

Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, March 25, 2011 8:53 AM
To: 'rewilliams@cableone.net'; Charles G. Brockway; Courtney, Andrea; Kelly, Vicki; 'Albert Barker'; hobdeycraig@gmail.com
Subject: 37-522D, 523C, 919, 20751 Possible POU

Attached is an option primarily derived from my understanding of the rights and the property that I drafted to resolve the POU issues with these claims. Please review this and provide any feedback that you wish.



37-522D 523C 919
proposed settl...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

Settlement proposal with 37-20751 recommended on an independent 8.8 acre parcel

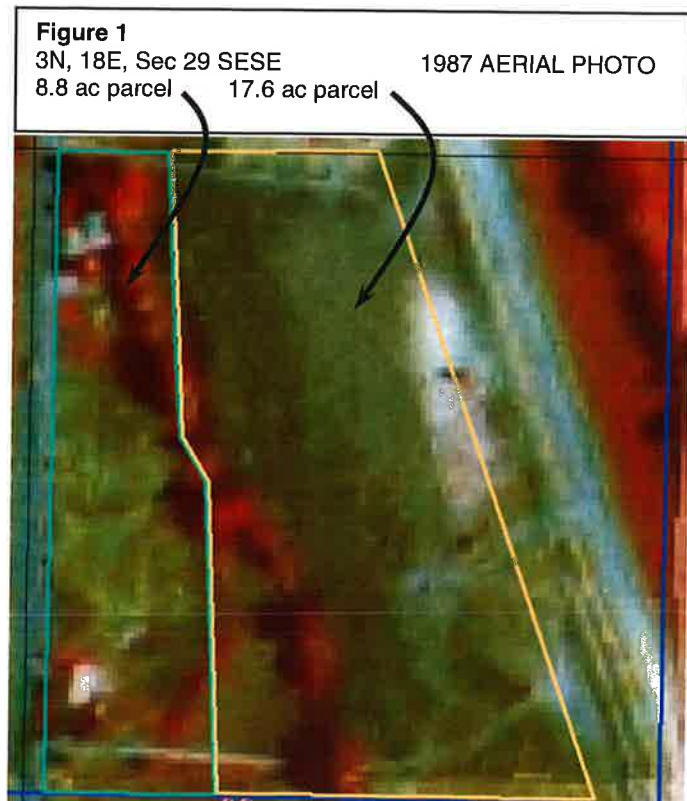
During the status conference 3-2-2011 it was my understanding that two potential solutions were discussed. One is recommending a permissible PPU for all rights in a common POU and the other is that 37-20751 would be recommended independent of the other rights.

As discussed during the status conference, the permissible place of use concept would require a transfer through the allocations department of IDWR as a transfer in 2003 moved that right to the property as an independent right not overlapping the other rights.

This addresses the second alternative, recognizing 37-20751 as independent from the other rights. In reviewing the available information it appears that at least a portion of the claimant's intent was to dismantle the two existing farmsteads and return that ground to irrigated pasture. Additionally it appears that the claimant was also including acreage to make sure that the entire parcel was covered by water rights.

To that extent I generated an 8.8 acre shape that included both farmsteads and ground between them. The balance of the property would therefore be the 17.6 acre parcel that the other rights would be appurtenant.

37-522D and 37-523C were initially recommended for 18.8 acres; however I propose that they be recognized for the 17.6 acres as identified in Figure 1 below. 37-919 would also be recommended within the 17.6 acre shape and be limited to the claimed and previously recognized 16 acres. These three rights would be recommended in a PPU of 17.6 acres. This would basically be consistent with the warranty deed submitted with the change of ownership for 37-919 that identified the place of use as east of the Weber ditch to the railroad right of way. 37-522D, 37-523C and 37-919 would be limited to the irrigation of 17.6 acres when combined.



Pg 1/
Mar 2, 2011

Rinker Status Conf.

(9) Brigitte Bilger, Nick. Craig, Rob Williams Speck
Al,

Court ★ (37-539 → FGHJK) Jun 22 @ 9:30

house cleaning { SF-5 lang

685C - Silver Creek Farms chg. lang. delite "owner
shall not permit" add pond shall → Remove)
silver creek maker keep. (owner shall install)
add shaft/gauge shall be installed
take out of "out of naked eye"

Jim Speck
2507A

gp1. 37-899B, 2507A, et al 2427, 2429, 2431 Doug's/Andr

★ gp2. 37-919, 20751, 522D, 523C. see next Page

GP1 notes Q on 899B re saved water right delivered independent
client accept that right Flood right 1940 right
with same P/u as other rights.

Remaining 4 rights - issue shapefile. Ck ji & Doug
working on. should be resolved. 2507A & W right
2126 & GW related rd. WM proposed subordinated
language. Re Speck's clients southern part
of on Speck Client property. WM to Quit claim
2507 to Jim's client.

OK
37-21268

Total Lw rate (surf.) remarks use language
when sprinkler limit is —.
Speck OK, Hobday O.K. Parker O.K.

Pg 2/
Mar 2, 2011

* GP-2.

Rinker States Conf.

37-919 ^{1940 minority date} 20751, 522D, 523C.

Williams. =

AL ? on Rec.

3719

needs a little work.

Independent Claims

20624

154B

2152

154B transfer offered up as mitigation
Williams to ck with Brockway

37-2152 - should be ready to go
SF-5 ready to go Andria signed

20624 Shamoss Cr.

sent info to S.O. subordinate to Shoemaker
earlier date. for shoemaker rights.

Nick - Steve looking at info & Amended
claims are needed.

37-1198 - 37-1200 other claims needing Amendment
1202 22582. Diff Amend claims due.

Mar 18 deadline to submit ~~late~~ Amended claim
to dept.

Nick want ADR due Apr 28

obj May 20

Resp June 10.

Apr. 6, Shoemaker vacated / now combined with 20624
on June 22 @ 10 AM.

20624
1198
1200
154B
2152



RECEIVED

NOV 15 2007

Department of Water Resources
Adjudication Bureau

877 Main Street, Suite 1000
P.O. Box 1617
Boise, Idaho 83701-1617
(208) 344-6000 Fax (208) 342-3829
www.hteh.com

BRIAN L. BALLARD
ADMITTED TO PRACTICE LAW IN IDAHO
EMAIL: BLB@HTEH.COM
DIRECT DIAL: (208) 388-4868

November 14, 2007

VIA HAND DELIVERY

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

Re: *In Re SRBA, Case No. 39576*
Fifth Judicial District, Twin Falls County

Dear Clerk:

Enclosed please find in the above referenced matter Standard Form 1 Objections for the following water rights:

37-523C
37-20751
37-522D
37-2507A
37-919

Very truly yours,

Hawley Troxell Ennis & Hawley LLP



Brian L. Ballard

BLB/gm
Enclosures

cc: Rinker Company
IDWR Document Depository
United States Department of Justice (Environmental & Nat'l Resources Division)
Chief, Natural Resources Division (Office of Attorney General)

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

1. ☒ **Name and Address**

Should be: Harry S. Rinker, PO Box 7250, Newport Beach, CA

92658-7250

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: Objecting to IDWR shapefile only

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): Water Right #37-522D and 523C

Are stacked water rights. However, WR#37-20751 was transferred onto this
Property with the understood condition that 20751 would be completely
independent of all Other water rights. However, the shapefile indicates
that these rights are stacked. The special warranty deeds from John McCaw
to Harry Rinker on this land, including all water rights are included with
this objection.

F. VERIFICATION (must be completed)

State of Idaho)

County of ADA) ss.

BRYAN L. BULLARD
Harry S. Rinker

(Name of person filing objection)

, duly sworn, upon oath, deposes and says:

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 of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 13, 2007



Garrett P. Maughan
Notary Public for Idaho
Residing at: Meridian, Idaho
My Commission Expires: June 18, 2013

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 AND HAND DELIVERY

I certify that on Nov. 14, 2002, I caused to be hand delivered the original, and I mailed 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

This Warranty Deed is being re-recorded to correct the legal description. # 464459

50971

Recording Requested By and
When Recorded Return to:

HAWLEY TROXELL ENNIS & HAWLEY LLP
Attn: Brian L. Ballard
P.O. Box 1617
Boise, Idaho 83701

Mail Tax Notices to:
Harry S. Rinker, Trustee
P.O. Box 7250
Newport Beach, CA 92658

Instrument # 464782
HAILEY, BLAINE, IDAHO
2002-05-01 03:52:00 No. of Pages: 5
Recorded for: AMERITITLE
MARSHA RIEMANN Fee: 15.00
Ex-Officio Recorder Deputy
Index to: CORRECTION DEED

464459

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, JEM Investments, Inc., a Washington corporation, whose address is P.O. Box 21749, Seattle, Washington 98111-3749 ("Grantor"), does hereby grant, bargain, sell and convey unto Harry S. Rinker, Trustee Under Declaration of Trust Dated 5/10/66, as amended, whose address is P.O. Box 7250, Newport Beach, CA 92658 ("Grantee"), the real property legally described on Exhibit A, which exhibit is attached hereto and incorporated herein by this reference (the "Premises").

TO HAVE AND TO HOLD the Premises, with its appurtenances unto the Grantee, its successors and assigns, forever.

This conveyance includes the quitclaim of water rights appurtenant to the Premises, if any, provided that the same are so quitclaimed without any warranty or representation whatsoever.

This conveyance is made subject to the lien for real property taxes for the year 2002 and each year thereafter and the items listed on Exhibit B, which exhibit is attached hereto and incorporated herein by this reference.

Grantor does hereby covenant to and with the Grantee and its successors and assigns, that the Grantor is the owner in fee simple of said real property; that said real property is free from all encumbrances made by it except as may be otherwise expressly specified herein; and that the Grantor will warrant and defend said real property from all lawful claims of all persons claiming by, through or under the Grantor.

SPECIAL WARRANTY DEED - 1

30341 0089 639725 1

37-919 065
ATTACH

EXHIBIT "A"

TL- 7779
RPO3N18E29S880

≈ 17.6ac

PARCEL I:

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 29: A parcel of land located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said section, more particularly described as follows:

COMMENCING at a brass cap marking the southeast corner of said Section 29; thence

North 89° 35' 30" West 176.31 feet along the south boundary of said Section 29 to a 5/8 inch rebar on the westerly boundary of the old Union Pacific Railroad right-of-way and also the northeast corner of Chapman's East Cloverly Ranch, which point is the REAL POINT OF BEGINNING; thence

Continuing North 89° 35' 30" West 1107.71 feet along said south boundary Section 29 to its intersection with the east boundary of Idaho State Highway No. 75 monumented with a 5/8 inch rebar; thence North 1° 07' 35" East 50.00 feet, more or less, to a 5/8 inch rebar by JUB Engineers on said east boundary Idaho State Highway No. 75; thence South 89° 38' 57" East 595.39 feet to the centerline of the old Weber ditch; thence

The following thirteen (13) courses and distances along said canal centerline:

N. 27° 03' 58" W., 130.60 feet; thence

N. 11° 05' 50" W., 209.10 feet; thence

N. 28° 12' 52" W., 200.91 feet; thence

N. 39° 15' 55" W., 97.28 feet; thence

N. 33° 06' 31" W., 60.88 feet; thence

N. 25° 43' 24" W., 166.20 feet witnessed by a 5/8 inch JUB Engineers rebar 10.0 feet West; thence

N. 23° 16' 42" W., 182.54 feet to a 5/8 inch rebar; thence

N. 13° 41' 08" W., 80.64 feet to a 5/8 inch rebar; thence

N. 21° 30' 29" W., 28.21 feet to a 5/8 inch rebar; thence

N. 9° 10' 46" W., 77.71 feet to a 5/8 inch rebar; thence

N. 28° 36' 40" W., 24.46 feet to a 5/8 inch rebar; thence

N. 56° 35' 54" W., 39.02 feet to a 5/8 inch rebar; thence

N. 75° 51' 56" W., 54.02 feet to a spike on said easterly boundary Idaho State Highway No. 75; thence

North 1° 07' 35" E., 97.46 feet along said east boundary Idaho State Highway No. 75 to the southwest corner of Llama Ranch Subdivision; thence

176.31'
1107.71'
1284.02'
to east boundary of
State Hwy

CONTINUED

37-989063
AT Tech
Pg 7

S. 89° 39' 53" E., 632.96 feet along the south boundary of said Llama Ranch Subdivision to the southeast corner of said subdivision on said westerly boundary old Union Pacific Railroad right-of-way; thence
S. 18° 40' 47" E., 1401.03 feet along said old Union Pacific Railroad westerly right-of-way to the point of beginning.

FORMERLY SHOWN OF RECORD AS:

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 29: A parcel of land described as follows:

BEGINNING at the intersection of the North line of said SE1/4SE1/4 and the West boundary of Union Pacific R.R.; thence
Westerly along the North line of said SE1/4SE1/4 to the intersection with East boundary of U.S. Highway 93; thence
Along Highway 93 East boundary to intersection with the Webber Ditch; thence
Along Webber Ditch to the intersection with South line of said SE1/4SE1/4; thence
Easterly along said South line of SE1/4SE1/4 to intersection with West boundary of said Railroad; thence
Northerly along West boundary to POINT OF BEGINNING.
(TL 2424)

AND

COMMENCING at the point where the Easterly boundary of U.S. Highway No. 93 intersects the South boundary of Section 29, being the POINT OF BEGINNING; thence
North 50 feet along the East boundary of said U. S. Highway No. 93; thence
East and parallel to the South boundary of said Section 29 to the West boundary of Tax Lot 2424; thence
Southeasterly along the West boundary of said Tax Lot 2424 to the South boundary of said Section 29; thence
East along the South boundary of said Section 29 to the POINT OF BEGINNING; all being situated in the SE1/4SE1/4 of Section 29; and being a strip of land 50 feet wide and extending along the South portion of Tax Lot 2462; all of the tax lot numbers above referred to being all as on file in the office of the County Recorder and County Assessor, Blaine County, Idaho.
(TL 2766)

EXHIBIT B

DEED EXCEPTIONS

1. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
2. Rights reserved in federal patents; state deeds or railroad deeds; building or use restrictions; easements and rights of way not inconsistent with the present use of the property; mineral, gas or oil reservations; and building, zoning, environmental or historical preservation regulations and ordinances.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
4. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
5. General taxes for the year 2002, a lien not yet due and payable.
6. Right of Way Deed from A T. Osborn and Jessie Osborn, his wife, to the State of Idaho, in Book 137 of Deeds, page 495, as Instrument No. 70297.
7. Easement for Stock Driveway granted to the State of Idaho, recorded in Book 143 of Deeds, page 328, as Instrument No. 80731.
8. Power Line Easement in favor of Idaho Power Company, recorded in Book 158 of Deeds, page 110, as Instrument No. 91465.
9. Matters as shown on that certain Survey recorded February 1, 2002, as Instrument No 460963.

This Warranty Deed is being re-recorded to correct the legal description. # 464460

50971

Recording Requested By and
When Recorded Return to:

HAWLEY TROXELL ENNIS & HAWLEY LLP
Attn: Brian L. Ballard
P.O. Box 1617
Boise, Idaho 83701

Mail Tax Notices to:
Harry S. Rinker, Trustee
P.O. Box 7250
Newport Beach, CA 92658

Instrument # 464783

HAILEY, BLAINE, IDAHO
2002-05-01 03:52:00 No. of Pages: 5
Recorded for: AMERITITLE
MARSHA RIEMANN Fee: 15.00
Ex-Officio Recorder Deputy
Index to: CORRECTION DEED

464460

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, Silver Creek Communications, Inc., a Washington corporation, whose address is P.O. Box 21749, Seattle, Washington 98111-3749 ("Grantor"), does hereby grant, bargain, sell and convey unto Harry S. Rinker, Trustee Under Declaration of Trust Dated 5/10/66, as amended, whose address is P.O. Box 7250, Newport Beach, CA 92658 ("Grantee"), the real property legally described on Exhibit A, which exhibit is attached hereto and incorporated herein by this reference (the "Premises").

TO HAVE AND TO HOLD the Premises, with its appurtenances unto the Grantee, its successors and assigns, forever.

This conveyance is made subject to the lien for real property taxes for the year 2002 and each year thereafter and the items listed on Exhibit B, which exhibit is attached hereto and incorporated herein by this reference.

This conveyance includes the quitclaim of water rights appurtenant to the Premises, if any, provided that the same are so quitclaimed without any warranty or representation whatsoever.

Grantor does hereby covenant to and with the Grantee and its successors and assigns, that the Grantor is the owner in fee simple of said real property; that said real property is free from all encumbrances made by it except as may be otherwise expressly specified herein; and that the Grantor will warrant and defend said real property from all lawful claims of all persons claiming by, through or under the Grantor.

B910

RP 03N18E29 5830

EXHIBIT "A"

≈ 7.6ac
TL-7780

PARCEL II:

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 29: A parcel of land located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said section, more particularly described as follows:

COMMENCING at a brass cap marking the southeast corner of said Section 29; thence

North 89° 35' 30" W., 1284.02 feet along the south boundary of said Section 29 to its intersection with the east boundary of Idaho State Highway No. 75 monumented with a 5/8 inch rebar; thence

North 1° 07' 35" E., 50.00 feet, more or less, to a 5/8 inch rebar by JUB Engineers on said east boundary Highway No. 75, which point is the REAL POINT OF BEGINNING; thence

Continuing North 1° 07' 35" E., 774.66 feet along said Idaho State Highway No. 75 to a 5/8 inch rebar at the southwest corner of Tax Lot 6901; thence South 89° 03' 33" E., 218.56 feet along the south boundary of said Tax Lot 6901 to the centerline of the old Weber ditch, monumented by a 5/8 inch rebar 11.0 feet West; thence

The following six (6) courses and distances along the centerline of said canal;

S. 25° 43' 24" E., 166.20 feet; thence

S. 33° 06' 31" E., 60.88 feet; thence

S. 39° 15' 55" E., 97.28 feet; thence

S. 28° 12' 52" E., 200.91 feet; thence

S. 11° 05' 50" E., 209.10 feet; thence

S. 27° 03' 58" E., 130.60 feet; thence

North 89° 38' 57" W., 595.39 feet to the REAL POINT OF BEGINNING.

(TL 6865)

FORMERLY SHOWN OF RECORD AS:

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 29: A parcel of land described as follows:

COMMENCING at a brass cap marking the Southeast corner of said Section 29; thence N. 89° 35' 58" W., 1,284.03 feet along the South boundary of said Section 29 to an iron pin on the East boundary of Idaho State Highway 75; thence

N. 01° 07' 47" E., 50.00 feet to a 5/8" rebar by JUB Engineering which point is the REAL POINT OF BEGINNING; thence

Continuing N. 01° 07' 40" E., 775.00 feet to an iron pin by JUB Engineering marking the Southwest corner of Tax Lot 2425; thence

S. 88° 52' 40" E., 229.00 feet along the South boundary of said Tax Lot 2425 to the centerline of the Weber Ditch, which point is witnessed by an iron pin by JUB Engineering 11.00 feet N. 88° 52' 40" W.; thence

The following eight courses and distances along the centerline of said Weber Ditch; thence

Pg 17

S. 22° 50' 00" E., 163.50 feet; thence
S. 39° 12' 00" E., 41.50 feet; thence
S. 35° 02' 00" E., 283.00 feet; thence
S. 02° 30' 00" E., 42.00 feet; thence
S. 12° 20' 00" E., 161.00 feet; thence
S. 04° 40' 00" E., 46.00 feet; thence
S. 25° 03' 20" E., 126.75 feet, which point is witnessed by a 5/8" rebar 10.00 feet N. 89° 35'
38" W.; thence
N. 89° 35' 58" W. on a line 50 feet North of and parallel to the South boundary of said
Section 29, 590.00 feet to the POINT OF BEGINNING.
(Former TL 2767)

EXHIBIT B

DEED EXCEPTIONS

1. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
2. Rights reserved in federal patents; state deeds or railroad deeds; building or use restrictions; easements and rights of way not inconsistent with the present use of the property; mineral, gas or oil reservations; and building, zoning, environmental or historical preservation regulations and ordinances.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
4. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
5. General taxes for the year 2002, a lien not yet due and payable.
6. Power Line Easement in favor of Idaho Power Company, recorded May 19, 1976, as Instrument No. 166052.
7. Matters as shown on that certain Survey recorded December 18, 1990, as Instrument No. 326336.
8. Matters as shown on that certain Survey recorded February 1, 2002, as Instrument No. 460963.

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)

A. Subcase 37-523C

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Harry S. Rinker

Address: PO Box 7250

Newport Beach, CA 92658-7250

Daytime Phone: (714) 879-8300

Name & Address of Attorney, if any:

Brian Ballard

PO Box 1617

Boise, Idaho 83701

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

Name: Harry S. Rinker

Address: PO Box 7250

Newport Beach, CA 92658-7250

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: Objecting to IDWR shapefile only
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): Water Right #37-522D and 523C
Are stacked water rights. However, WR#37-20751 was transferred onto this
Property with the understood condition that 20751 would be completely
independent of all Other water rights. However, the shapefile indicates
that these rights are stacked.

F. VERIFICATION (must be completed)

State of Idaho)

County of ADA) ss.

BRIAN L. BAULD
Harry G. Renker
(Name of person filing objection)

, duly sworn, upon oath, deposes and says:

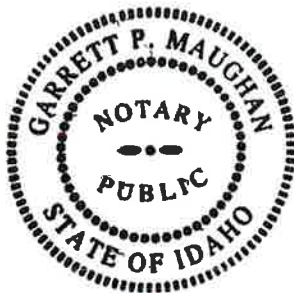
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 13, 2007



Garrett P. Maughan
Notary Public for Idaho
Residing at: Meridian, Idaho
My Commission Expires: June 18, 2013

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)

A. Subcase 37-522D

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Harry S. Rinker

Address: PO Box 7250

Newport Beach, CA 92658-7250

Daytime Phone: (714) 879-8300

Name & Address of Attorney, if any:

Brian Ballard

PO Box 1617

Boise, Idaho 83701

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

Name: Harry S. Rinker

Address: PO Box 7250

Newport Beach, CA 92658-7250

Response by Big Wood
Cons Water users

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: Objecting to IDWR shapefile only
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): Water Right #37-522D and 523C
Are stacked water rights. However, WR#37-20751 was transferred onto this
Property with the understood condition that 20751 would be completely
independent of all Other water rights. However, the shapefile indicates
that these rights are stacked.

F. VERIFICATION (must be completed)

State of Idaho)

County of ADA) ss.

BRIAN L. BALLARD

Harry S. Binkley, 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.

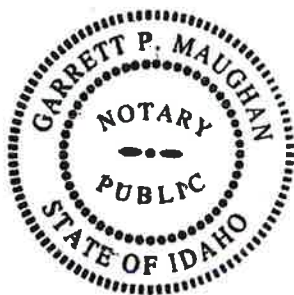
(Signature of person filing objection)

[Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 13, 2007



Garrett P. Maughan
Notary Public for Idaho
Residing at: Meridian, Idaho
My Commission Expires: June 18, 2013

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 No. 37-20751

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING:

Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
Rocky Sherbine
Gerald Bashaw
Pepin Corso-Harris
c/o Concerned Water Users
P.O. Box 1200
Bellevue, ID 83313

Big Wood Canal Company
112 South Apple Street
Shoshone, ID 83352

Name and Address of Attorney, if any:

Albert P. Barker
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701
Telephone: (208) 336-0700
Attorney for O'Gara, Stevenson,
Molyneux, Van Der Meulen, Eakin,
Sherbine & Bashaw

Craig Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330
Telephone: (208) 934-4420
Attorney for Big Wood Canal Company

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

Name: Rinker Co.
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 boxes):

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be: See remark below.
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:
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 OBJECTION(S):

Combined use of this right along with other rights from the same place of use should be limited to one inch or 0.02 cfs per acre, rather than the quantities in the recommendation. Total volume of water delivered to this property from all water rights shall not exceed 3.5 AF per acre.

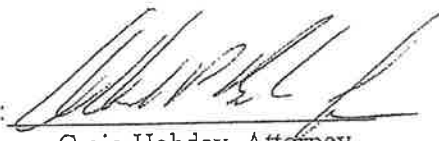
Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
Rocky Sherbine
Gerald Bashaw
Pepin Corso-Harris

Big Wood Canal Company

By:


Albert P. Barker, Attorney

By:


Craig Hobdey, Attorney

F.

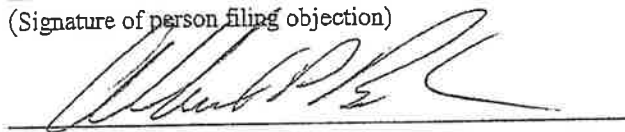
VERIFICATION

State of IDAHO)
) ss.
County of Ada)

Albert P. Barker, duly sworn, upon oath, deposes and says:

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, and I have been expressly authorized to sign this objection on behalf of the attorney for Big Wood Canal Company.

(Signature of person filing objection)



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)

A. Subcase 37-20751

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Harry S. Rinker

Address: PO Box 7250

Newport Beach, CA 92658-7250

Daytime Phone: (714) 879-8300

Name & Address of Attorney, if any:

Brian Ballard

PO Box 1617

Boise, Idaho 83701

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

Name: Harry S. Rinker

Address: PO Box 7250

Newport Beach, CA 92658-7250

Obj filed by
Big Wood
& Concerned Users

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: Objecting to IDWR shapefile only
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): Water Right #37-522D and 523C
Are stacked water rights. However, WR#37-20751 was transferred onto this
Property with the understood condition that 20751 would be completely
independent of all Other water rights. However, the shapefile indicates
that these rights are stacked.

F. VERIFICATION (must be completed)

State of Idaho)
) ss.

County of ADA Blaine

BRIAN L. BALLARD
Kerry S. Kinker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

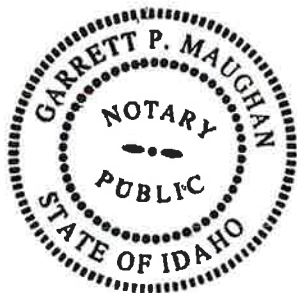
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 13, 2007



Garrett P. Maughan
Notary Public for Idaho
Residing at: Meridian, Idaho
My Commission Expires: June 18, 2013

June 22, 2011

Rinker Group. (9) people

Kelly, Andria, Brigitte Craig Rob Williams AL.
Chuck Jr, Doug Jones, Nick, ~~Will~~

#1 Shoemaker Chg Ptn 1198, 1200 ^{comb.} 1198 & 1200
ADR's submitted obj to 22582
issue Priority date.

Nick. - Williams has provided additional
info on priority date. Prob. is with City
of Bellevue priority date.

Another right - ? How do we handle
Boudette right (already decreed 37-1201A)
20264

Williams

37-1201A

1201B not rec

11850 partial decreed.

#2. Andria Rob Williams.

Song South gp. 899B, 20427, 20429, 20431, 2057A
dpt proposal made should be ready to go.

North gp - 522D, 523C, 20751, 919.

Williams - ready to go to SF-5 based upon Conversation

2152 - SF-5 submitted Rob signed yesterday.
now routing to Court.

**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.: 37-522D**
)
)
) **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:

RESPONDENTS:

Robert E. Williams Date
Attorney for Harry S. Rinker

Craig D. Hobdey Date
Attorney for Big Wood Canal Company

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

IDWR CONCURRENCE:

Kelly K. Christensen 6-27-11
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

06/16/2011

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

RIGHT NUMBER: 37-522D

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.300 CFS

PRIORITY DATE: 05/04/1889

POINT OF
DIVERSION:

T03N R18E S29 SWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.300 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S29

SESE ~~18.8~~ 17.60

~~18.8~~ 17.60 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~18.8~~ 17.60 acres in a single irrigation season. Combined Right Nos.: 37-522D, 37-523C, and 37-919.

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

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase No.: 37-523C
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

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

CLAIMANT / OBJECTOR:

Robert E. Williams	Date
Attorney for Harry S. Rinker	

RESPONDENTS:

Craig D. Hobdey	Date
Attorney for Big Wood Canal Company	

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

IDWR CONCURRENCE:

Kelly K. Christensen June 27-11

Kelly K. Christensen

Date

Sr. Water Resource Agent

IDWR CONCURRENCE:

Andrea L. Courtney

Date

Deputy Attorney General

Attorney for IDWR

06/16/2011

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

RIGHT NUMBER: 37-523C

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 05/21/1890

POINT OF
DIVERSION:

T03N R18E S29 SWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.200 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S29

SESE

~~10.8~~ 17.60

~~10.8~~ 17.60 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~10.8~~ 17.60 acres in a single irrigation season. Combined Right Nos.: 37-522D, 37-523C, and 37-919.

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

STANDARD FORM 5

IDWR CONCURRENCE:

Kelly K. Christensen 6-27-11
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

06/16/2011

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

RIGHT NUMBER: 37-919

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.545 CFS

PRIORITY DATE: 04/01/1940

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.545 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S29

SESE ~~16.0~~ 17.60

~~16.0~~ 17.60 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 17.60 acres in a single irrigation season. Combined Right Nos.: 37-522D, 37-523C, and 37-919.

This right is limited to the irrigation of 16 acres within the place of use described above in a single irrigation season.

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

Water diverted from Headgate #22 delivered through Hiawatha Canal.

STANDARD FORM 5

IDWR CONCURRENCE:

Kelly K. Christensen 6-27-11

Kelly K. Christensen

Date

Sr. Water Resource Agent

IDWR CONCURRENCE:

Andrea L. Courtney

Date

Deputy Attorney General

Attorney for IDWR

06/16/2011

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

RIGHT NUMBER: 37-20751

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

KKC

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.130 CFS
30.80 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County
T03N R18E S29 NWNWE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.130 CFS 30.80 AFY

The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29 SESE 8.80
8.8 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

Use of water under Right 37-20751 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

Failure of the right holder to comply with the conditions of transfer no. 70109 is cause for the Director to rescind approval of the transfer.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

This right does not grant any right-of-way or easement across the land of another.

The right holder shall accomplish the change authorized by transfer no. 70109 within one (1) year of the date of the transfer approval.

06/16/2011

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

RIGHT NUMBER: 37-522D

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

VERIFIED BY KKC
6-22-11

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.300 CFS

PRIORITY DATE: 05/04/1889

POINT OF
DIVERSION:

T03N R18E S29 SWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.300 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29 SESE ~~18.8~~ 17.60

~~18.8~~ 17.60 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~18.8~~ 17.60 acres in a single irrigation season. Combined Right Nos.: 37-522D, 37-523C, and 37-919.

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

06/16/2011

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

RIGHT NUMBER: 37-523C

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

VERIFIED BY KKC
6-22-11

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 05/21/1890

POINT OF
DIVERSION:

T03N R18E S29 SWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.200 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29 SESE ~~18.8~~ 17.60
18.8 17.60 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~18.8~~
17.60 acres in a single irrigation season. Combined Right Nos.: 37-522D, 37-523C,
and 37-919.

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

06/16/2011

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

RIGHT NUMBER: 37-919

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

VERIFIED BY KKC
6-22-11

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.545 CFS

PRIORITY DATE: 04/01/1940

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.545 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29 SESE ~~16.0~~ 17.60

~~16.0~~ 17.60 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 17.60 acres in a single irrigation season. Combined Right Nos.: 37-522D, 37-523C, and 37-919.

This right is limited to the irrigation of 16 acres within the place of use described above in a single irrigation season.

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

Water diverted from Headgate #22 delivered through Hiawatha Canal.

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

RIGHT NUMBER: 37-20751

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

VERIFIED BY KKC
6-22-11

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.130 CFS
30.80 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County
T03N R18E S29 NWNWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	0.130 CFS 30.80 AFY

The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29 SESE 8.80

8.8 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

Use of water under Right 37-20751 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

Failure of the right holder to comply with the conditions of transfer no. 70109 is cause for the Director to rescind approval of the transfer.

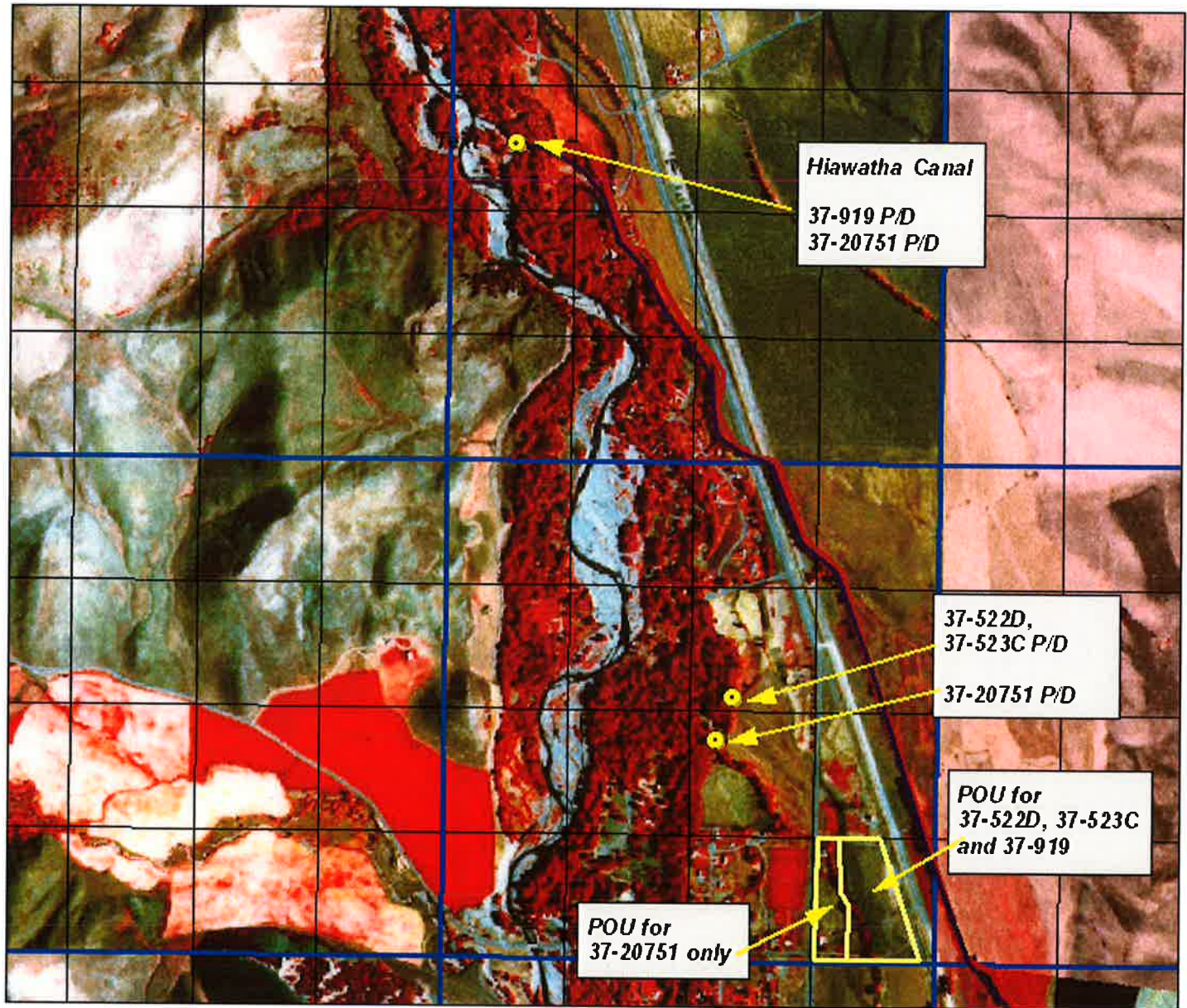
A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

This right does not grant any right-of-way or easement across the land of another.

The right holder shall accomplish the change authorized by transfer no. 70109 within one (1) year of the date of the transfer approval.

RECOMMENDED PLACE OF USE FOR System A 37-20751 System B 37-522D, 37-523C, and 37-919



PLACE OF USE
TWP 03N, RNG 18E Sec 29
Data Entry on June 17, 2011

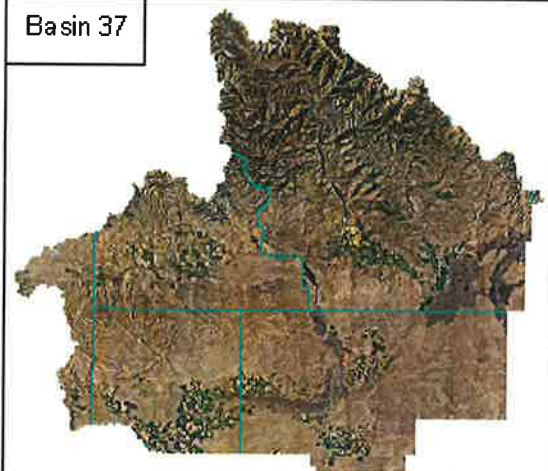
★ LOCATION IN BASIN

- Recommended point of diversion
- Recommended place of use
- Township lines
- Section lines
- Quarter/quarter lines

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP PHOTOGRAPHY
BY KELLY K CHRISTENSEN



Basin 37



Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, June 17, 2011 12:48 PM
To: Robert E Williams (rewilliams@cableone.net); charles.g.brockway@brockwayeng.com; Craig Hobdey (hobdeycraig@gmail.com); 'Albert Barker'; Spencer, Nick; Kelly, Vicki
Subject: 37-522D 523C 919 Rinker comb system
Attachments: 37-919 Rinker SF-5.docx; 37-523C Rinker SF-5.docx; 37-522D Rinker SF-5.docx; 37-522D etal Rinker Layout.docx

In reviewing my notes from previous settlement notes it appears that there has been limited discussions regarding resolution for this group. In resolving the conflict between the total acreage and relationships between the four rights, the ultimate solution was to modify the POU shape and then reduce the PPU acreage for this group from 18.8 to 17.6 acres. This was necessary to recognize this group as independent of 37-20751 and still keep the total combined POU within the 26.4 owned acreage. As the objections and responses are related to the POU only, that is what I have addressed.

In summary;

Both 37-522D and 37-523C were initially recommended on an 18.8 acre POU with a combined POU remark for the two rights being limited to the 18.8 acres. 37-919 was recommended on 16 acres within the same 40-acre tract but did not identify any POU overlap. Through discussions with Brockway Engineering it is my understanding that they are in agreement to a 17.6 acre POU with the three rights all appurtenant to those same acres.

37-20751 was transferred to 8.8 acres within the same 40-acre tract as an independent POU but no exact acres were specified. The proposed recommendation specifically identifies the location of the 8.8 acres which does not overlap with the POU for these three rights.

Attached are the proposed recommendations and the same layout as was included with the e-mail for 37-20751.

If this is acceptable please let me and Vicki know and she will get the SF-5 routing around.

Kkc

02/20/2007

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

RIGHT NUMBER: 37-919

NAME AND ADDRESS: JOHN E MC CAW JR
5808 LAKE WASHINGTON BLVD NE
KIRKLAND WA 98033

*Director's
Rpt*

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.545 CFS

PRIORITY DATE: 04/01/1940

POINT OF

DIVERSION: T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.545 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29

SESE

16.00

16 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

Water diverted from Headgate #22 delivered through Hiawatha Canal.

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

RIGHT NUMBER: 37-522D

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

Dir Report

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.300 CFS

PRIORITY DATE: 05/04/1889

POINT OF

DIVERSION: T03N R18E S29 SWSWNE Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/31

0.300 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S29

SESE

18.80

18.8 ACRES TOTAL

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

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

02/20/2007

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

RIGHT NUMBER: 37-523C

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

*Director's
Rpt*

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 05/21/1890

POINT OF

DIVERSION: T03N R18E S29 SWSWNE Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.200 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29

SESE

18.80

18.8 ACRES TOTAL

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

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Settlement proposal with 37-20751 recommended on an independent 8.8 acre parcel

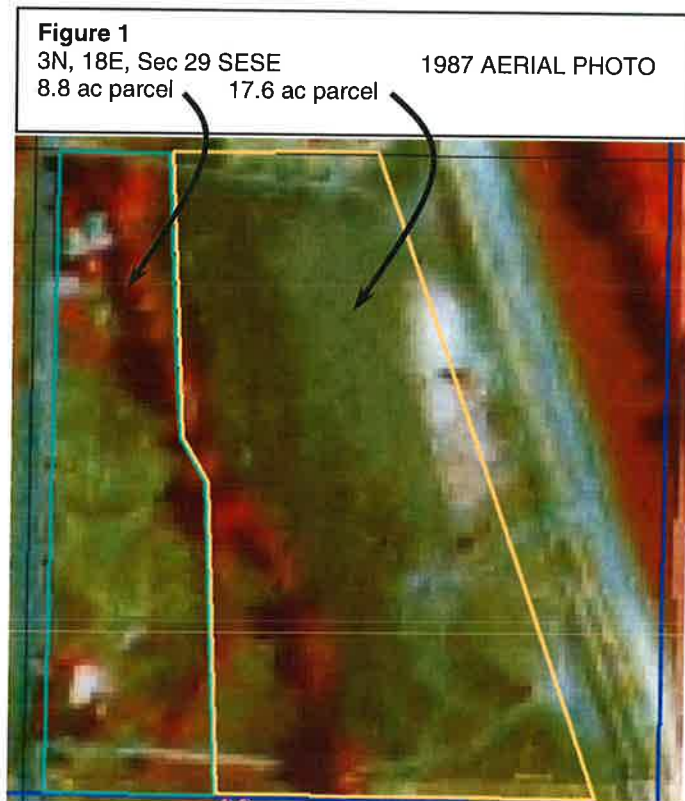
During the status conference 3-2-2011 it was my understanding that two potential solutions were discussed. One is recommending a permissible PPU for all rights in a common POU and the other is that 37-20751 would be recommended independent of the other rights.

As discussed during the status conference, the permissible place of use concept would require a transfer through the allocations department of IDWR as a transfer in 2003 moved that right to the property as an independent right not overlapping the other rights.

This addresses the second alternative, recognizing 37-20751 as independent from the other rights. In reviewing the available information it appears that at least a portion of the claimant's intent was to dismantle the two existing farmsteads and return that ground to irrigated pasture. Additionally it appears that the claimant was also including acreage to make sure that the entire parcel was covered by water rights.

To that extent I generated an 8.8 acre shape that included both farmsteads and ground between them. The balance of the property would therefore be the 17.6 acre parcel that the other rights would be appurtenant.

37-522D and 37-523C were initially recommended for 18.8 acres; however I propose that they be recognized for the 17.6 acres as identified in Figure 1 below. 37-919 would also be recommended within the 17.6 acre shape and be limited to the claimed and previously recognized 16 acres. These three rights would be recommended in a PPU of 17.6 acres. This would basically be consistent with the warranty deed submitted with the change of ownership for 37-919 that identified the place of use as east of the Weber ditch to the railroad right of way. 37-522D, 37-523C and 37-919 would be limited to the irrigation of 17.6 acres when combined.



Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, June 17, 2011 12:26 PM
To: Robert E Williams (rewilliams@cableone.net); charles.g.brockway@brockwayeng.com; Craig Hobdey (hobdeycraig@gmail.com); 'Albert Barker'; Spencer, Nick; Kelly, Vicki
Subject: 37-20751 Rinker Single system
Attachments: 37-20751 etal Rinker Layout.docx; 37-20751 Rinker SF-5.docx

Attached is the proposed recommendation as an SF-5 for 37-20751. No changes were made to the recommendation, however there were modifications made to the POU shapefile. The layout for this right showing its relationship to the other three rights is also attached.

Although the transfer included a remark to limit this right and any other rights to 0.02 cfs and 3.5 afa per acre, that remark really carries no weight as the intent of the transfer and the adj recommendation recognizes this right as independent of any other rights.

A second message will address the other three rights within the same 40-acre tract.

If this is acceptable please let me and Vicki know and she will get the SF-5 routing around.

kkc

06/16/2011

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

RIGHT NUMBER: 37-20751

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

*Proposed
6-17-11
KIC*

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.130 CFS
30.80 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County
T03N R18E S29 NWNWSE Within BLAINE County

NO Changes made.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.130 CFS 30.80 AFY

The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29 SESE 8.80

8.8 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

Use of water under Right 37-20751 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

Failure of the right holder to comply with the conditions of transfer no. 70109 is cause for the Director to rescind approval of the transfer.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

This right does not grant any right-of-way or easement across the land of another.

The right holder shall accomplish the change authorized by transfer no. 70109 within one (1) year of the date of the transfer approval.

Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, January 14, 2011 12:12 PM
To: Courtney, Andrea; Kelly, Vicki; Charles G. Brockway; Craig Hobdey; Albert Barker; Robert E. Williams
Subject: 37-522d, 37-523C, 37-919, and 37-20751 Rinker

Chuck,

At our last meeting we touched on the possibility of doing a recommendation as a Permissible Place of Use. With that intent I revisited this group and realized that there are several obstacles in the way.

To go with a PPU the only method would be through allocations and a transfer. Another alternative would be to keep 37-20751 independent of the other rights by reducing the acreage on the other rights accordingly.

I have attached a summary of the history of the property based upon the information that is currently available.

If you want to pursue one of the above options or feel that there is another alternative please let me know and we can start working through the details.



37-522D, 37-523C,
37-919, & 37...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

37-522D, 37-523C, 37-919, & 37-20751 Rinker

POU is 3N, 18E Sec 29 SESE 26 acres.

The property was developed over time through various means. 37-919 was decreed to that 40-acre tract at 0.545 cfs. No specific acreage was identified.

Director Report Recommendations	
37-522D and 37-523C	18.8 ac
37-919	16.0 ac
37-20751	8.8 ac

Rights 37-521, 37-522, and 37-523 were decreed to 520 acres within sections 29, 32, and 33 all within 3N, 18E. The claimed 40-acre tract was included within the decreed POU. Some confusion exists regarding the history associated with the adjudication claims filed by McCaw and ultimately transferred to Rinker however based upon the currently available information portions of 37-522 and 37-523 have historically been appurtenant to that tract.

37-20751 was transferred to the property through T-70109 approved June 20, 2003 for 8.8 acres. As the transfer was completed prior to the drafting of recommendations a generic shape of 8.8 acres was created with no effort made to specifically locate those acres spatially.

Current tax lot information identifies the Rinker property as being 26.4 acres; however the Rinker ownership apparently occurred in stages. Documents submitted when Rinker submitted a change of ownership for 37-522D and 37-523C, Jan 24, 2003, identified the property owned by Rinker as being $\approx$ 18.8 acres. A shapefile of the property was included with the change of ownership and that shape was utilized in the recommendation for those two rights. Some discussion was held regarding the appurtenance of a portion of 37-521 but ultimately that was not pursued. 37-522D and 37-523C were recognized for the same 18.8 acres as a full overlap.

37-919 was claimed by McCaw at 16 acres and Rinker submitted a change of ownership November 15, 2007. With the change of ownership was two warranty deeds, one describing a parcel east of the 'Weber ditch' to the railroad right of way and a 50' right of way along the southern border that reaches the highway right of way and the second describing a parcel in the southwest portion of the 40-acre tract. The claim identified a POU east of the Weber ditch and Brockway Engineering, for the change of ownership, provided a 16 acre shape also east of the Weber ditch. That shape was used for the recommended shape.

37-20751 was moved to the Sec 29 SESE through T-70109 with the intent to 'fill-in' irrigated ground or anticipated to be irrigated ground not covered by the other three rights. The 26.4 acres included two farmsteads which I understand Rinker is removing, thus making the ground available for irrigation purposes. Also running roughly through the center of the property from north to south was the 'Weber ditch'. In the 2009 aerial photo it appears that this ditch has been filled in and is now a part of the irrigated POU.

Rec for 37-522D 37-523C
3N, 18E, S 29 SESE
1987 AERIAL PHOTO
Weber ditch



Rec for 37-919
3N, 18E, S 29 SESE
1987 AERIAL PHOTO
Farmsteads - KSKI radio station



Rec for 37-20751
3N, 18E, S 29 SESE
1987 AERIAL PHOTO
RR right of way



Acreage overlap between the 37-522/523 group and 37-919 was not clearly established in the initial recommendations. Based upon the shapes provided by Brockway and subsequently used by the department the three rights cover ≈ 23 acres. This would leave a maximum of $26.4 \text{ ac} - 23 \text{ ac} = 3.4$ acres without a water right. Even if the three rights were fully overlapping and all of the 16 acres for 37-919 were within the 18.8 acres for 37-522/523 mathematically there still would be some overlap with the POU for 37-20751. $26.4 \text{ ac (owned)} - 18.8 \text{ (for 37-522/523)} = 7.6 \text{ ac}$. The 7.6 acres is smaller than the 8.8 acres approved through T-70109. Thus 37-20751 could not be recognized at 8.8 acres and also completely independent of the other rights associated with this property without recommending fewer acres on other rights.

SETTLEMENT DISCUSSIONS

Recommending the 4 rights within a $26\pm$ acre PPU was discussed however significant problems hinder this solution. The primary problem is that 37-20751 was moved to the property as an 8.8 acre right independent of other rights. As the transfer was post commencement of the adjudication the POU cannot be amended through the adjudication process as that would be an enlargement of the right. A second problem is that it appears that the point of diversion for the Osborn ditch was recognized in Sec 29 NWNWSE. The other rights associated with the Osborn ditch and the Lee Peterson GPSed location is in Sec 29 SWNE. If the transfer is in error, this also has to be corrected through the allocations process rather than the adjudication process. In reviewing the overall history of the property it does not appear that even amending 37-522/523 and 37-919 would be in line with historical ownership and use. As a portion of the POU was historically covered by farmsteads and ditches it does not appear that the department could recognize the three rights within a $26\pm$ acre PPU. It does not appear that ownership for the entire $26\pm$ acre parcel was consolidated under a single ownership until after commencement.

A possible resolution would be for Rinker to file a new transfer creating a PPU for all 4 rights and also correcting the POD location.

37-522D; 523B, 919, & 26751

37-20751 transfer 70109 - transfer info in
2 P/Ds Hiawatha Canal ^{Sec 20} NESWNW 37-20748

Osborn Ditch ^{Sec 29} NWNWSE 8.8 ac
transfer approved June 20, 2003

transfer
Submitted
Aug 5-2002

37-522D claim amend places right on prop.
523C

919

T-3108 approved Jan ~~30~~⁶, 198~~6~~⁶

New P/U = 3N-18E Sec 29 SWSE 30 ac

New P/U = " 18E Sec 29 SWSE 19 ac

various 40-acre tracts within Sec 32 29
33 520 ac

919 outside
522
2.5 ac
- .9 ac

3.4 ac

6.4
.4
6.8 ac

16.3
4.4
22.7

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20751 V1

WATER RIGHT NUMBER: 37-20751 V1

<u>Owner Type</u>	<u>Name and Address</u>
Representative	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301
Attorney	ROBERT E WILLIAMS FREDERICKSEN WILLIAMS MESERVY 153 E MAIN ST PO BOX 168 JEROME, ID 83338 (208)324-2303
Original Owner	W T RILEY , ID
Current Owner	HARRY S RINKER RINKER CO PO BOX 7250 NEWPORT BEACH, CA 92658 7250 (714)979-8300

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15	to 10/15	0.130 CFS	30.80 AF
	<u>Total Diversion:</u>		0.130 CFS	30.80 AF

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4NW1/4SE1/4	Sec. 29, Twp 03N, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	29																8.8	8.8

Total Acres: 8.8

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-20751 V1

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
2. T08 Failure of the right holder to comply with the conditions of transfer no. 70109 is cause for the Director to rescind approval of the transfer.
3. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. T07 The right holder shall accomplish the change authorized by transfer no. 70109 within one (1) year of the date of the transfer approval.
5. Use of water under Right 37-20751 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.
6. 004 This right does not grant any right-of-way or easement across the land of another.
7. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.
8. C18 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.
9. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Remarks:

Comments:

1. Igraves 1/3/2007 Transfer

Comment: The claim was recommended per approved transfer no. 70109.

2. Igraves 1/3/2007 History

Comment: This right is a split off of right 37-20748, which is a split off of right 37-30030, which represented right 37-577BR.

3. Igraves 1/3/2007 Season of Use

Comment: Although this right is part of a decree that did not originally list a season of use, condition S39 was added because it was listed on approved transfer no. 70109 for this right.

WATER RIGHT NO. 37-20751**As Modified by Transfer No. 70109**

In accordance with the approval of Transfer No. 70109, Water Right No. 37-20751 is now described as follows.

Right Holder: HARRY S RINKER
 RINKER COMPANY
 PO BOX 7250
 NEWPORT BEACH CA 92658 7250

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	0.13 CFS	30.8 AF
			0.13 CFS	30.8 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	NESWNW	Sec. 20 Twp 03N	Rge 18E	BLAINE County
BIG WOOD RIVER	NWNWSE	Sec. 29 Twp 03N	Rge 18E	BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
03N	18E	29																	8.8	8.8

Total Acres: 8.8

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. This right does not grant any right-of-way or easement across the land of another.
5. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. Use of water under Right 37-20751 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

MICROC...

SCANNED

JUL 2 3 2003

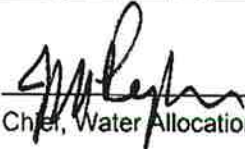
JUL 07 2003

WATER RIGHT NO. 37-20751
As Modified by Transfer No. 70109

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20 day of June, 2003


For Chief, Water Allocation Bureau

MICROFILMED
JUL 17 2003

SCANNED
JUL 17 2003



Change of Ownership 37-919
T. 03N., R. 18E. Section 29 SESE
Naip 2006 Aerial photo

RECEIVED
NOV 15 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Legend

- Sections_3n18e
- 37-919_Rec_POU
- 103n18e
- 37-919_POD (SWWW SEC. 20 3N18E)



EXHIBIT "A"

PARCEL II:

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 29: A parcel of land located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said section, more particularly described as follows:

COMMENCING at a brass cap marking the southeast corner of said Section 29; thence

North 89° 35' 30" W., 1284.02 feet along the south boundary of said Section 29 to its intersection with the east boundary of Idaho State Highway No. 75 monumented with a 5/8 inch rebar; thence

North 1° 07' 35" E., 50.00 feet, more or less, to a 5/8 inch rebar by JUB Engineers on said east boundary Highway No. 75, which point is the REAL POINT OF BEGINNING; thence

Continuing North 1° 07' 35" E., 774.66 feet along said Idaho State Highway No. 75 to a 5/8 inch rebar at the southwest corner of Tax Lot 6901; thence South 89° 03' 33" E., 218.56 feet along the south boundary of said Tax Lot 6901 to the centerline of the old Weber ditch, monumented by a 5/8 inch rebar 11.0 feet West; thence

The following six (6) courses and distances along the centerline of said canal;

S. 25° 43' 24" E., 166.20 feet; thence

S. 33° 06' 31" E., 60.88 feet; thence

S. 39° 15' 55" E., 97.28 feet; thence

S. 28° 12' 52" E., 200.91 feet; thence

S. 11° 05' 50" E., 209.10 feet; thence

S. 27° 03' 58" E., 130.60 feet; thence

North 89° 38' 57" W., 595.39 feet to the REAL POINT OF BEGINNING.
(TL 6865)

FORMERLY SHOWN OF RECORD AS:

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 29: A parcel of land described as follows:

COMMENCING at a brass cap marking the Southeast corner of said Section 29; thence N. 89° 35' 58" W., 1,284.03 feet along the South boundary of said Section 29 to an iron pin on the East boundary of Idaho State Highway 75; thence

N. 01° 07' 47" E., 50.00 feet to a 5/8" rebar by JUB Engineering which point is the REAL POINT OF BEGINNING; thence

Continuing N. 01° 07' 40" E., 775.00 feet to an iron pin by JUB Engineering marking the Southwest corner of Tax Lot 2425; thence

S. 88° 52' 40" E., 229.00 feet along the South boundary of said Tax Lot 2425 to the centerline of the Weber Ditch, which point is witnessed by an Iron pin by JUB Engineering 11.00 feet N. 88° 52' 40" W.; thence

The following eight courses and distances along the centerline of said Weber Ditch; thence

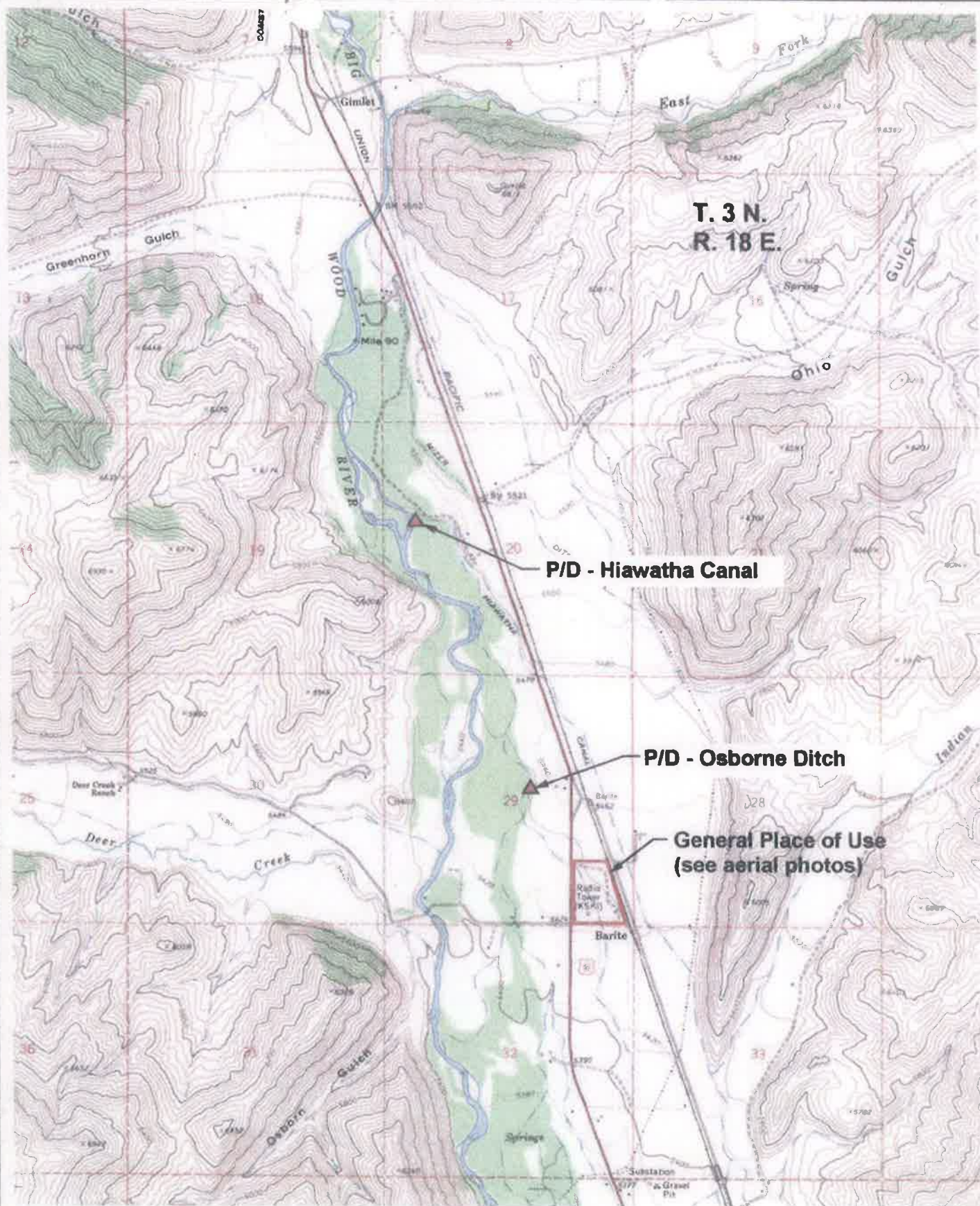
fm SE corner
N 89° 35' 30" W 1284.02
N 1° 7' 35" E 50' P/B
N 1° 7' 35" E 774.66
(SE corner TL 6901)
S 89° 3' 33" E 218.56

S. 22° 50' 00" E., 163.50 feet; thence
S. 39° 12' 00" E., 41.50 feet; thence
S. 35° 02' 00" E., 283.00 feet; thence
S. 02° 30' 00" E., 42.00 feet; thence
S. 12° 20' 00" E., 161.00 feet; thence
S. 04° 40' 00" E., 46.00 feet; thence
S. 25° 03' 20" E., 126.75 feet, which point is witnessed by a 5/8" rebar 10.00 feet N. 89° 35'
38" W.; thence
N. 89° 35' 58" W. on a line 50 feet North of and parallel to the South boundary of said
Section 29, 590.00 feet to the POINT OF BEGINNING.
(Former TL 2767)

EXHIBIT B

DEED EXCEPTIONS

1. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
2. Rights reserved in federal patents; state deeds or railroad deeds; building or use restrictions; easements and rights of way not inconsistent with the present use of the property; mineral, gas or oil reservations; and building, zoning, environmental or historical preservation regulations and ordinances.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
4. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
5. General taxes for the year 2002, a lien not yet due and payable
6. Power Line Easement in favor of Idaho Power Company, recorded May 19, 1976, as Instrument No. 166052.
7. Matters as shown on that certain Survey recorded December 18, 1990, as Instrument No. 326336.
8. Matters as shown on that certain Survey recorded February 1, 2002, as Instrument No. 460963.



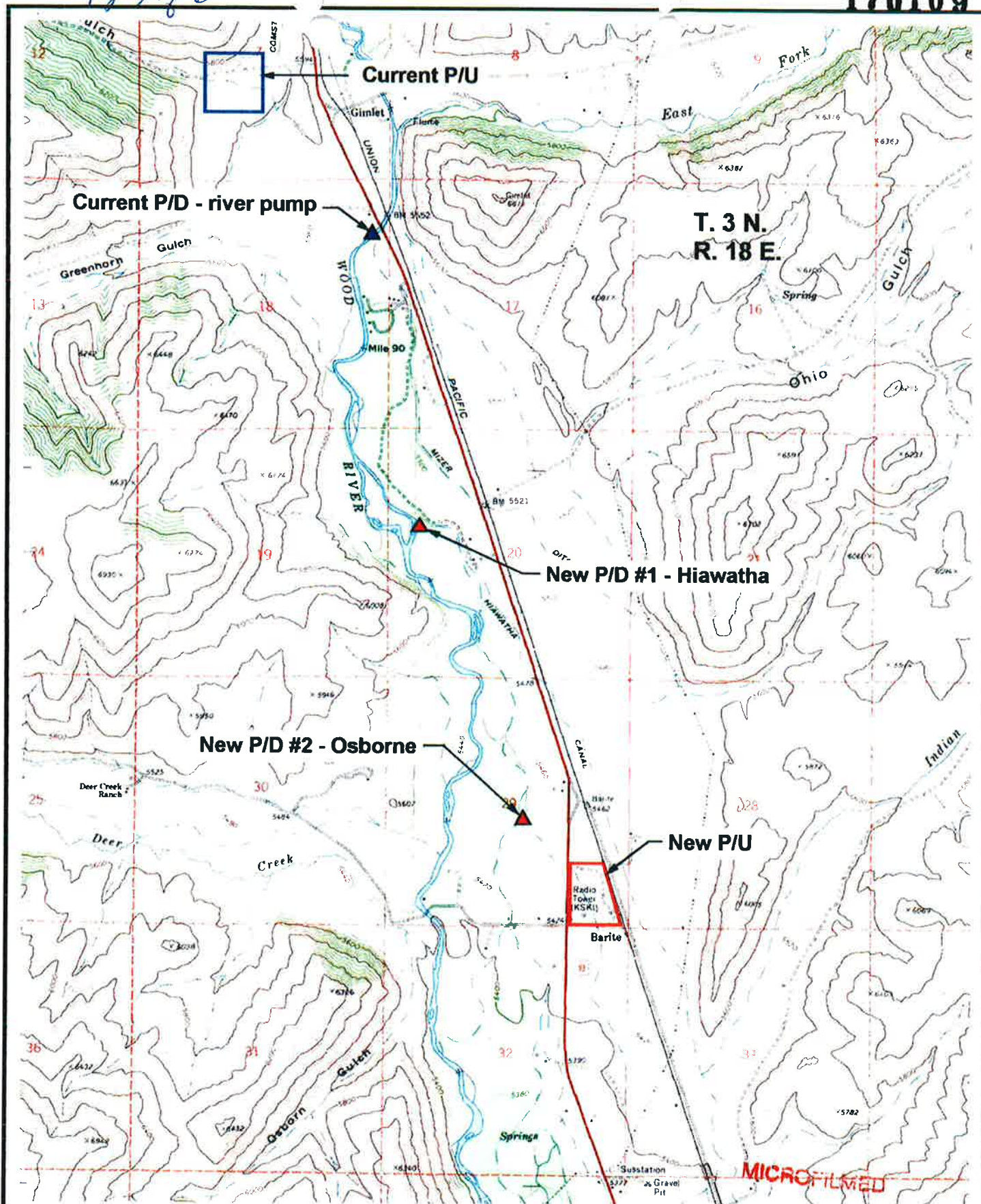
Harry S. Rinker

**Map for Amended SRBA Claims
37-521(new claim), 37-522D, 37-523C**

**Brockway Engineering, PLLC
January 21, 2003**

Pg 5 of 6

T70109



Harry Rinker

Water Right Transfer of 37-30030 (part)
14.3 acres / 0.22 cfs

MICROFILMED
SEP 03 2003
SCANNED
APR 18 2003
Brockway Engineering, PLLC
March 12, 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-522D V1

WATER RIGHT NUMBER: 37-522D V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	ROBERT E WILLIAMS FREDERICKSEN WILLIAMS MESERVY 153 E MAIN ST PO BOX 168 JEROME, ID 83338 (208)324-2303
Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300
Representative	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301
Original Owner	JOHN E MC CAW JR 5808 LAKE WASHINGTON BLVD NE KIRKLAND, WA 98033 (206)827-4500

Priority Date: 05/04/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15	10/31	0.300 CFS	
<u>Total Diversion:</u>			0.300 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4SW1/4NE1/4	Sec. 29, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
03N	18E	29																	18.8	18.8

Total Acres: 18.8

Conditions of Approval:

1. C18 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.
2. E56 The rights listed below are limited to the irrigation of a combined total of 18.8 acres in a single irrigation season. Combined Right Nos.: 37-522D and 37-523C.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-522D

WATER RIGHT NUMBER: 37-522D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300
Representative	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301
Attorney	ROBERT E WILLIAMS FREDERICKSEN WILLIAMS MESERVY 153 E MAIN ST PO BOX 168 JEROME, ID 83338 (208)324-2303

Priority Date: 05/04/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4NE1/4	Sec. 32, Twp 03N, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	SW1/4NE1/4	Sec. 29, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 18E 29																	18.8
																	18.8

Total Acres: 30

1. Claimed diversion rate is based on the watermasters decree book.

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

2. TRANS. 3108.

THE ANNUAL VOLUME DIVERTED UNDER THE RTS.
IDENTIFIED IN THIS TRANS. (37-0521F/0522D) SHALL NOT EXCEED 57 AF.
THIS CLAIM WAS PART OF ORIGINAL 37-00522 TRANSFERRED TO CLAIMANT.

Remarks:Comments:

1. manders 2/6/2007 POD

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-919 V1

WATER RIGHT NUMBER: 37-919 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	ROBERT E WILLIAMS FREDERICKSEN WILLIAMS MESERVY 153 E MAIN ST PO BOX 168 JEROME, ID 83338 (208)324-2303
Directors Report Owner	JOHN E MC CAW JR 5808 LAKE WASHINGTON BLVD NE KIRKLAND, WA 98033 (206)827-4500
Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300

Priority Date: 04/01/1940

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.545 CFS	
<u>Total Diversion:</u>		0.545 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	29																16.0	16.0

Total Acres: 16

Conditions of Approval:

- G05 Water diverted from Headgate #22 delivered through Hiawatha Canal.
 - C18 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.
 - cfrisch 2/7/2007 Copied from Remarks
- Comment: SAVED & DEVELOPED RIGHT INDEPENDENT OF PRIORITY DATE.
P. U. IS TAX LOT #2424. BLAINE COUNTY.
RT. IS DELIVERED AS A FLOOD RIGHT BY WATERMASTER.
RT. IS FOR 27.27

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-919

WATER RIGHT NUMBER: 37-919

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	ROBERT E WILLIAMS FREDERICKSEN WILLIAMS MESERVY 153 E MAIN ST PO BOX 168 JEROME, ID 83338 (208)324-2303
Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300
Directors Report Owner	JOHN E MC CAW JR 5808 LAKE WASHINGTON BLVD NE KIRKLAND, WA 98033 (206)827-4500

Priority Date: 04/01/1940

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.545 CFS	
	<u>Total Diversion:</u>	0.545 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	29																	16.0
																			16.0

Total Acres: 16

Conditions of Approval:

1. SAVED & DEVELOPED RIGHT INDEPENDENT OF PRIORITY DATE.
P. U. IS TAX LOT #2424. BLAINE COUNTY.
RT. IS DELIVERED AS A FLOOD RIGHT BY WATERMASTER.
RT. IS FOR 27.27 INCHES OF WATER.

**Idaho Dept of Water Resources
Claims review notes and narrative**

Date: 2-4-2003

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

Prepared by Kelly K Christensen

37-521, 522D, 523C Rinker

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

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

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

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

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

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, March 23, 2010 10:55 AM
To: rewilliams@cableone.net; Kelly, Vicki
Subject: FW: 37-919, 37-522D, 37-523C, AND 37-20751 Rinker Adjudication recommended rights

Vicki indicated that you were going to be representing Rinker on his water right issues therefore I am forwarding this message to you.

Kelly

From: Christensen, Kelly
Sent: Tuesday, March 23, 2010 9:13 AM
To: 'bballard@hawleytroxell.com'; Kelly, Vicki
Subject: 37-919, 37-522D, 37-523C, AND 37-20751 Rinker Adjudication recommended rights

Initial hearings for the remaining Basin 37 part 3 are being scheduled for the last week in April. In preparation to setting times I was asked to look at this group in an effort to establish an approximate time needed for the initial hearing.

I have reviewed the objections focusing on the objections filed in behalf of Rinker. In principal I agree that the shape file for 37-20751 should not overlap with the shape file for the other rights. As there is no good information to definitively establish the boundaries for the various claims I am seeking claimant input in an effort to resolve the objections. As a minor issue, it appears that mathematically as the claims are recommended there would have to be some minor overlap.

I have attached a short review narrative for your convenience in an effort to start dialogue.

I can be reached at the department's Western Region office.



37-919, 37-522D,
37-523C, AND ...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

**REVIEW OF OBJECTIONS TO
37-919, 37-522D, 37-523C, AND 37-20751**

The objections by the claimant indicate that the recommendations are correct but that the shapefiles for each right overlap and should not.

Big Wood Canal Co (BW) and Concerned Water Users (CWU) filed an objection to 37-20751; All rights on same POU should be limited to 0.02 cfs/ac and 3.5 afa. BW and CWU filed responses to the other three claims.

The four claims listed above are associated with 3N, 18E, sec 29 SESE.

In review of department historical records agree I agree that rights 37-522C and 37-523C do overlap 100% but that the POU for 37-20751 should not be within the same area. It is not clear what the relationship of 37-919 with regards to the other rights but circumstantial evidence suggests that that right would probably overlap with 37-522C and 37-523C.

Within Sec 29 SESE tax lot information indicate that Rinker owns three parcels totaling approximately 26.4 acres. There are home sites associated with two of the parcels. One site is in the NW corner of the Quarter/Quarter and the other home site is in the SW corner effectively reducing the irrigated POU to less than 26.4 acres.

37-919 was recommended for	16 acres	within Sec 29 SESE
37-522D and 37-523C were recommended for	18.8 ac	within Sec 29 SESE
37-20751 was transferred to that Q/Q	<u>8.8 ac</u>	within Sec 29 SESE
	Total 27.6 ac	(exceeds the tax lot acre info)

Mathematically it would appear that either there would be a slight overlap or that one or more recommended POUs are slightly overstated.

The transfer associated with 37-20751 did not specify shape for the relationship between that right and the other rights. At this point I would like input from the claimant in regards to the POU shape files for these rights.

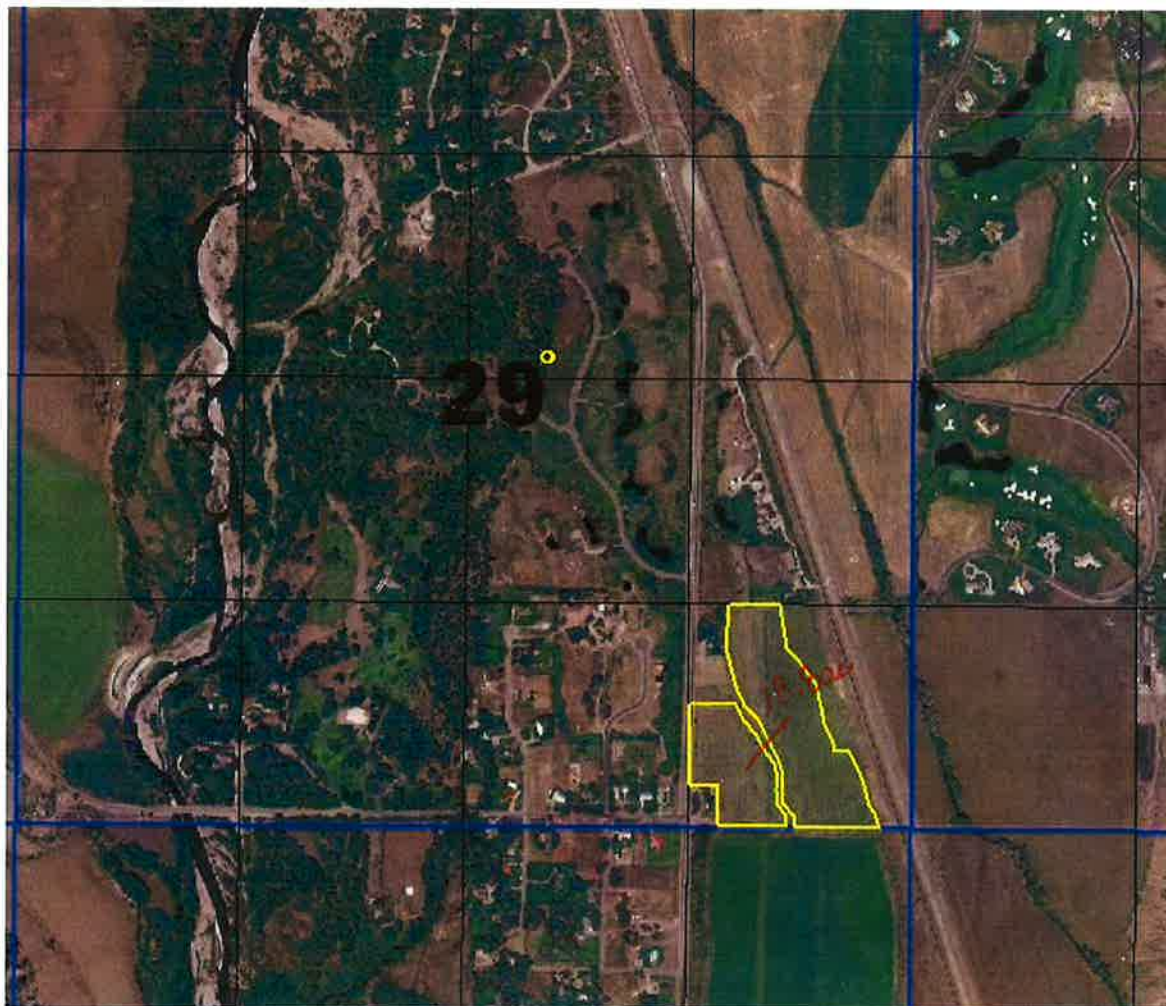


2006 aerial photo



1987 photo

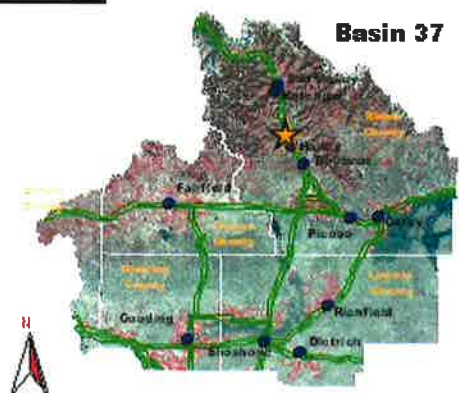
Idaho Department of Water Resources
RECOMMENDED PLACE OF USE FOR
37-522D, & 37-523C.

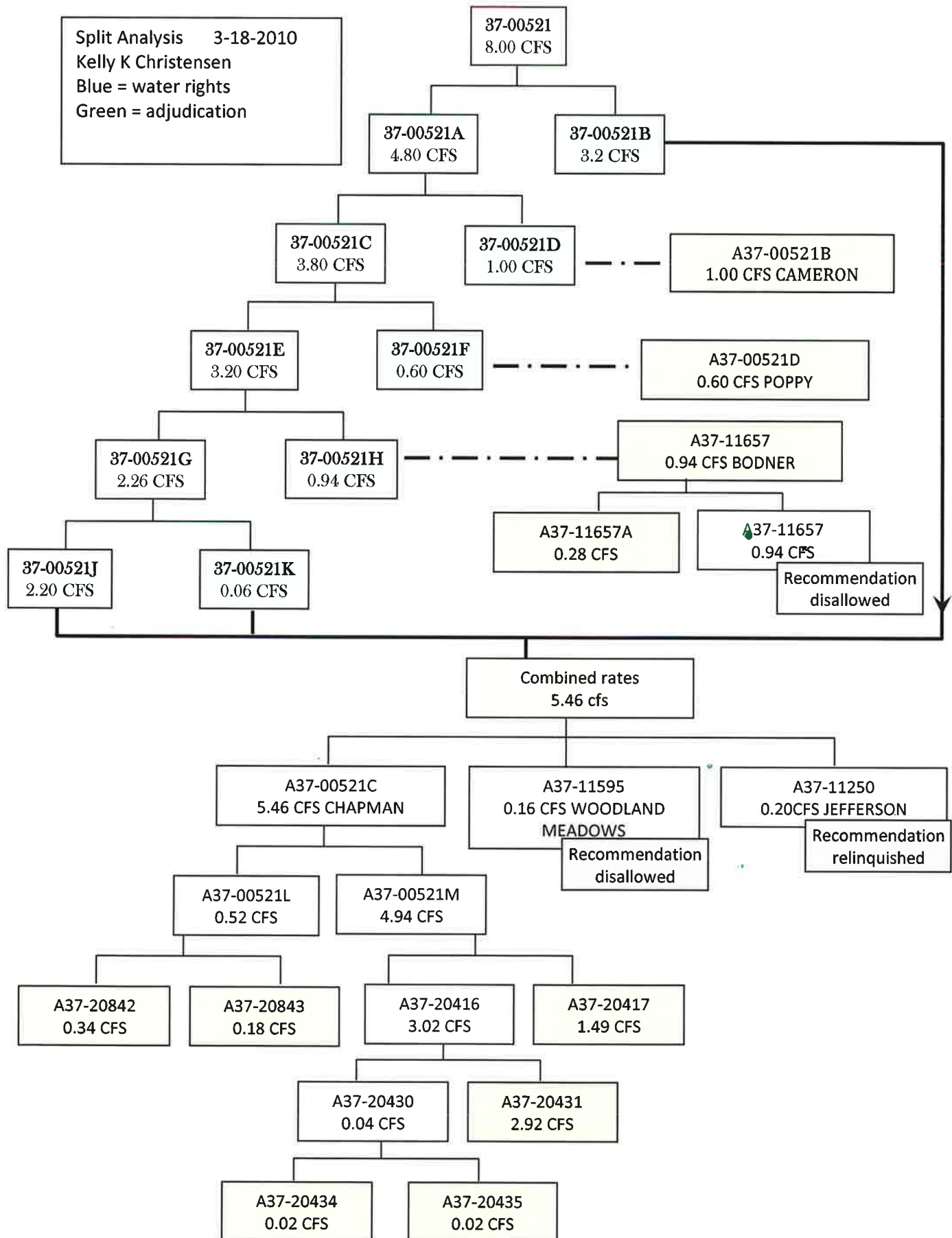


1320 1320 2640 2640 Feet

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

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





IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-523C V1

WATER RIGHT NUMBER: 37-523C V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300
Representative	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301
Original Owner	JOHN E MC CAW JR 5808 LAKE WASHINGTON BLVD NE KIRKLAND, WA 98033 (206)827-4500

Priority Date: 05/21/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4SW1/4NE1/4	Sec. 29, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	18E	29	NE	NW	SW	SE	18.8
							18.8

Total Acres: 18.8

Conditions of Approval:

1. C18 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.
2. E56 The rights listed below are limited to the irrigation of a combined total of 18.8 acres in a single irrigation season. Combined Right Nos.: 37-522D and 37-523C.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20751 V1

WATER RIGHT NUMBER: 37-20751 V1
Owner Type Name and Address
 Representative CHARLES E BROCKWAY
 C/O BROCKWAY ENGINEERING
 2016 N WASHINGTON ST #4
 TWIN FALLS, ID 83301
 Current Owner HARRY S RINKER
 RINKER CO
 PO BOX 7250
 NEWPORT BEACH, CA 92658 7250
 (714)979-8300

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>		
BIG WOOD RIVER	MALAD RIVER		
<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Annual Volume</u>
IRRIGATION	04/15	to 10/15	
	<u>Total Diversion:</u>		
		0.130 CFS	30.80 AF
		0.130 CFS	30.80 AF

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4NW1/4SE1/4	Sec. 29, Twp 03N,	Rge 18E, B.M.	BLAINE County
BIG WOOD RIVER	SW1/4NW1/4	Sec. 20, Twp 03N,	Rge 18E, B.M.	BLAINE County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 18E 29																	8.8
Total Acres: 8.8																	8.8

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
2. T08 Failure of the right holder to comply with the conditions of transfer no. 70109 is cause for the Director to rescind approval of the transfer.
3. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. T07 The right holder shall accomplish the change authorized by transfer no. 70109 within one (1) year of the date of the transfer approval.
5. Use of water under Right 37-20751 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.
6. 004 This right does not grant any right-of-way or easement across the land of another.
7. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.
8. C18 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.
9. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Comments:

1. Igraves 1/3/2007 Transfer

Comment: The claim was recommended per approved transfer no. 70109.

2. Igraves 1/3/2007 History

Comment: This right is a split off of right 37-20748, which is a split off of right 37-30030, which represented right 37-577BR.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-522D V1

WATER RIGHT NUMBER: 37-522D V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300
Representative	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301
Original Owner	JOHN E MC CAW JR 5808 LAKE WASHINGTON BLVD NE KIRKLAND, WA 98033 (206)827-4500

Priority Date: 05/04/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4SW1/4NE1/4	Sec. 29, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
03N 18E 29	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	18.8 18.8

Total Acres: 18.8

Conditions of Approval:

1. C18 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.
2. E56 The rights listed below are limited to the irrigation of a combined total of 18.8 acres in a single irrigation season. Combined Right Nos.: 37-522D and 37-523C.

Remarks:Comments:

822D

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-919 V1

WATER RIGHT NUMBER: 37-919 V1

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	JOHN E MC CAW JR 5808 LAKE WASHINGTON BLVD NE KIRKLAND, WA 98033 (206)827-4500
Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300

Priority Date: 04/01/1940

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.545 CFS	
	<u>Total Diversion:</u>	0.545 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
03N	18E	29																	16.0	16.0

Total Acres: 16

Conditions of Approval:

1. G05 Water diverted from Headgate #22 delivered through Hiawatha Canal.
2. C18 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.

Remarks:Comments:

1. dsmith 11/11/2006 contacts
Comment: May 2006 taxlots show Harry S Rinker as present owner...so added
2. cfritsch 2/7/2007 Updated Conditions
Comment: Updated Conditions
3. cfritsch 2/7/2007 Copied from Remarks
Comment: SAVED & DEVELOPED RIGHT INDEPENDENT OF PRIORITY DATE.
P. U. IS TAX LOT #2424. BLAINE COUNTY.
RT. IS DELIVERED AS A FLOOD RIGHT BY WATERMASTER.
RT. IS FOR 27.27 INCHES OF WATER.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-523C

WATER RIGHT NUMBER: 37-523C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300
Representative	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301
Original Owner	JOHN E MC CAW JR 5808 LAKE WASHINGTON BLVD NE KIRKLAND, WA 98033 (206)827-4500

Priority Date: 05/21/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4NE1/4	Sec. 32, Twp 03N, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	SW1/4NE1/4	Sec. 29, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	18E	29	NE	NW	SW	SE	18.8
							18.8

Total Acres: 18.8

Conditions of Approval:

1. SEE OSBORN VS. OSBORN, ET. AL.
P/U INCOMPLETE. SEE FILE.
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
RT. DECREE FROM BIG WOOD R. BUT DIV. FROM RIVER & PURDUM SLOUGH. PORTION IF 37-00523 DECREE. C PORTION ORIGINALLY FOR 2.94 CFS UNDER OSBORNE'S NAME.
2. Claimed diversion rate is based on the watermasters decree book.

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20751

WATER RIGHT NUMBER: 37-20751

<u>Owner Type</u>	<u>Name and Address</u>
Representative	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301
Current Owner	HARRY S RINKER RINKER CO PO BOX 7250 NEWPORT BEACH, CA 92658 7250 (714)979-8300

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.130 CFS	30.80 AF
<u>Total Diversion:</u>		0.130 CFS	30.80 AF

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4NW1/4SE1/4 Sec. 29,	Twp 03N,	Rge 18E, B.M.	BLAINE County
BIG WOOD RIVER	NE1/4SW1/4NW1/4 Sec. 20,	Twp 03N,	Rge 18E, B.M.	BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	29																	8.8
Total Acres: 8.8																			8.8

Conditions of Approval:

1. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
3. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
7. Use of water under Right 37-20751 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.
8. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Comments:

1. scurtis 6/20/2003 1:04:18 PM Transferred Right
 Comment: This is now an approved transfer, transfer number = 70109

20751

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-522D

WATER RIGHT NUMBER: 37-522D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300
Representative	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301
Original Owner	JOHN E MC CAW JR 5808 LAKE WASHINGTON BLVD NE KIRKLAND, WA 98033 (206)827-4500

Priority Date: 05/04/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER BLAINE County	NW1/4NE1/4	Sec. 32, Twp 03N, Rge 18E, B.M.
BIG WOOD RIVER BLAINE County	SW1/4NE1/4	Sec. 29, Twp 03N, Rge 18E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	29																	18.8

Total Acres: 30

Conditions of Approval:

1. Claimed diversion rate is based on the watermasters decree book.
Change of ownership and an amended claim submitted together. See memo to file titled 37-521, 522D, 523C Rinker dated 2-4-2003 kkc
2. **TRANS. 3108.**
THE ANNUAL VOLUME DIVERTED UNDER THE RTS.
IDENTIFIED IN THIS TRANS. (37-0521F/0522D) SHALL NOT EXCEED 57 AF.
THIS CLAIM WAS PART OF ORIGINAL 37-00522 TRANSFERRED TO CLAIMANT.

Remarks:

Pg 29 backfile

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-919

WATER RIGHT NUMBER: 37-919

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300
Directors Report Owner	JOHN E MC CAW JR 5808 LAKE WASHINGTON BLVD NE KIRKLAND, WA 98033 (206)827-4500

Priority Date: 04/01/1940

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.545 CFS	
	<u>Total Diversion:</u>	0.545 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	29																16.0	16.0

Total Acres: 16

Conditions of Approval:

1. SAVED & DEVELOPED RIGHT INDEPENDENT OF PRIORITY DATE.
P. U. IS TAX LOT #2424. BLAINE COUNTY.
RT. IS DELIVERED AS A FLOOD RIGHT BY WATERMASTER.
RT. IS FOR 27.27 INCHES OF WATER.

Remarks:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant James H. Poppy Phone 208-788-3640Post Office address 139 Toyon Road, Atherton, CA 94025**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. _____ Decreed to Israel T. Osborn
(Name)
In case of S. C. Frost et al vs Alturas Water Co. et al
dated in 12-13-1909 In Fourth District county of Lincoln
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquiredacquired thru purchase

3. Source of water 522 Big Wood River tributary to Malad River
4. Date of priority 1) 6-1-1886 2) 5-4-1889
5. Water is used for the following purposes:
amount 1) 3.8 cfs for Irrigation purposes from _____ to _____
amount 2) 4.2 cfs for " purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)
6. Total amount of water under right: a. 8.0 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is _____ % of _____ % of Section _____
Township _____ Range _____ B.M., in _____ County
Additional points of diversion, if any Not given in decree

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1)	3N	18E	29														X	X	2
		32	X	20		X									X			X	5
		33									X	X							2
2)	3N	18E	29														X	X	2
		32	X	X		X								X				X	8
		33									X	X							

Total number of acres to be irrigated _____

9. Describe any other water rights used for the same purpose as described above37-0523A

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D. REMARKS.

37-521
Priority 6-1-1886
37-522
Priority 5-4-1889
37-523
Priority 5-21-1890

Probably
AJ-521N
-522L

B. DESCRIPTION OF F ION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

- 1) 0.60
1. Amount of water: a. 2) 1.10 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 3N,
Range 18E, B.M., Blaine County
Additional points Water is diverted from the Purdum Slough at this point.
3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>3N</u>	<u>18E</u>	<u>29</u>																<u>30</u>	<u>30</u>

Total number of acres to be irrigated 30

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 1) 0.60 2) 1.10 c.f.s. &/or _____ acre feet
- b. Description of diverting works Headgate & Osborn Ditch from Purdum Slough
- c. Describe the reasons for the proposed changes Tie land & water together as they are now being used.

2. Change in point of diversion No Change

Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Change in place of use

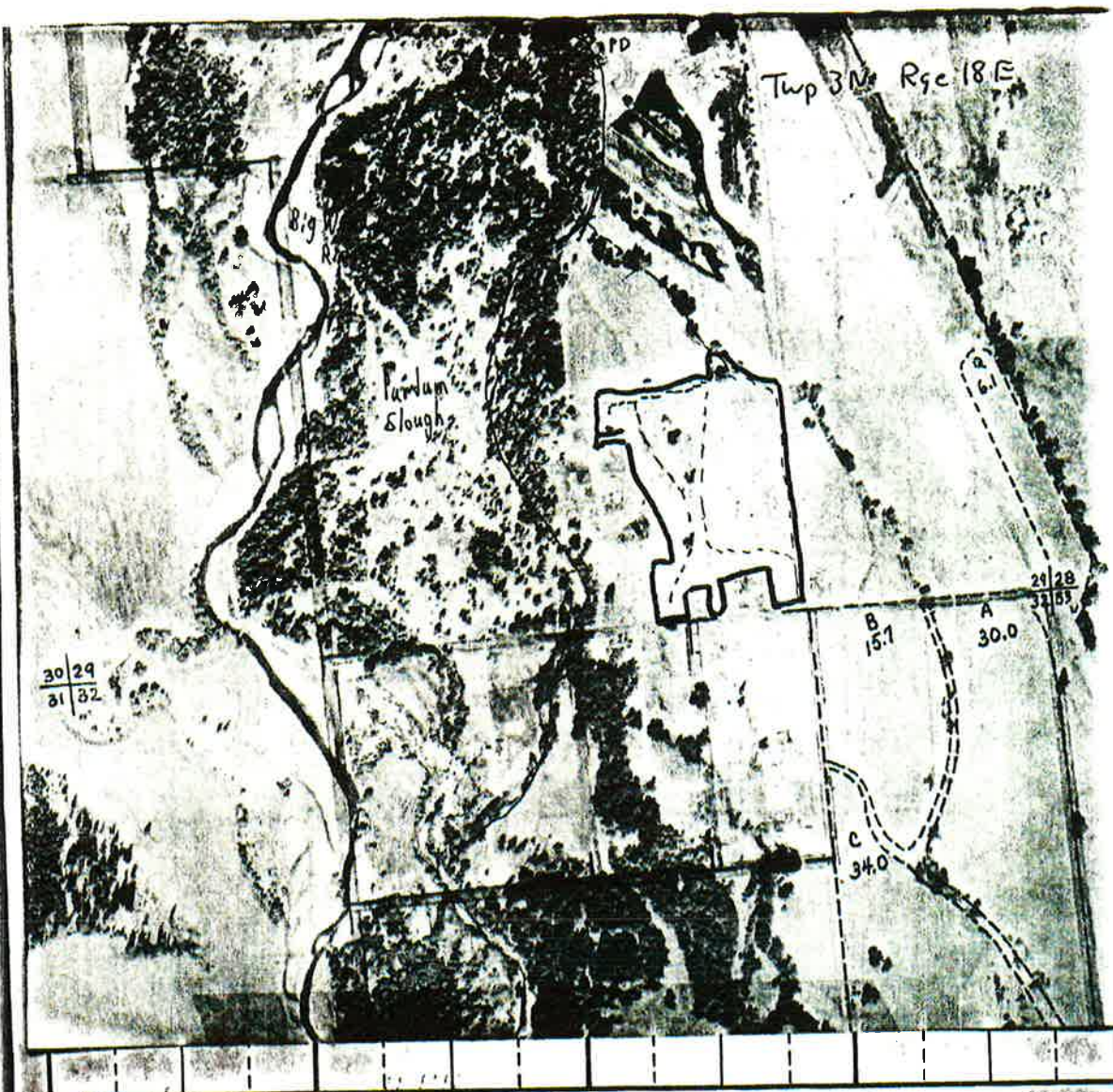
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Land is no longer irrigated, as it has been subdivided for homes. Any irrigation of the home sites is now done with domestic wells.

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TWP.	RANGE	SEC.	N1				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	18E	29															19		19

Total number of acres to be irrigated 19

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED

TWP.	RANGE	SEC.	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	18E	29															19		19

Total number of acres to be irrigated 19

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



1 inch equals 1 mile. Draw plan in ink.

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 30 day of January, 19 85

James H. Pigg
(Signature of Applicant)

Loren O. Hoban
(Notary Public)

My commission expires LIFE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0521F/05220 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. The annual volume diverted under the rights identified in this transfer shall not exceed 57 acre feet.
2. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 37, Big Wood River.

Witness my hand this 6th day of January, 19 86

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by JP Date 1-30-85 Protest filed by None
Prelim. check by AD Fee \$50.00 A 35270
Receipted by JP Date 1-30-85
Published in Amador Co. Journal
Pub. dates 2/28 & 3/17/85
Watermaster recommendation requested on 3/17/85 rec'd. 3/26/85
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial
by Jim

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70109

This is to certify that: HARRY S RINKER
 RINKER COMPANY
 PO BOX 7250
 NEWPORT BEACH CA 92658 7250
 (714)979-8300

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-20748	AJC/Decreed	03/24/1883	0.34 cfs	80.5 af		23.0	BIG WOOD RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-20748	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-20748	37-20751	0.13 cfs	30.8 af	N/A	8.8	37-20750	0.21 cfs	49.7 af	N/A	14.2
COMBINED										
TOTALS		0.13 cfs	30.8 af		8.8		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20 day of June, 2003

For 
 Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20750
As Modified by Transfer No. 70109

In accordance with the approval of Transfer No. 70109, Water Right No. 37-20750 is now described as follows.

Right Holder: RINKER CO
 PO BOX 7250
 NEWPORT BEACH CA 92658

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	0.21 CFS	49.7 AF
			0.21 CFS	49.7 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SENENE Sec. 18 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
03N 18E 7	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
								5.5							8.2	.5	14.2

Total Acres: 14.2

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. This right does not grant any right-of-way or easement across the land of another.
5. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 , 37-20749, and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.
6. Use of water under Right 37-20750 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

WATER RIGHT NO. 37-20750
As Modified by Transfer No. 70109

7. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20 day of Jun, 2003


For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20751
As Modified by Transfer No. 70109

In accordance with the approval of Transfer No. 70109, Water Right No. 37-20751 is now described as follows.

Right Holder: HARRY S RINKER
 RINKER COMPANY
 PO BOX 7250
 NEWPORT BEACH CA 92658 7250

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	0.13 CFS	30.8 AF
			0.13 CFS	30.8 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	NESWNW	Sec. 20 Twp 03N	Rge 18E	BLAINE County
BIG WOOD RIVER	NWNWSE	Sec. 29 Twp 03N	Rge 18E	BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 18E 29																	8.8
																	8.8

Total Acres: 8.8

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. This right does not grant any right-of-way or easement across the land of another.
5. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. Use of water under Right 37-20751 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

WATER RIGHT NO. 37-20751
As Modified by Transfer No. 70109

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20 day of June, 2003


For _____
Chief, Water Allocation Bureau

MEMORANDUM

Date: April 17, 2003
To: Transfer 70109 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

This transfer is part of three interrelated transfers (#70090, #70109, and #70110) that were submitted by Brockway Engineering in the name of Harry Rinker and need to be processed together as a package. The transfers involve properties located within the Big Wood River drainage, between Hailey and Ketchum. Transfer 70090 proposes transferring a 0.02 cfs (1.0 acre) portion of water right 37-30030 from land in Timberview Terrace Subdivision to a lot located in Golden Eagle #2 Subdivision. Transfer 70090 proposes no change in point of diversion, only a change in the place of use of the portion of the right being transferred. Transfer 70109 proposes transferring a 0.13 cfs (8.8 acre) portion of right 37-30030 to property located further down the Big Wood River Valley. Transfer 70109 will result in a change in the place of use and a change in the point of diversion. Transfer 70110 proposed transferring portions of a groundwater right to Timberview Terrace Subdivision. However, there were outstanding ownership, and possible expansion, issues with this transfer, which resulted in Transfer 70110 being withdrawn (see request for withdrawal document in transfer file).

Because Transfer 70110 has been withdrawn, approval documents were only drafted for Transfers 70090 and 70109. Since the transfers both involve the same base right (sequential transfers), Transfer 70090 should be approved first, and then followed by Transfer 70109. The approval documents were drafted to reflect this order of events, with the untransferred portion of right 37-30030 from Transfer 70090 being split by Transfer 70109. The remaining, portion of right 37-30030 after the two transfers is reflected after Transfer 70109 in the untransferred portion of the right.

- **Authority to File:** Applicant provided tax notices and deeds verifying ownership of property where right is currently appurtenant.
- **Water Right Validity:** Rights involved with the transfer are still pending in the SRBA and were created by transfer 5423 (approved 11/19/1999). Forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:** Change in point of diversion is a change down the river, which should help river flows. Water to be used for original use (irrigation) in same general area.
- **Enlargement of Use:** None apparent, same number of total acres will be irrigated and same diversion amounts will exist after the transfer.
- **Local Public Interest:** Transfer was advertised with no protests received.
- **Beneficial Use/Conservation of Water Resources:** No change from historical use.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Saved on 4/12

**Idaho Dept of Water Resources
Claims review notes and narrative**

Date: 2-4-2003

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

Prepared by Kelly K Christensen

37-521, 522D, 523C Rinker

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

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

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

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

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