (6) months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company. This Commitment shall not be valid or binding until countersigned by an authorized officer or agent.

IN WITNESS WHEREOF, the Company has caused this Commitment to be signed and sealed, to become valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws. This Commitment is effective as of the date shown in Schedule A as "Effective Date."

CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

Lawyers Title Insurance Corporation

By:



President

Attest:



Secretary.



Recording Requested By and
When Recorded Return to:
Richard F. Goodson
HAWLEY TROXELL ENNIS & HAWLEY LLP
P.O. Box 1617
Boise, Idaho 83701

Instrument # 499432
HAILEY, BLAINE, IDAHO
2004-02-23 03:55:00 No. of Pages: 4
Recorded for : AMERITITLE
MARSHA RIEMANN Fee: 12.00
Ex-Officio Recorder Deputy
Index to: WTYQCICORP DEED

52916

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

Deed No. 1

Comment: ***DocX97 Reports
FooterA-1 text was:***
SPECIAL WARRANTY DEED - 1
End Of FooterA-1
***DocX97 Reports FooterB-1 text
was:***
G:\GENERAL\RFQ\WARRANTY.2ND
End Of FooterB1

Lloyd L. Betts and Roberta S. Betts, husband and wife, "Grantor," for valuable consideration given by The Harry S. & Diane J. Rinker Revocable Trust dated May 10, 1966, as Amended and Restated, hereinafter referred to as "Grantee" whose mailing address is P.O. Box 7250, Newport Beach, California 92658-7250, does hereby sell, transfer and convey to Grantee the following described real property situate in the County of Blaine, State of Idaho, to wit:

"Described on attached EXHIBIT "A"

TOGETHER WITH the tenements, hereditaments, water and water rights and appurtenances thereunto belonging or in anywise appertaining (collectively the "Premises").

TO HAVE AND TO HOLD said Premises unto Grantee, its successors and assigns forever.

Grantor hereby covenants with Grantee that the Premises are free from all encumbrances made by Grantor and that they will warrant and defend said Premises against the lawful claims of all persons claiming by, through or under Grantor; subject however to reservations or restrictions

30341.0094.745472.1

in federal patents or state deeds or in laws providing for such patents or deeds, to all easements or other matters of record or appearing from an accurate survey and examination of the Premises and to the rights of all persons in possession, if any.

IN WITNESS WHEREOF, this Special Warranty Deed has been duly executed by
Grantor as of the day and year herein first above written.



Lloyd L. Betts
Lloyd L. Betts
Roberta S. Betts
Roberta S. Betts

STATE OF IDAHO)
County of Blaine) ss.
)

On this 20th day of February, 2004, before me, Marla G. Mink,
a Notary Public in and for said state, personally appeared Lloyd L. Betts and Roberta S. Betts,
husband and wife, known or identified to me to be the persons whose names are subscribed to
the foregoing instrument, and acknowledged to me that they 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.

Marla G. Mink
Notary Public for Idaho
Residing at Belleme, Id.
My commission expires 02/12/09

30341.0094.745472.1

ORDER NO. 52916

EXHIBIT "A"

PARCEL I:

A PARCEL OF LAND LOCATED IN BLAINE COUNTY IDAHO, BEING A PORTION OF FOLLOWING SECS; SEC 1, SEC 12 AND SEC 13, ALL OF WHICH ARE LOCATED IN T1S, R17E, B.M. SEC 5, SEC 6, & SEC 7 ALL OF WHICH ARE LOCATED IN T1S, R18E, B.M. 31, T1N, R18E, B.M. AN ALL OF SEC 36, T1N, R17E B.M. BLAINE COUNTY ID more particularly described as follows;

Beginning at the Northeast corner of said Sec 13, T1S, R17E, B.M. said Point being the REAL POINT OF BEGINNING;

Thence S. 00°30'48" E. 2,643.25 feet to the E1/4 corner of said Sec 13; thence
S. 88°45'57" W. 2,630.50 feet to the C1/4 corner of said Sec 13; thence
N. 00°17'58" W. 2,644.64 feet to the N1/4 corner of said Sec 13; thence
N. 00°04'09" E. Along the West boundary of the SE1/4 of said Sec 12, T1S, R17E, B.M. 3,196.40 feet to the Centerline of existing Rock Creek Road; thence
Along said Centerline the following 9 courses, N. 73°05'12" W. 205.13 feet; thence
N. 83°17'56" W. 280.65 feet; thence
N. 61°45'29" W. 301.08 feet; thence
N. 52°46'12" W. 565.03 feet; thence
N. 58°05'19" W. 314.68 feet; thence
N. 43°51'11" W. 121.77 feet; thence
N. 33°57'31" W. 239.71 feet to a point of curvature; thence
Along a curve to the Right, having a radius of 200.00 feet, a delta of 60°24'43" and an arc length of 210.88 feet; thence
N. 26°27'13" E. 944.55 feet to the North boundary of the NW1/4 of said Sec 12; thence
Leaving said Centerline of existing Rock Creek Road, S. 87°49'45" W. 55.84 feet to the Northeast corner of the NW1/4NW1/4 of Said Sec 12; thence
N. 00°32'03" W. 2,627.84 feet to the Northwest corner of the NE1/4SW1/4 of said Sec 1, T1S, R17E, B.M.; thence
N. 88°30'21" E. 1,311.87 feet to the C1/4 corner of said Sec 1; thence
N. 00°51'47" W. 866.31 feet to the N1/4 corner of said Sec 1; thence
N. 89°52'37" W. 598.82 feet to the Southwest corner of Sec 36, T1N, R17E, B.M.; thence
N. 00°04'55" E. 2,629.84 feet to the W1/4 corner of said Sec 36; thence
N. 01°08'07" E. 2,628.69 feet to the NW corner of said Sec 36; thence
S. 89°45'37" E. 2,643.23 feet to the N1/4 corner of said Sec 36; thence
N. 89°06'18" E. 2,667.38 feet to the NE corner of said Sec 36; thence
S. 00°01'06" W. 2,642.15 feet to the E1/4 corner of said Sec 36; thence
S. 01°09'07" W. 2,659.02 feet to the SE corner of said Sec 36; thence
S. 89°59'57" W. 2,106.92 feet to the NW corner of said Sec 6, T1S, R18E, B.M.; thence
S. 01°18'36" E. 787.55 feet to the W1/4 corner of said Sec 6; thence
S. 00°18'36" E. 1,320.26 feet to the SW corner of Government Lot 5 of said Sec 6; thence
S. 89°46'53" E. 1,180.67 feet to the SE corner of Government Lot 5; thence
S. 00°52'05" W. 1,320.27 feet to the SE corner of Government Lot 6 of said Sec 6; thence
N. 89°46'55" W. 1,153.53 feet to the SE corner of said Sec 6; thence
S. 00°21'00" E. 1,324.83 feet to the SW corner of Government Lot 1 of said Sec 7, T1S, R18E, B.M.; thence
S. 89°50'35" E. 1,155.60 feet to the Southeast corner of Government Lot 1; thence
N. 00°26'25" W. 1,323.62 feet to the Northwest corner of Government Lot 1; thence
S. 89°46'55" E. 1,343.15 feet to the N1/4 corner of said Sec 7; thence
N. 00°23'09" E. 1,320.18 feet to the Northwest corner of the SW1/4SW1/4 of said Sec 6, T1S, R18E, B.M.; thence

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DEC - 4 2006

S. 89°47'38" E. 1,337.90 feet to the Northeast corner of the SW1/4SW1/4 of said Sec 6; thence
N. 00°09'02" E. 1,319.86 feet to the Southwest corner of Government Lot 1 of said Sec 6; thence
N. 00°25'50" W. 797.81 feet to the Northwest corner of said Government Lot 1; thence
S. 89°51'30" E. 896.14 feet to the S1/4 corner of said Sec 31, T1N, R18E, B.M.; thence
N. 00°32'51" E. along the West boundary of the SE1/4 of said Sec 31, 586.58 feet to the
Centerline of existing Glendale Road; thence
Along said Centerline the following 7 courses, N. 85°10'40" E. 452.22 feet to a point of curvature;
thence
Along a curve to the Left having a radius of 300.00 feet, a delta of 58°51'10" and an arc length of
308.15 feet; thence
N. 26°08'18" E. 251.12 feet to a point of curvature; thence
Along a curve to the Right having a radius of 250.00 feet, a delta of 43°17'32" and an arc length
of 188.90 feet; thence
N. 69°25'51" E. 135.09 feet; thence
N. 28°50'45" E. 297.99 feet; thence
N. 49°45'31" E. 155.65 feet to the East boundary of the NW1/4SE1/4 of said Sec 31; thence
Leaving said Centerline of existing Glendale Road, S. 00°29'32" W. 1,551.55 feet to the
Southeast corner of the SW1/4SE1/4 of said Sec 31; thence
S. 89°55'05" E. 431.72 feet to the Northeast corner of Government Lot 4 of said Sec 5, T1S,
R18E, B.M.; thence
S. 00°46'53" E. 797.23 feet to the SE corner of said Government Lot 4; thence
S. 00°12'05" E. 2,646.00 feet to the Southeast corner of the SW1/4SW1/4 of said Sec 5; thence
N. 89°45'01" W. 1,327.97 feet to the Southwest corner of Lot 5; thence
S. 00°17'07" E. 1,319.89 feet to the Southeast corner of the NE1/4NE1/4 of said Sec 7, T1S,
R18E, B.M.; thence
N. 89°51'19" W. 1,341.55 feet to the Southwest corner of the NE1/4NE1/4 of said Sec 7; thence
S. 00°21'43" E. 1,321.04 feet to the Southeast corner of the SW 1/4NE1/4 of said Sec 7; thence
N. 89°54' 14" W. 3,840.47 feet to the W1/4 corner of said Sec 7; thence
S. 00°14'50" E. 2,655.25 feet to the REAL POINT OF BEGINNING. (Tax Lot 7508)

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DEC - 4 2006

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)
_____)

A. Subcase 37-627

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Harry S. Rinker

Address: P.O. Box 7250

Newport Beach, CA 92658

Daytime Phone: (714) 979-8300

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Harry S. Rinker

Address: P.O. Box 7250

Newport Beach, CA 92658

D. I object to the following elements as recommended in the Director's Report (Please check the appropriate box(es)) See Attached Narrative

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: Smith Creek (aka Smidt Creek)
3. ☒ **Quantity**
Should be: 4.32 cfs irrigation, 0.23 cfs stockwater
4. ☒ **Priority Date**
Should be: 6/1/1891
5. ☒ **Point of Diversion**
Should be: NENESE Sec. 26, T. 1 N., R. 17 E.
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Irrigation and stockwater
8. ☒ **Period of Year**
Should be: 4/15 - 10/31
9. ☒ **Place of Use**
Should be: 216 acres as claimed
10. ☒ **I object because:**
☐ This water right Should not exist.

☒ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** Please see attached narrative.

F. VERIFICATION (must be completed)

State of California)
)ss.
County of Orange)

Harry S. Rinker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

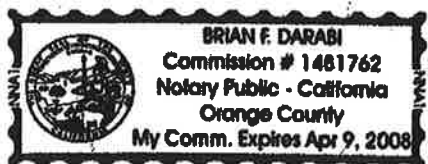
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 21, 2007



[Signature]
Notary Public for California
Residing at: Orange County
My Commission Expires: April 9, 2008

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on May 21, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1 Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Harry S. Rinker

Address: P.O. Box 7250

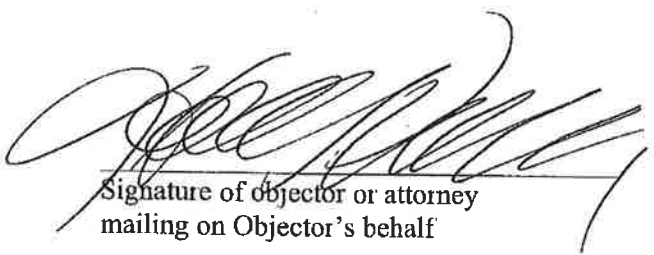
Newport Beach, CA 92658

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Signature of objector or attorney
mailing on Objector's behalf

RECEIVED
MAY 24 2007
DEPARTMENT OF
WATER RESOURCES

**NARRATIVE IN SUPPORT OF SF-1 OBJECTION
SNAKE RIVER BASIN ADJUDICATION**

Subcases: 37-627, 37-1150, 37-1151B, 37-1151D, 37-1152, 37-1212, 37-4192

Claimant: Harry S. Rinker

Prepared by Brockway Engineering, PLLC

Right No. 37-627

This right was originally decreed in Frost (1909), but recommended for disallowal by IDWR on the assumption that it was superseded by 37-1152 as decreed in Brown vs. Reardon (1925). Brown re-decreed all rights on Rock Creek and Guy Creek, but omitted any reference to 37-627 which was originally decreed from Smith Creek (aka Smidt Creek).

First, mere lack of mention of a water right in a particular decree does not automatically imply that the right was intended to be superseded.

Second, 37-1152 was not decreed to the identical place of use as 37-627, as indicated by IDWR staff in making the recommendation. Brown established 37-1152 from Rock Creek on two parcels of land, one owned by Christina Eastwood and one owned by W. W. Wallace, with an undivided one-half interest to each party. However, the Smith Creek right was originally decreed in Frost only to the land owned by Eastwood. In other words, Brown did not decree 37-1152 to the same place of use as 37-627.

Third, Smith Creek is a separate source from Rock Creek which could only have been utilized on the Eastwood property (the Wallace property is to the north and Smith Creek cannot reach it by gravity). A small impoundment just west of the road is still apparent. Smith Creek flows very sporadically, but lack of physical water supply is not a grounds for forfeiture and the current land owner should be allowed to continue to utilize Smith Creek water, when available, as it has been used historically.

For these reasons, it appears likely that 37-627 was established in Frost and it is incorrect to assume that it was superseded by Brown. It appears more likely that the omission of reference to Smith Creek in Brown has the effect of leaving the Smith Creek right unchanged. That is apparently how IDWR interpreted Brown prior to the SRBA, as 37-627 has been carried on the IDWR database to this day, while Rock Creek rights that were obviously superseded by Brown were not carried on the database.

Right No. 37-1150

IDWR limited the acreage under this right to 200 acres, on the belief that the decree lists the place of use as five (5) quarter-quarters and therefore the recommendation must be limited to 200 acres. This right was decreed in Brown vs. Reardon to land owned by Daniel Reardon. On page 2 of the decree, the land to which it is decreed is listed as

SE1/4 SE1/4 Section 1, N1/2 and the SE1/4 of Section 12, and the N1/2 of the NE1/4 of Section 13, all in T. 1 S., R. 17 E.

First, the decreed place of use covers 15 quarter-quarters, not 5. Second, a GIS analysis of the 1987 aerial photo by Brockway Engineering indicates that within the above place of use there are 240.4 acres irrigated, tabulated by 40-acre tract as follows:

<u>Section</u>	<u>Qtr-Qtr</u>	<u>Acres</u>
12	NENE	1.3
12	NWNE	10.8
12	SWNE	35.5
12	SENE	19.5
12	NENW	33.2
12	NWNW	15.5
12	SENW	12.5
12	NESE	10.6
12	NWSE	18.4
12	SWSE	20.4
12	SESE	16.5
13	NENE	19.2
13	NWNE	27.0
Total		240.4

Therefore, right 37-1150 should be recommended for 240.4 acres. The ArcView shape file corresponding to the above acreage can be supplied by Brockway Engineering if needed.

Right No. 37-1151D

IDWR limited this right to irrigation of 350 acres, based on a GIS calculation of the acreage from the 1987 aerial photo. Brockway Engineering's independent evaluation of the acreage indicated 361.2 acres, tabulated by 40-acre tract as follows:

<u>Section</u>	<u>Qtr-Qtr</u>	<u>Acres</u>
14	NWNE	9.1
14	SWNE	2.0
14	NENW	10.9
14	SENW	18.9
14	NESW	15.4
14	SESW	2.6
14	NWSE	2.3
14	SWSE	22.4
23	NENE	15.0
23	NWNE	11.0
23	SENE	17.6

23	NESE	26.1
23	NWSE	0.4
23	SWSE	7.4
23	SESE	25.7
26	NENE	18.8
26	NWNE	6.0
26	SWNE	14.6
26	SENE	11.6
26	NESW	0.5
26	SESW	13.3
26	NESE	0.2
26	NWSE	34.5
26	SWSE	21.4
35	NWNE	6.6
35	SWNE	0.6
35	NENW	23.0
35	SENW	23.3
Total		361.2

Therefore, this right should be recommended for 361.2 acres. Brockway Engineering can provide the ArcView shape file corresponding to the above acreage if needed.

Right No. 37-4192

This claim was based on a statutory claim filed in 1981 by Marguerite E. Tews, the owner of the Rock Creek property at that time. In the remarks section of the statutory claim, Tews indicates that the filing was necessary to codify irrigation usage just below (south) of the southernmost area decreed in Brown vs. Reardon. That decree established water right 37-1150 on Reardon's land which extended south to the N1/2 of the NE1/4 Section 13. Tews asserts in 37-4192 prior to her acquisition of the land in 1943, irrigation water had continued southward using the same ditch system, and irrigated land within the S1/2 of the NE1/4 Section 13. Analysis by Brockway Engineering of the 1987 aerial photo indicates 32.2 acres irrigated within the S1/2 of the NE1/3 Section 13

Because IDWR staff had no evidence of priority, the right was recommended for disallowal. Water has been used on the S1/2 of the NE1/4 Section 13 prior to 1971, and therefore a surface water right has been established by beneficial use. To disallow the entire claim for lack of priority evidence is unwarranted. The claimant is willing to attempt to justify pre-1971 usage via aerial photos and/or affidavits from prior owners if possible.

General objection pertaining to all water rights

The rights were decreed in Brown vs. Reardon for the entire flow of Rock Creek. Currently and historically, the water has been distributed via earthen ditches and the land

has been irrigated by gravity methods. Based on the NRCS soil survey, the predominant soil is loam or silt loam with moderate available water holding capacity, and the potential for gravel or sand layers at depth. Historic cropping has been pasture and alfalfa. The duty of water is undoubtedly greater than 0.02 cfs per acre; however, IDWR did not perform an analysis to determine the historic duty of water, even though the claimant is entitled to the maximum diversion rate that has historically been put to beneficial use. Instead, perhaps as a matter of expediency, IDWR assumed 0.02 cfs/acre for every portion of the property. This is contrary to IDWR's practice for rights in the Big Wood River and other streams in Basin 37-Part 3, for which the flow rate listed in the Watermaster's decree book was used for the recommendations.

The ramifications of the 0.02 cfs/acre assumption are as follows:

- 1) 37-1151D was incorrectly limited to 7.0 cfs (0.02 cfs/acre on 350 acres)
- 2) 37-1152 was incorrectly disallowed because it covers the same POU as 37-1151D and would therefore result in greater than 0.02 cfs/acre on the land.
- 3) 37-1150 was incorrectly limited to 4.0 cfs (0.02 cfs/acre on 200 acres; acreage problem discussed above).
- 4) 37-1151B and 37-1212 combined were incorrectly limited to 0.86 cfs (0.02 cfs/acre on 43 acres).

10/06/2006

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

RIGHT NUMBER: 37-627
NAME AND ADDRESS: AUGUST K REITER III
PO BOX 7250
NEWPORT BEACH CA 92658

GAIL L REITER
PO BOX 7250
NEWPORT BEACH CA 92658

SOURCE: SMITH CREEK TRIBUTARY: ROCK CREEK
QUANTITY: 4.550 CFS
PRIORITY DATE: 06/01/1891
POINT OF DIVERSION:
T01N R17E S26 NENESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.230 CFS
IRRIGATION	4/01 11/01	4.320 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01N R17E S26	NENE	21.00	T01N R17E S26	SWNE	14.00
T01N R17E S26	SENE	11.00	T01N R17E S26	SESW	13.00
T01N R17E S26	NESE	0.40	T01N R17E S26	NWSE	35.00
T01N R17E S26	SWSE	23.00	T01N R17E S35	NWNE	8.60
T01N R17E S35	NENW	21.00	T01N R17E S35	SENW	19.00
T01N R17E S35	NESW	15.00	T01N R17E S35	SESW	16.00
T01N R17E S35	SWSE	6.20			

STOCKWATER same as IRRIGATION

203.2 ACRES TOTAL

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.

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Anders, Matthew

From: Tuthill, Dave
Sent: Monday, December 11, 2006 8:40 AM
To: 'Charles G. Brockway'; Anders, Matthew
Cc: Shaff, Don; Fritschle, Carter
Subject: RE: Rinker claims

Hi, Chuck.

As these claims were in Basin 37 Part 2 we sent out the preliminary recommendations around the first of November. The problem is that we had not received ownership changes, so they went to the previous property owners. We conducted the public meeting in Fairfield on November 14, accepted Notices of Error until about the end of November, and filed the Director's Report last week. Thus, objections will have to be filed to enable us to review our recommendations on these. The deadline for objections is 5/23/07.

That said, Matt advises me that these are complex claims as the original decrees did not identify flow rates. We pledge to do our best to work with you in the context of developing an acceptable SF5 resolution prior to the objections being referred to the Special Master, which will not happen prior to the end of the response period (60 days after the objection end date). Thus, we can work on this with you during the spring, once the SF1 objections are filed.

Regards, Dave

-----Original Message-----

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Thursday, December 07, 2006 9:37 AM
To: Anders, Matthew
Cc: Tuthill, Dave
Subject: RE: Rinker claims

Thank you Matt. It is certainly unfortunate that IDWR has provided so little time to respond to recommendations in a basin which is probably the most complex in the state.

Dave, I'm copying you on this e-mail. If there is something you can do to process the Notice of Error I filed for these rights, I would appreciate it. I think we all want to avoid the court process.

Cheers,
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

From: Anders, Matthew [mailto:Matthew.Anders@idwr.idaho.gov]
Sent: Wednesday, December 06, 2006 8:18 PM
To: charles.g.brockway@brockwayeng.com
Subject: Rinker claims

Mr. Brockway,

I received your change of ownership and notice of error for the Rinker SRBA claims on Rock Creek Tuesday, December 5. Unfortunately, the Final Director's report was already submitted to the SRBA Court for these claims. We have a process for updating ownership changes with the SRBA Court, so I will begin processing the change of ownership. However, I cannot address the Notice of Error comments, these will need to be resolved through the objection process with the SRBA Court.

Let me know if you have any questions.

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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DEPARTMENT OF
WATER RESOURCES

November 28, 2006

Mr. Matt Anders
Idaho Department of Water Resources
322 E. Front St
PO Box 83720
Boise, Idaho 83720-0098

Re: Harry Rinker – Rock Creek water rights ownership changes
Project No. 128-16-1999

Dear Matt:

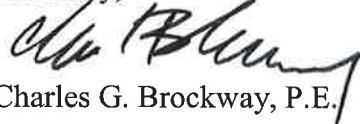
Enclosed please find ownership change forms and supporting property deeds for all of Harry Rinker's water rights on Rock Creek and tributaries, including both irrigation rights and stockwater rights from the various springs. I am sending these directly to you since you are handling the preliminary recommendations and I thought I would cut out some intermediate steps.

By my calculations, there are eight (8) rights which are decreed and are not pending in the adjudication (the small stockwater rights), so the filing fee will be \$200. Enclosed is a check for that amount.

Also included is a Notice of Error Reply with a narrative pertaining to the preliminary recommendations for these rights. I had to create a form for this since I did not receive any of the official forms sent out by IDWR; I trust this will be acceptable.

Thank you for your efforts on these water rights.

Cordially,



Charles G. Brockway, P.E.

Enc. Change of ownership forms (3)
Supporting deeds
Notice of Error Reply

Cc: Harry Rinker

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

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NOV 30 2006

DEPARTMENT OF
NATURAL RESOURCES

NOTICE OF ERROR REPLY

Water rights: 37-627, 37-1150, 37-1151B, 37-1151D, 37-1152, 37-1212, 37-4192

Claimant: Harry S. Rinker

Prepared by Brockway Engineering, PLLC

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of use
Diversion rate
Disallowal of claims

2. Describe the changes you wish to make in the proposed recommendation:

See narrative below.

3. Give a brief explanation as to why you disagree with these portions:

See narrative below.

Right No. 37-627

This right was originally decreed in Frost (1909), but recommended for disallowal by IDWR on the assumption that it was superseded by 37-1152 as decreed in Brown vs. Reardon (1925). Brown re-decreed all rights on Rock Creek and Guy Creek, but omitted any reference to 37-627 which was originally decreed from Smith Creek (aka Smidt Creek).

First, mere lack of mention of a water right in a particular decree does not automatically imply that the right was intended to be superseded.

Second, 37-1152 was not decreed to the identical place of use as 37-627, as indicated by IDWR staff. Brown established 37-1152 from Rock Creek on two parcels of land, one owned by Christina Eastwood and one owned by W. W. Wallace, with an undivided one-half interest to each party. However, the Smith Creek right was originally decreed in Frost only to the land owned by Eastwood. In other words, Brown did not decree 37-1152 to the same place of use as 37-627.

Third, Smith Creek is a separate source from Rock Creek which could only have been utilized on the Eastwood property (the Wallace property is to the north and Smith Creek cannot reach it by gravity). A small impoundment just west of the road is still apparent. Smith Creek flows very sporadically, but the current land owner should be allowed to continue to utilize Smith Creek water as it has been used historically.

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For these reasons, it appears likely that 37-627 was established in Frost and it may be incorrect to assume that it was superseded by Brown. It appears more likely that the omission of reference to Smith Creek in Brown has the effect of leaving the Smith Creek right unchanged. That is apparently how IDWR interpreted Brown prior to the SRBA, as the right has been carried on the IDWR database to this day, while every other Rock Creek right that was superseded by Brown was not carried on the database.

Right No. 37-1150

IDWR limited the acreage under this right to 200 acres, on the belief that the decree lists the place of use as five (5) quarter-quarters and therefore the recommendation must be limited to 200 acres. This right was decreed in Brown vs. Reardon to land owned by Daniel Reardon. On page 2 of the decree, the land to which it is decreed is listed as SE1/4 SE1/4 Section 1, N1/2 and the SE1/4 of Section 12, and the N1/2 of the NE1/4 of Section 13, all in T. 1 S., R. 17 E.

First, the decreed place of use covers 15 quarter-quarters, not 5. Second, a GIS analysis of the 1987 aerial photo by Brockway Engineering indicates that within the above place of use there are 240.4 acres irrigated, tabulated by 40-acre tract as follows:

<u>Section</u>	<u>Qtr-Qtr</u>	<u>Acres</u>
12	NENE	1.3
12	NWNE	10.8
12	SWNE	35.5
12	SENE	19.5
12	NENW	33.2
12	NWNW	15.5
12	SENW	12.5
12	NESE	10.6
12	NWSE	18.4
12	SWSE	20.4
12	SESE	16.5
13	NENE	19.2
13	NWNE	27.0
Total		240.4

Therefore, right 37-1150 should be recommended for 240.4 acres. Brockway Engineering can provide the ArcView shape file corresponding to the above acreage if needed.

Right No. 37-1151D

IDWR limited this right to irrigation of 350 acres, based on a GIS calculation of the acreage from the 1987 aerial photo. Brockway Engineering's independent evaluation of the acreage indicated 361.2 acres, tabulated by 40-acre tract as follows:

Section	Qtr-Qtr	Acres
14	NWNE	9.1
14	SWNE	2.0
14	NENW	10.9
14	SENE	18.9
14	NESW	15.4
14	SESW	2.6
14	NWSE	2.3
14	SWSE	22.4
23	NENE	15.0
23	NWNE	11.0
23	SENE	17.6
23	NESE	26.1
23	NWSE	0.4
23	SWSE	7.4
23	SESE	25.7
26	NENE	18.8
26	NWNE	6.0
26	SWNE	14.6
26	SENE	11.6
26	NESW	0.5
26	SESW	13.3
26	NESE	0.2
26	NWSE	34.5
26	SWSE	21.4
35	NWNE	6.6
35	SWNE	0.6
35	NENW	23.0
35	SENE	23.3
Total		361.2

Therefore, this right should be recommended for 361.2 acres. Brockway Engineering can provide the ArcView shape file corresponding to the above acreage if needed.

Right No. 37-4192

This claim was based on a statutory claim filed in 1981 by Marguerite E. Tews, the owner of the Rock Creek property at that time. In the remarks section of the statutory claim, Tews indicates that the filing was necessary to codify irrigation usage just below (south) of the southernmost area decreed in Brown vs. Reardon. That decree established

water right 37-1150 on Reardon's land which extended to the N1/2 of the NE1/4 Section 13. Tews asserts in 37-4192 prior to her acquisition of the land in 1943, irrigation water had continued southward using the same ditch system, and irrigated land within the S1/2 of the NE1/4 Section 13. Analysis by Brockway Engineering of the 1987 aerial photo indicates 32.2 acres irrigated within the S1/2 of the NE1/3 Section 13.

Because IDWR staff had no evidence of priority, the right was recommended for disallowal. Water has been used on the S1/2 of the NE1/4 Section 13 prior to 1971, and therefore a surface water right has been established by beneficial use. To disallow the entire claim for lack of priority evidence is unwarranted. The claimant is willing to attempt to justify pre-1971 usage via aerial photos and/or affidavits from prior owners if possible.

General comment – all rights

The rights were decreed in Brown vs. Reardon for the entire flow of Rock Creek. Currently and historically, the water has been distributed via earthen ditches and the land has been irrigated by gravity methods. Based on the NRCS soil survey, the predominant soil is loam or silt loam with moderate available water holding capacity, and the potential for gravel or sand layers at depth. Historic cropping has been pasture and alfalfa. The duty of water is undoubtedly greater than 0.02 cfs per acre; however, IDWR did not perform an excess flow analysis to determine the historic duty of water, even though the claimant is entitled to the maximum diversion rate that has historically been put to beneficial use. Instead, perhaps as a matter of expediency, IDWR assumed 0.02 cfs/acre for every portion of the property. The ramifications of the 0.02 cfs/acre assumption are as follows:

- 1) 37-1151D was limited to 7.0 cfs (0.02 cfs/acre on 350 acres)
- 2) 37-1152 was disallowed because it covers the same POU as 37-1151D and would therefore result in greater than 0.02 cfs/acre on the land.
- 3) 37-1150 was limited to 4.0 cfs (0.02 cfs/acre on 200 acres; acreage problem discussed above).
- 4) 37-1151B and 37-1212 combined are limited to 0.86 cfs (0.02 cfs/acre on 43 acres).

In numerous other situations, chiefly in the course of transfer applications, IDWR has utilized excess flow analyses to determine duty of water. It is unfair in this case to simply use a default value for the diversion rate, leaving the claimant with a fraction of the water that has been beneficially used on the land. IDWR should perform an excess flow analysis for the entire property, or should accept an excess flow analysis by a qualified analyst in support of these claims.

DATE: 11/29/06

SIGNATURE: Charles E. Brockway

PRINTED NAME: Charles E. Brockway

LIMITED POWER OF ATTORNEY

RECEIVED

NOV 3 8 2006

DEPARTMENT OF

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.

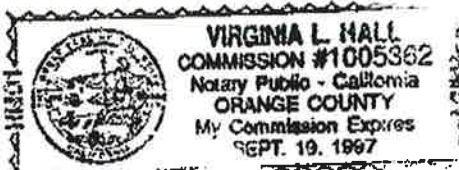
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 1st day of Sept., 1995.

[Signature]
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.



08219501.gds

Virginia L. Hall
NOTARY PUBLIC FOR ~~IDAHO~~ ^{CALIF.}
Residing at: LAGUNA NIGUEL
My commission expires: 9/19/97

Adjudication Claim Notes

Claim(s): 37-627, 37-1151D, 37-1152

Background Data

37-627

- Source is Smith Creek tributary to Rock Creek
- Decreed for all of Guy Creek on 5 QQ
- Claimed 4.55 cfs for Irrigation of 216 acres

37-1151B

- Source is Rock Creek tributary to Big Wood River
- 37-1151 decreed for all of Rock Creek Friday-Sunday on 23 QQ
- SRBA claims
 - 37-1151B claimed 35.0 cfs for Irrigation of 48 acres
 - 37-1151D claimed 8.49 cfs for Irrigation of 413 acres and 0.23 cfs for Domestic

37-1152

- Source is Rock Creek tributary to Big Wood River and Unnamed Streams tributary to Rock Creek
- Decreed for all of Rock Creek Sunday-Tuesday on 12 QQ
- Claimed 8.49 cfs for Irrigation of 413 acres and 0.23 cfs for Stockwater (on irrigation POU)

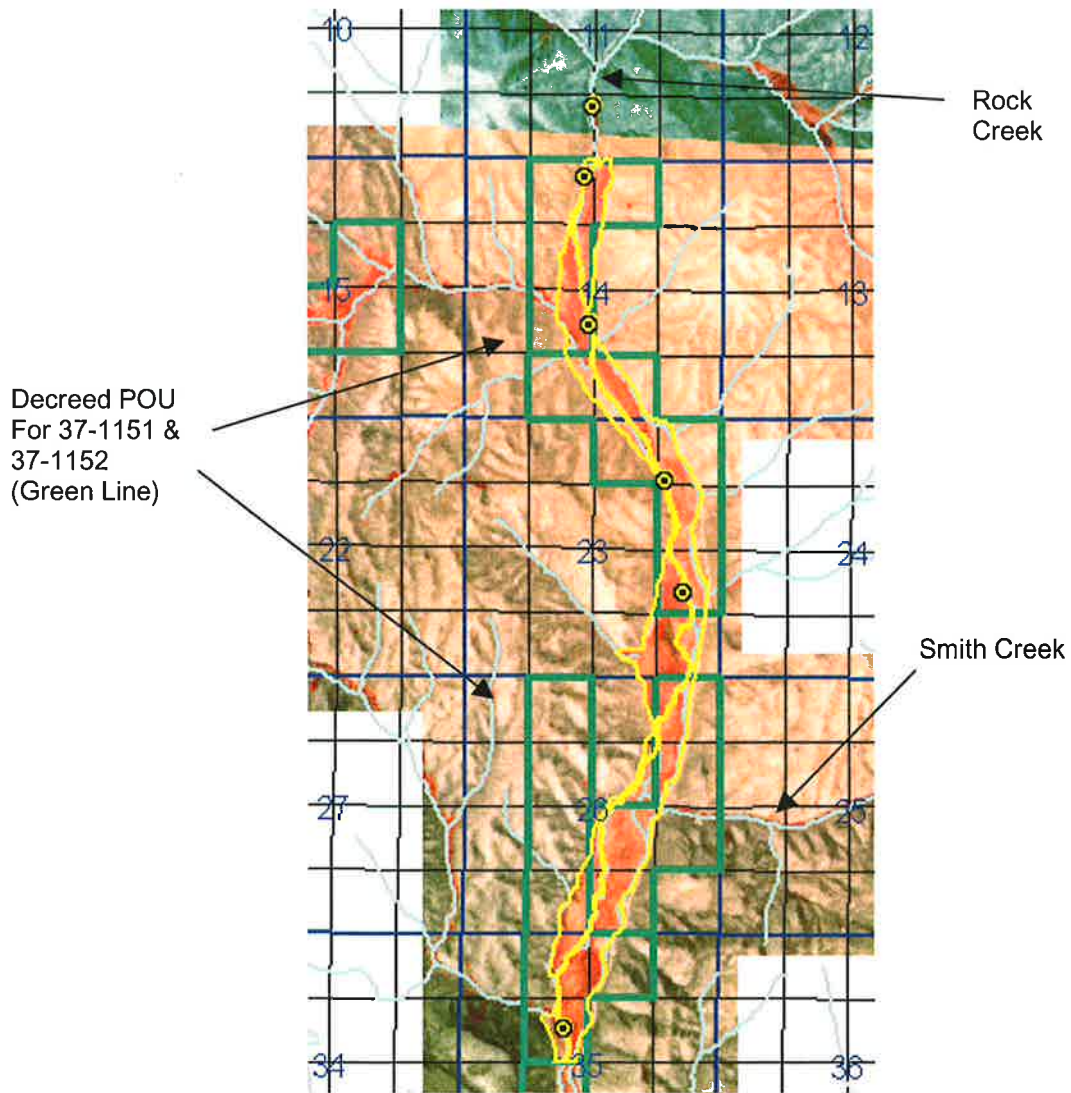
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1S R17E Sections 12 & 13

➤ Water allocation:

- Rock Creek assumed to carry up to 35 cfs based on USGS rating curve
- 37-1150
 - all Rock Creek
 - Rotation
 - 7 PM Tuesday – 7 AM Friday

- 60 hours of 168 hours/week = 35.7 %
 - 12.5 cfs daily
- 37-1151
 - all Rock Creek
 - Rotation
 - 7 AM Friday – 12 noon Sunday
 - 3 parties, 1/3 each
 - 53 hours of 168 hours/week = 31.5 %
 - 11.1 cfs daily
- 37-1152
 - all Rock Creek
 - Rotation
 - 12 noon Sunday – 7 PM Tuesday
 - 2 parties, 1/2 each
 - 55 hours of 168 hours/week = 32.7 %
 - 11.4 cfs daily
- The standard at this time was 0.02 cfs/acre. Since these rights were not decreed with a diversion rate, they are being recommended at 0.02 cfs/acre.
- 37-627 was decreed from Smith Creek in the Frost decree (1909). 37-1152 was decreed from Rock Creek on the same POU as 37-627 in Brown vs. Reardon (1925). A tributary of Rock Creek name Guy Creek was included in Brown vs. Reardon, so it appears that Brown vs. Reardon was not restricted to Rock Creek. 37-627 appears to have been superceded by 37-1152.
- Recommendations:
 - 37-627: Claim disallowed. Water right superceded by 37-1152.
 - 37-1151D: 7.0 cfs for Irrigation of 350 acres and 0.23 cfs for Stockwater
 - 37-1152: claim exceeds 0.02 cfs for POU. Claim Disallowed.
 - Rock Creek Summary:
 - 37-627 – claim disallowed (right superceded)
 - 37-1150 – 4.0 cfs for Irrigation of 200 acres
 - 37-1151
 - 37-1151B – 0.86 cfs for Irrigation of 48 acres
 - 37-1151D – 7.0cfs for Irrigation of 350 acres
 - 37-1152 – claim disallowed (exceeds 0.02 cfs/acre)
 - 37-1212 – 0.86 cfs for Irrigation of 48 acres
 - 37-4192 – claim disallowed (no evidence of priority)
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Anders, Matthew

From: Anders, Matthew
Sent: Wednesday, November 29, 2006 10:12 AM
To: 'Charles G. Brockway'
Subject: RE: rinker

Notice of error is sent to the owner listed on our records. Mr. Rinker would not have received anything unless he is listed as the owner in our records. For the Camas Prairie, the Notice of error mailing went out in October. We had the public meeting in Fairfield on November 14. We are near the end of Notice of Error period for water rights on the Camas Prairie, but are still accepting Notice of Error comments. I haven't heard when the Final Directors Report for the Camas Prairie will be issued, but it will likely happen pretty soon.

Attached are copies of the draft recommendations and figures we sent out. Let me know if you have any questions.

Matt

-----Original Message-----

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Tuesday, November 28, 2006 10:54 AM
To: Anders, Matthew
Subject: RE: rinker

Matt,
Has the Notice of Error been sent on these rights yet? Mr. Rinker says he hasn't seen anything.
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

From: Anders, Matthew [mailto:Matthew.Anders@idwr.idaho.gov]
Sent: Friday, October 20, 2006 8:54 AM
To: Charles G. Brockway
Subject: RE: rinker

Chuck,

Attached is Brown vs. Reardon (1925). The Frost decree is 20 Mb, too big for my email. If you need a copy of the Frost decree you can get a paper copy from Twin Falls office.

Matt

11/29/2006

-----Original Message-----

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Thursday, October 12, 2006 2:05 PM
To: Anders, Matthew
Subject: RE: rinker

Thanks, Matt. I'll look for that decree.

Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

From: Anders, Matthew [mailto:Matthew.Anders@idwr.idaho.gov]
Sent: Thursday, October 12, 2006 12:00 PM
To: Charles G. Brockway
Subject: RE: rinker

We will have a digital version of the decree next week, I'll send it to you. My responses are below.

-----Original Message-----

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Wednesday, October 11, 2006 5:09 PM
To: Anders, Matthew
Subject: RE: rinker

Matt,

Upon first look, two things I don't quite understand:

You said 37-1150 was limited to 200 acres in the decree. I don't see that in the online record - is that in the language of the decree itself?

MDA - Appears there is an error in our database. The decree lists the POU as 5 QQ, so I limited it to 200 acres.

How is 37-627 superseded by 37-1152? 37-627 is from Smith Creek, a tributary, and has an earlier priority date.

MDA - 37-627 was decreed from Smith Creek in the Frost decree (1909). 37-1152 was decreed in Brown vs. Reardon (1925) from Rock Creek on the same POU as 37-627. A tributary of Rock Creek named Guy Creek was included in Brown vs. Reardon, so it appears that Brown vs. Reardon included side streams and was not restricted to Rock Creek. Since the water from Smith Creek decreed in 37-627 was not mentioned in 37-1152, I assumed that 37-627 was superseded by 37-1152.

I haven't read the Brown vs. Reardon decree, so maybe that will clear things up. Is that decree in electronic format?

Thanks,
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

From: Anders, Matthew [mailto:Matthew.Anders@idwr.idaho.gov]
Sent: Wednesday, October 11, 2006 2:54 PM
To: charles.g.brockway@brockwayeng.com
Subject: rinker

Chuck,

Here are the draft shapes, recommendations, and layouts for the Rinker claims on Rock creek. I have also included a summary with some notes.

If you want the decrees for 37-627 and 37-1152, let me know.

Matt

<<rinker_for_brockway_101106.zip>>

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

Anders, Matthew

From: Anders, Matthew
Sent: Wednesday, December 06, 2006 8:18 PM
To: 'charles.g.brockway@brockwayeng.com'
Subject: Rinker claims

Mr. Brockway,

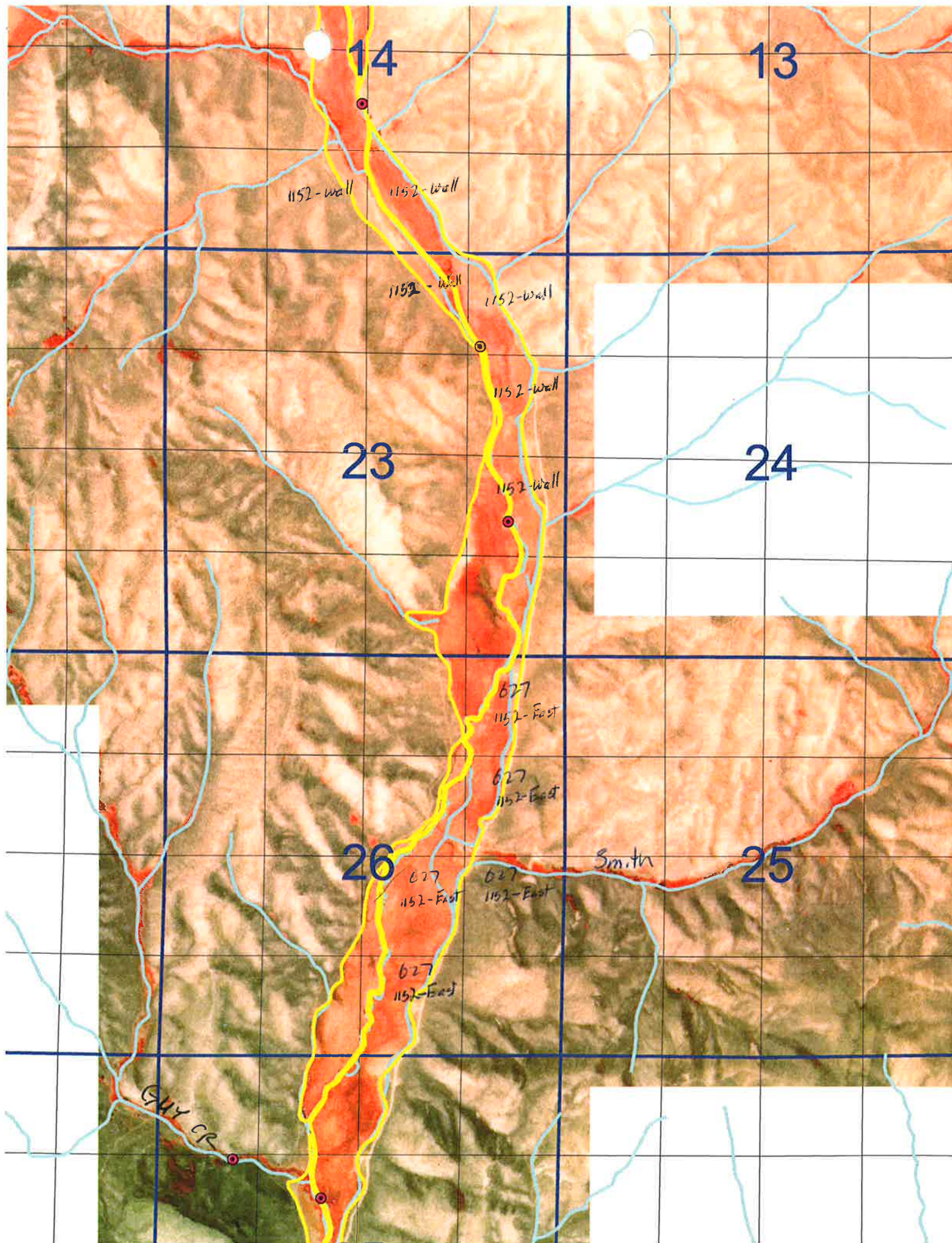
I received your change of ownership and notice of error for the Rinker SRBA claims on Rock Creek Tuesday, December 5. Unfortunately, the Final Director's report was already submitted to the SRBA Court for these claims. We have a process for updating ownership changes with the SRBA Court, so I will begin processing the change of ownership. However, I cannot address the Notice of Error comments, these will need to be resolved through the objection process with the SRBA Court.

Let me know if you have any questions.

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937



7A5-6
Vol 6 p1177
37-5

①

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

ELMER BROWN, RODNEY R. BROWN,
CHRISTINA EASTWOOD, W. W.
WALLACE and ANDREW McMONIGLE,

Plaintiffs.

vs.

DANIEL REARDON and S. H. CHAPMAN
Water Master

Defendants

DECREE

NUMBERS COPY

This cause came on regularly for trial this day, before the Hon. H. F. Ensign, Judge of the above entitled court, at Chambers, in Hailey, Idaho, upon the written agreement and stipulation of the parties to try and determine this cause at this time before said Judge, at his Chambers in Hailey, Idaho, Messrs. Sullivan, Sullivan & Van Winkle appearing as counsel for the plaintiffs and Messrs. McFadden & Perkins appearing as counsel for the defendants, and said written agreement and stipulation being duly filed herein, wherein and whereby, in addition to the above stated matters, the respective rights of the parties hereto are stipulated and agreed upon and from which it is made to appear to the satisfaction of the Judge aforesaid, among other things:

1. That the above named plaintiffs, together with the defendant Reardon are the owners of and in possession of, and entitled to the possession of, the following described premises, respectively, situated along Rock Creek, a dry stream, in Blaine County, Idaho, to-wit:

ELMER BROWN:

NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35, and the E $\frac{1}{2}$ of the NW $\frac{1}{4}$, and the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 26, in Township 1 North of Range 17 E. B. M.

RODNEY R. BROWN

E $\frac{1}{2}$ of the SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 35, in Township 1 North, of Range 17 E. B. M. and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 1 and Lot 1 and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 2 in Township 1 South of Range 17 E. B. M.

CHRISTINA EASTWOOD:

The E $\frac{1}{2}$ of the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26, in Township 1 North of Range 17 E. B. M.

W. W. WALLACE:

The N $\frac{1}{2}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23, and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, all in Township 1 North of Range 17 E., B. M.

JUN 05 1996

ANDREW McMONIGLE:

The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11, also the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, all in Township 1 North of Range 17 E. B. M.

DANIEL REARDON:

The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, the W $\frac{1}{2}$ and the SE $\frac{1}{4}$ of Section 12, and the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 13, in Township 1 South, of Range 17 E., B. M.

2. That said respective parties, and their predecessors in interest have, since about June 13, 1899, been in the quiet, peaceable, continuous, open, exclusive and actual possession, as among themselves of all of the waters of Rock Creek, a dry stream in Blaine County, Idaho, and have, among themselves, during all of said time, rotated and used all of said waters of Rock Creek for useful and beneficial purposes in irrigation and domestic use upon their respective lands above described.

3. That in accordance with said stipulated rights of the respective parties, filed herein as aforesaid, it is hereby ORDERED, ADJUDGED, AND DECREED:

I.

That the entire flow of the waters of said Rock Creek shall be rotated between the respective parties as follows:

37 1150 The defendant Daniel Reardon shall have the exclusive right to the use of all the waters of Rock Creek aforesaid, for use on his lands hereinabove described, for irrigation and domestic use, from the hour of seven o'clock P. M. on Tuesday of each week until seven o'clock A. M. of Friday of each week.

37 1151 The plaintiffs, Elmer Brown, Rodney R. Brown, and Andrew McMonigle, shall have the exclusive right to the use of all of the waters of said Rock Creek for use on their respective lands hereinabove described, for irrigation and domestic use thereon, an undivided one-third thereof to each, from the hour of seven o'clock A. M. on Friday of each week until Twelve o'clock noon of Sunday of each week, and that in addition thereto plaintiff, Rodney R. Brown shall at all times have the exclusive right to the use of all of the waters of Guy Creek, a small tributary to said Rock Creek.

37-1212

37 1152 The plaintiffs Christina Eastwood and W. W. Wallace shall have the exclusive right to the use of all of the waters of said Rock Creek for use on their respective lands hereinabove described, for irrigation and domestic use thereon, an undivided one-half thereof to each, from the hour of twelve o'clock noon on Sunday of each week until seven o'clock P. M. of Tuesday of each week.

II.

That each of the plaintiffs herein shall, prior to May 1st, 1925, properly construct and install a concrete headgate and measuring device at the points where they divert the waters of said stream from the

bed of Rock Creek, for use on their respective lands above described, so that the respective share or proportion of the waters of said stream hereinabove decreed to each plaintiff can at all times be accurately measured and determined thereby.

III.

A strict compliance with the terms of this decree as to the periods of use of said waters by the respective plaintiffs being required, it is hereby expressly ordered, adjudged, and decreed that each of the above named plaintiffs and their successors in interest shall promptly close their respective headgates down at the end of their respective periods of use as hereinabove set forth, and keep them closed so as to entirely shut off the flow of said waters until the beginning of their next respective periods of use hereunder.

IV.

It is hereby further and expressly ordered and adjudged that each of the above named plaintiffs and defendants and their successors in interest, and each of their agents, deputies, attorneys, servants, lessees, employees, and all persons acting under the control, authority, direction, license, or consent of said parties, respectively, or either or any of them, are hereby enjoined and restrained from in any manner or way whatsoever, interfering with the rights of each other as hereinabove decreed, in and to the use of the waters of said Rock Creek and said Guy Creek hereinabove mentioned.

V.

That each party, plaintiffs and defendants, pay their own costs and disbursements herein.

Dated at Chambers, Hailey, Idaho, March 11, 1925.

s/ H. F. ENSIGN
District Judge

State of Idaho)
County of Blaine) ss

I, George F. McCoy, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Blaine, do hereby certify that the foregoing is a full, true and correct copy of the original stipulation and decree in the above entitled action now on file in my office.

Given under my hand and the seal of said Court in my office, at Hailey, this 15th day of March, A. D. 1963

Attest: George F. McCoy
Clerk

JUN 05 1996

37-5

7AS-6

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE.

FILED

MAR 11 1925

ELMER BROWN, RODNEY R. BROWN,
CHRISTINA EASTWOOD, W. W.
WALLACE, and ANDREW McMONIGLE,

Plaintiffs,

vs.

DANIEL REARDON, and S. H. CHAPMAN,
Water Master,

Defendants,

James M. Russell
Clerk District Court,
BLAINE COUNTY, IDAHO
By: [Signature] Deputy

STIPULATION

It is hereby stipulated between the respective parties
to the above entitled cause, as follows:

1. That the Hon. H. F. Ensign, Judge of the above
entitled Court, try and finally determine the above cause at
Chambers, at Hailey, Idaho, as soon after the filing of this
stipulation as is convenient and counsel can be heard, and
it is hereby agreed between the respective parties, in writing,
that the above cause be tried and determined before said Judge
at his said Chambers.

2. That the respective parties to the above cause
hereby, in writing, consent that findings of fact and conclu-
sions of law be and they are hereby waived in the above cause.

3. That judgment by consent as per the draft of decree
hereto attached and made a part hereof, may be entered in the
above cause in settlement of all conflicting claims of the
parties hereto as to the matters in issue in said cause.

Dated March 8th, 1925.

Julius Sullivan & Son

Attorneys for Plaintiffs.
Residence: Hailey, Idaho.

M. J. Ladd & P. B. [Signature]

Attorneys for Defendants.
Residence: Hailey, Idaho.

RECORDED

JUN 05 1925

INTER-DEPARTMENT MEMO — 1

FROM Roberta

DATE 4-20-79

TO Jim

SUBJECT Right No. 37-1212 added to Brown vs. Reardon Decree

Attached is a copy of decree with additional right shown for Rodney R. Brown since only his land is receiving water from two sources.

NOTE: If the combined lands were receiving water from the two sources (same system) only one right number would be required with two points of diversion shown for right.

SIGNATURE

JUN 05 1996

Anders, Matthew

From: Charles G. Brockway [charles.g.brockway@brockwayeng.com]
Sent: Tuesday, November 28, 2006 4:38 PM
To: Anders, Matthew
Subject: Rinker - Rock Creek rights

Matt,

Just wanted to let you know that I am sending change of ownership forms out today for all of Rinker's water rights on Rock Creek and tributaries. Also, I will be sending you a Notice of Error pertaining to these rights.

Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

11/29/2006

Anders, Matthew

From: Anders, Matthew
Sent: Thursday, October 12, 2006 12:00 PM
To: 'Charles G. Brockway'
Subject: RE: rinker

We will have a digital version of the decree next week, I'll send it to you. My responses are below.

-----Original Message-----

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Wednesday, October 11, 2006 5:09 PM
To: Anders, Matthew
Subject: RE: rinker

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MDA - Appears there is an error in our database. The decree lists the POU as 5 QQ, so I limited it to 200 acres.

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MDA - 37-627 was decreed from Smith Creek in the Frost decree (1909). 37-1152 was decreed in Brown vs. Reardon (1925) from Rock Creek on the same POU as 37-627. A tributary of Rock Creek named Guy Creek was included in Brown vs. Reardon, so it appears that Brown vs. Reardon included side streams and was not restricted to Rock Creek. Since the water from Smith Creek decreed in 37-627 was not mentioned in 37-1152, I assumed that 37-627 was superceded by 37-1152.

I haven't read the Brown vs. Reardon decree, so maybe that will clear things up. Is that decree in electronic format?

Thanks,
Chuck

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From: Anders, Matthew [mailto:Matthew.Anders@idwr.idaho.gov]
Sent: Wednesday, October 11, 2006 2:54 PM
To: charles.g.brockway@brockwayeng.com
Subject: rinker

Chuck,

Here are the draft shapes, recommendations, and layouts for the Rinker claims on Rock creek. I have also included a summary with some notes.

If you want the decrees for 37-627 and 37-1152, let me know.

Matt

<<rinker_for_brockway_101106.zip>>

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-627

WATER RIGHT NUMBER: 37-627

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHRISTINA SMIDT
	, ZZ

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SMITH CREEK	ROCK CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
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Total Diversion:

Location of Point(s) of Diversion

SMITH CREEK

Place of Use

Conditions of Approval:

1. RT. DECREED FROM SMIDT CR. BUT USGS MAP SHOWS SMITH CR.
RT. IS FOR ENTIRE FLOW OF STREAM.
RT. MAY BE SUPERCEDED BY BROWN VS. REARDON DECREE, 3-11-1925.

Remarks:

Comments:

Water Supply Bank: