

AMENDEDIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**RECEIVED
OCT 18 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please type or print clearly

1. Name of Claimant (s) Harry S. and Diane J. Rinker Revocable Trust Phone (714) 979-8300
Mailing Address P.O. Box 7250, Newport Beach, CA Zip 92658
2. Date of Priority (Only one (1) per claim) 6/13/1899
3. Source of water supply (a) Rock Creek
which is tributary to (b) Big Wood River
4. a. Location of existing point of diversion is: Township 1S Range 17E Section 1,
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Blaine
Additional points of diversion if any: SESWNE, SENWSE, and SESWSE, Section 12, T. 1 S., R. 17 E.
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
Including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well.
Right is for entire flow from 7 pm Tuesday to 7 am Friday of each week. 35 cfs was maximum flow as listed
on gaging report.

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 4/15 to 10/31 amount 35 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 35 (cfs) and / or (b) _____ (acre feet)

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

9. Non-irrigation uses; described fully (e.g. Domestic: list number of households served; Stockwater: type and number of livestock, etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	17E	12	1.3	10.8	35.5	19.5	33.2	15.5		12.5					10.6	18.4	20.4	16.5	194.2
1S	17E	13	19.2	27.0															46.2

Total number of acres irrigated 240.4

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

Or None ☐

14. Remarks:
Amended claim being filed to reflect actual irrigated acreage within decreed place of use based on analysis of
1987 infrared aerial photo.

Last Name _____ Ident. No. _____

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

If applicable provide IDWR Water Right Number 37-1150
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We ☐ do ☐ do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____
_____ Date _____

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

Of _____ Title _____
_____ that I have signed the foregoing
Organization
Document in the space below as _____ of _____
Title _____ Organization

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

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho / or _____)
County of _____) ss.

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20____.

Notary Public _____
Residing at _____
My Commission Expires _____

S E A L

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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 37-1150

(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: P.O. Box 7250

Newport Beach, CA 92658

Daytime Phone: (714) 979-8300

Name & Address of Attorney, if any:

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

Name: Harry S. Rinker

Address: P.O. Box 7250

Newport Beach, CA 92658

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

1. ☒ **Name and Address**
Should be: Harry S. Rinker at address above
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: As decreed (combined rights - entire flow of stream)
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: 240.4 acres (see narrative for justification)
10. ☐ **I object because:**
☐ This water right Should not exist

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

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

F. VERIFICATION (must be completed)

State of California)

)ss.

County of Orange)

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

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

[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

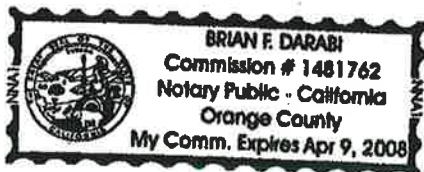
May 21, 2007

[Signature]

Notary Public for California

Residing at: Orange County

My Commission Expires: April 9, 2008



INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Harry S. Rinker

Address: P.O. Box 7250

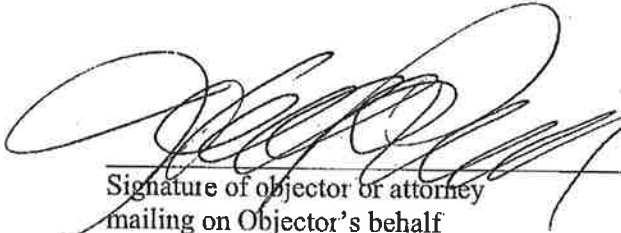
Newport Beach, CA 92658

3. Copies to:

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

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

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



Signature of objector or attorney
mailing on Objector's behalf

RECEIVED
MAY 24 2007
DEPARTMENT OF
WATER RESOURCES

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

Subcases: 37-627, 37-1150, 37-1151B, 37-1151D, 37-1152, 37-1212, 37-4192
Claimant: Harry S. Rinker
Prepared by Brockway Engineering, PLLC

Right No. 37-627

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

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

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

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

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

Right No. 37-1150

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

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

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

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

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

Right No. 37-1151D

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

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

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

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

Right No. 37-4192

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

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

General objection pertaining to all water rights

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

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

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

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

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-1150
Date Received: 9/14/1988
Receipt No: S002179
Received By:

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

1. Name of Claimant(s)

HARRY S & DIANE J RINKER REVOCABLE TRUST Phone: (714)979-8300
PO BOX 7250
NEWPORT BEACH CA USA 92658

2. Date of Priority: 06/13/1899

3. Source: ROCK CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
01S	17E	12	SE	NW	SE	BLAINE	
01S	17E	12	SE	SW	NE	BLAINE	
01S	17E	1	SW	SW	SW	BLAINE	
01S	17E	12	SE	SW	SE	BLAINE	

5. Description of diverting works:

DAMS AND CHECKS AND OPEN DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	35	

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

amended to
4-15-10-31

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot		Use	Acres
01S	17E	12	NW	NE	IRRIGATION	10.8
			SW	NE	IRRIGATION	35.5
			SE	NE	IRRIGATION	19.5
			NE	NE	IRRIGATION	1.3
			NE	NW	IRRIGATION	33.2
			NW	NW	IRRIGATION	15.5
			SE	NW	IRRIGATION	12.5
			NE	SE	IRRIGATION	10.6
NW	SE	IRRIGATION	18.4			

			SW	SE	IRRIGATION	20.4
			SE	SE	IRRIGATION	16.5
					Section Acres	194.2
01S	17E	13	NE	NE	IRRIGATION	19.2
			NW	NE	IRRIGATION	27
					Section Acres	46.2
					Total Acres	240.4

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

RT. FOR ENTIRE FLOW FROM 7 PM TUES. TO 7 AM FRI. OF EACH WEEK.
 35 CFS WAS THE MAXIMUM FLOW AS LISTED ON GAGING REPORT ACTUAL PRIORITY DATES WERE LISTED IN THE FROST DECREE AS 170"/7-30-1883, 50"/6-30-1884, 40"/6-1-1886.

Amended claim being filed to reflect actual irrigated acreage within decreed place of use based on analysis of 1987 infrared aerial photo.

15. Basis of Claim: Decreed

16. Signature(s)

Maria Dimarucut

From: Maria Dimarucut
Sent: Thursday, September 20, 2007 1:55 PM
To: 'Charles G. Brockway'
Subject: FW: Deeds on Rock Creek property

RECEIVED
 SEP 24 2007
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

Hi Chuck - I am sending deeds via fedex today for delivery tomorrow.

Thanks!
 Maria

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

From: Maria Dimarucut
Sent: Thursday, September 20, 2007 1:28 PM
To: 'Charles G. Brockway'
Subject: RE: Deeds on Rock Creek property

Hi Chuck - well I decided to come on in for a bit today - I needed a parents break!

I havet the deeds to Rock Creek property - it is voluminous! As you probably know, the property is divided into 40-acre parcels, each with a separate tax lot number, thus the deeds were done in the same manner.

I will copy them & fedex to you - is that okay?

Maria

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

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Thursday, September 20, 2007 7:08 AM
To: Maria Dimarucut
Subject: RE: Deeds on Rock Creek property

Maria,
 Monday will be fine, thanks!
 Chuck

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

From: Maria Dimarucut [mailto:mdimarucut@rinkercompany.com]
Sent: Wednesday, September 19, 2007 5:35 PM
To: Charles G. Brockway
Subject: RE: Deeds on Rock Creek property

Hi Chuck,

I apologize I've been out of the office taking care of my parents. Can this wait until Monday? I'm cking my emails though so pls communicate via this or leave a message on my voicemail ext 15. I will try to come in tomorrow - if I do this will be my top priority.

Thanks,
Maria

Maria,

IDWR is processing the ownership changes for Mr. Rinker's Rock Creek property and they are requesting additional information. For the original 7400 acre purchase, I have a commitment for title insurance with a legal description, but this is apparently not adequate proof of ownership for IDWR – they are requesting a deed. Is it possible to e-mail me that? I'm sorry if you've already sent this in the past – I can't find anything but that title commitment.

Thanks for your help,
Chuck

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

COPY RECEIVED

OCT 16 2007

DEPARTMENT OF
WATER RESOURCES

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

2007 OCT 12 PM 2 00

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

In Re SRBA

Case No. 39576

Subcase No. 37-1150, 37-1151B,
37-1212, 37-4192

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

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

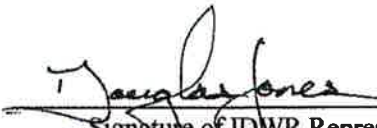
Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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

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

Dated: _____

10/12/07



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10/12, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

C E Brockway
Brockway Engineering
2016 N Washington St Ste 4
Twin Falls ID 83301

Lawrence Tews
680 N 350 W
Shoshone ID 83352

William Tews
513 Golf Course Rd
Jerome ID 83338

Marguerite Tews
PO Box 161
Shoshone ID 83352



Signature of person or attorney mailing the form

10/11/2007

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

RIGHT NUMBER: 37-1150

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

SOURCE: ROCK CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 4.000 CFS

PRIORITY DATE: 06/13/1899

POINT OF
DIVERSION:

T01S R17E S1 SWSWSW Within BLAINE County
T01S R17E S12 SESWNE Within BLAINE County
T01S R17E S12 SENWSE Within BLAINE County
T01S R17E S12 SESWSE 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		4.000 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>				
	T01S R17E S12	NWNE	5.00	T01S R17E S12	SWNE 30.00
	T01S R17E S12	SENE	10.00	T01S R17E S12	NENW 29.00
	T01S R17E S12	NWNW	14.00	T01S R17E S12	SENW 10.00
	T01S R17E S12	NESE	9.00	T01S R17E S12	NWSE 17.00
	T01S R17E S12	SWSE	18.00	T01S R17E S12	SESE 15.00
	T01S R17E S13	NENE	18.00	T01S R17E S13	NWNE 25.00

200 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

10/11/2007

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

RIGHT NUMBER: 37-1151B

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

SOURCE: ROCK CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.860 CFS

The rights listed below are limited to a total combined diversion rate of 0.86 cfs. Combined Right Nos.: 37-1151B and 37-1212.

PRIORITY DATE: 06/13/1899

POINT OF
DIVERSION:

T01N R17E S35 NESEW Within BLAINE County

T01N R17E S35 SENESW 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	0.860 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R17E S35	NESW	14.00	T01N R17E S35	SESW	14.00
T01N R17E S35	SWSE	5.00	T01S R17E S02 Lot 1	NENE	8.00
T01S R17E S02	NESE	2.00			

43 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 43 acres in a single irrigation season. Combined Right Nos.: 37-1151B and 37-1212.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

10/11/2007

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

RIGHT NUMBER: 37-1212

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

SOURCE: GUY CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.860 CFS

The rights listed below are limited to a total combined diversion rate of 0.86 cfs. Combined Right Nos.: 37-1151B and 37-1212.

PRIORITY DATE: 06/13/1899

POINT OF
DIVERSION:

T01N R17E S35 NESWNW 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		0.860 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>				
	T01N R17E S35	NESW	14.00	T01N R17E S35	SESW 14.00
	T01N R17E S35	SWSE	5.00	T01S R17E S02 Lot 1	NENE 8.00
	T01S R17E S02	NESE	2.00		

43 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 43 acres in a single irrigation season. Combined Right Nos.: 37-1151B and 37-1212.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

10/11/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-4192	HARRY S & DIANE J RINKER REVOCABLE TRUST PO BOX 7250 NEWPORT BEACH CA 92658	Disallowed	No lawful appropriation shown.

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

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

RECEIVED
 12/30/2004
 DEPARTMENT OF
 WATER RESOURCES

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

Water Right No.(s)	Adjudication Claim No.(s)	Split	Water Right No.(s)	Adjudication Claim No. (s)	Split
	37-1151B	☐		37-11303	☐
	37-1212	☐	37-11305		☐
	37-1150	☐	37-11306		☐
	37-4192	☐	37-11308		☐
	37-7798	☐	37-11309		☐
		☐	37-11310		☐
		☐	37-11311		☐
		☐	37-11312		☐

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s): William G. Tews
513 Golf Course Rd, Jerome, ID
4. New Owner/Claimant(s): Harry S. Rinker, Trustee for the Harry S. and
Diane J. Rinker Revocable Trust dated 5/10/66
- New Mailing Address: P.O. Box 7250
 City, State, Zip Code: Newport Beach, CA 92658
 New Telephone Number: (714) 979-8300
5. Date you acquired the property: February 20, 2004

SCANNED

DEC - 4 2006

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number: _____

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number: _____

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

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

Chris E. Brinkley
Board of Directors

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

FOR OFFICE USE ONLY

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

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

Fee: 200.00
Receipt No: 0082732
WR: _____ Date: _____

SCANNED
DEC - 1 2006

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

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

BUB

52916

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

Deed No. 1

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

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

"Described on attached EXHIBIT "A"

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

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

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

30341.0094.745472.1

SCANNED
DEC - 4 2006

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

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



Lloyd L. Betts
Lloyd L. Betts

Roberta S. Betts
Roberta S. Betts

STATE OF IDAHO)
) ss.
County of Blaine)

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.

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

30341.0094.745472.1

ORDER NO. 52916

EXHIBIT "A"

PARCEL I:

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

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

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

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

SCANNED

DEC - 4 2006

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

Instrument # 499433
HAILEY, BLAINE, IDAHO
2004-02-23 03:56:00 No. of Pages: 3
Recorded for : AMERITITLE
MARSHA RIEMANN Fee: 9.00
Ex-Officio Recorder Deputy
Index to: WTYQC/CORP DEED

BUB

52916

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

Deed No. 2

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

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

"Described on attached EXHIBIT "A"

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

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

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

30341.0094.745473.1

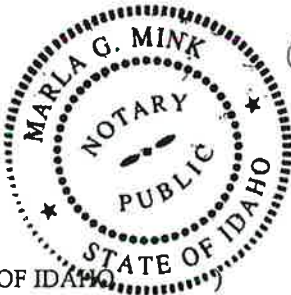
SCANNED
DEC - 4 2006

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

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

Lloyd L. Betts
Lloyd L. Betts

Roberta S. Betts
Roberta S. Betts



STATE OF IDAHO)
County of Blaine) ss.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.

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

30341.0094.745473.1

SCANNED
DEC - 4 2006

PARCEL II:

A PARCEL OF LAND LOCATED IN BLAINE COUNTY, ID, BEING A PORTION OF THE FOLLOWING SECS: SEC 1 & 2, T1S, R17E, B.M. AND SEC 35, T1N, R17E, B.M. more particularly described as follows;

Beginning at the N1/4 corner of said Sec 1, said point being the REAL POINT OF BEGINNING;

Thence S. 00°51'47" E. 866.31 feet to the C1/4 of said Sec 1; thence
S. 88°30'21" W. 1,311.87 feet to the Southwest corner of Government Lot 3 of said Sec 1;
thence
S. 00°32'03" E. 1,313.92 feet to the Southeast corner of the NW1/4SW1/4 of said Sec 1; thence
S. 88°09'56" W. 1,319.52 feet to the Southwest corner of the NW1/4SW1/4 of said Sec 1; thence
S. 88°34'27" W. 2,642.47 feet to the Southwest corner of the NW1/4SE1/4 of said Sec 2; thence
N. 00°31'49" W. 1,321.99 feet to the C1/4 of said Sec 2; thence
N. 88°34'44" E. 1,324.94 feet to the Southwest corner of Government Lot 1 of said Sec 2; thence
N. 00°32'45" W. 976.12 feet to the Northwest corner of said Government Lot 1; thence
N. 89°55'28" W. 630.67 feet to the Southwest corner of the SE1/4SW1/4 of said Sec 35; thence
N. 00°46'53" E. 2,622.80 feet to the Northwest corner of the NE1/4SW1/4 of said Sec 35; thence
S. 89°59'18" E. 1,323.52 feet to the C1/4 of said Sec 35; thence
N. 00°44'41" E. 1,307.07 feet to the Northwest corner of the SW1/4NE1/4 of said Sec 35; thence
N. 89°51'23" E. 2,629.00 feet to the Northeast corner of the SE1/4NE1/4 of said Sec 35; thence
S. 01°08'07" W. 1,314.34 feet to the E1/4 corner of said Sec 35; thence
S. 00°04'55" W. 2,629.84 feet to the SE corner of said Sec 35; thence
S. 89°52'57" E. 598.82 feet to the REAL POINT OF BEGINNING. (Tax Lot 7509)

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

Instrument # 499434
HAILEY, BLAINE, IDAHO
2004-02-23 03:57:00 No. of Pages: 3
Recorded for : AMERITITLE
MARSHA RIEMANN Fee: 9.00
Ex-Officio Recorder Deputy
Index to: WTYQC/CORP DEED

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

52916

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

Deed No. 3

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

"Described on attached EXHIBIT "A"

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

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

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

30341.0094.745478.1

SCANNED
DEC - 4 2006

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

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



Lloyd L. Betts
Lloyd L. Betts

Roberta S. Betts
Roberta S. Betts

STATE OF IDAHO)
) ss.
County of Blaine)

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

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

30341.0094.745476.1

SCANNED
DEC - 4 2006

PARCEL III:

A PARCEL OF LAND LOCATED IN THE NW1/4 OF SEC 12, T1S, R17E, B.M. BLAINE COUNTY, ID more particularly described as follows;

Beginning at the C1/4 corner of said Sec 12; said point being REAL POINT OF BEGINNING; thence
N. 00°04'09" E. Along the East boundary of the NW1/4 of said Sec 12, 544.57 feet to the Centerline of existing Rock Creek Road; thence
Along said Centerline the following 9 courses; N. 73°05'12" W. 205.13 feet; thence
N. 83°27'56" W. 280.65 feet; thence
N. 61°45'29" W. 301.08 feet; thence
N. 52°46'12" W. 565.03 feet; thence
N. 58°05'19" W. 314.68 feet; thence
N. 43°51'11" W. 121.77 feet; thence
N. 33°57'32" W. 239.71 feet to a point of curvature; thence
Along a curve to the Right having a radius of 200.00 feet, a delta of 60°24'43" and an arc length of 210.88 feet; thence
N. 26°27'13" E. 944.55 feet to the North boundary of the NW1/4 of said Sec 12; thence
Leaving said Centerline of existing Rock Creed Road, S. 87°49'45" W. 1,383.05 feet to the Northwest corner of said Sec 12; thence
S. 00°00'12" W. 2,627.95 feet to the W1/4 corner of said Sec 12; thence
N. 88°42'42" E. 2,650.12 feet to the REAL POINT OF BEGINNING. (Tax Lot 7510)

SCANNED

DEC - 4 2006

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

Instrument # 499435
HAILEY, BLAINE, IDAHO
2004-02-23 03:58:00 No. of Pages: 3
Recorded for : AMERITITLE
MARSHA RIEMANN Fee: 9.00
Ex-Officio Recorder Deputy
Index to: WTY/QC/CORP DEED

BUB

52916

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

Deed No. 4

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

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

"Described on attached EXHIBIT "A"

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

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

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

30341.0094.745477.1

SCANNED
DEC - 4 2006

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

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



Lloyd L. Betts
Lloyd L. Betts

Roberta S. Betts
Roberta S. Betts

STATE OF IDAHO)

County of Blaine)

ss.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

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

30341.0094.745477.1

SCANNED
DEC - 4 2006

PARCEL IV:

A PARCEL OF LAND LOCATED IN THE W1/2E1/2 OF SEC 31, T1N, R18E, B.M. BLAINE COUNTY, ID more particularly described as follows;

Beginning at the N1/4 of said Sec 31, said point being the REAL POINT OF BEGINNING; thence

N. 89°57'52" E. 1,320.32 feet to the Northeast corner of the NW1/4NE1/4 of said Sec 31; thence
S. 00°34'09" W. 2,657.28 feet to the Southeast corner of the SW1/4NE1/4 of said Sec 31; thence
S. 00°29'32" W. along the East boundary of the NW1/4SW1/4 of Sec 31, 1,108.63 feet to the
existing Centerline of Glendale Road; thence

Along the said Centerline the following 7 courses, S. 49°45'31" W. 155.64 feet; thence

S. 28°50'45" W. 297.99 feet; thence]

S. 69°25'51" W. 135.09 feet to a point of curvature; thence

Along a curve to the Left having a radius of 250.00 feet, a delta of 43°17'32" and an arc length of
188.90 feet; thence

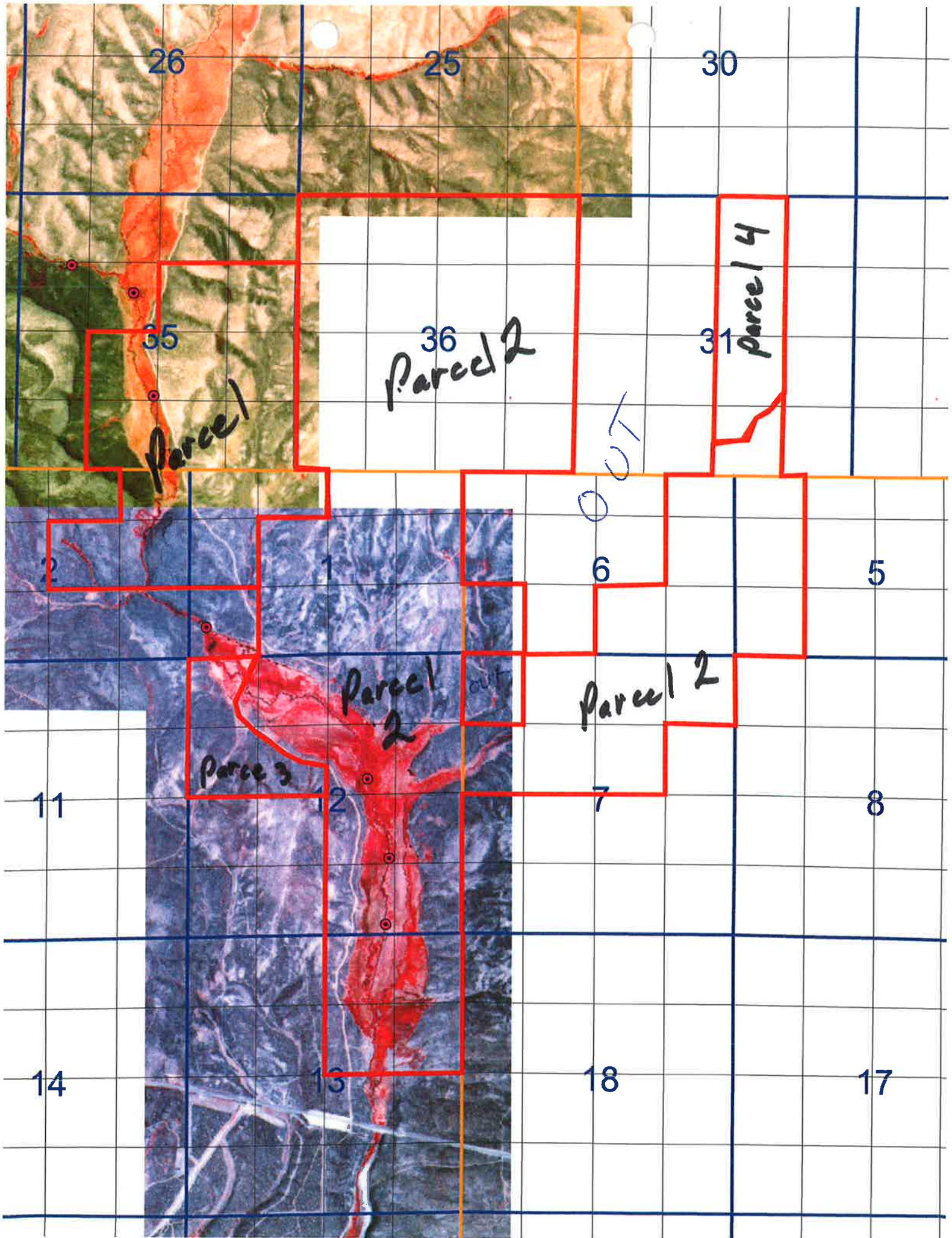
S. 26°08'18" W. 251.12 feet to a point of curvature; thence

Along a curve to the Right having a radius of 300.00 feet, a delta of 58°51'10" and an arc length
of 308.15 feet; thence

S. 85°10'40" W. 452.22 feet the West boundary of the SW1/4 of said Sec 31; thence

Leaving said existing Centerline of Glendale Road, N. 00°32'51" E. 2,074.11 feet to the C1/4 of
said Sec 31; thence

N. 00°33'25" E. 2,654.13 feet to the REAL POINT OF BEGINNING. (Tax Lot 7511)



13

**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 <u>37-1150</u>
	)	(Insert water right number)
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☐ LATE NOTICE OF CLAIM
_____	)	☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).
The Claimant's

~~My~~ name is Harry S. and Diane J. Rinker Revocable Trust

The Claimant's

~~My~~ address is PO Box 7250, Newport Beach, CA 92658

My phone number is: Work (714) 979-8300 Home _____

I am an attorney representing the Claimant

My name is Robert E. Williams

My address is Fredericksen, Williams, Meservy & Lothspeich, LLP

PO Box 168, Jerome, Idaho 83338

My phone number is 208.324.2303

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

The original Notice of Claim erroneously claimed 209 acres as the place
of use. The actual place of use constitutes 240.4 acres.

☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

* Copy of Decree in Brown, et al v Reardon, et al Attached

* Copy of ArcViews file from 1987 aerial photograph attached.

I have attached:

☒ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Jerome

Robert E. Williams, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

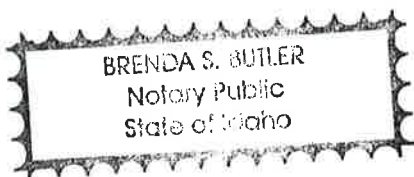
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

[Signature]

Attorney signing in representative capacity

Subscribed and sworn to before me on October 17, 2007
(Insert Date)



Brenda S. Butler
Notary Public for Idaho
Residing at: Gooding
My Commission expires: 3/5/2010

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on October 17, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

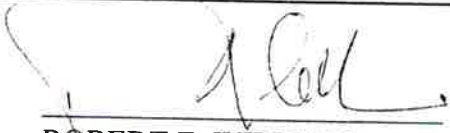
(Insert Names/address of parties)

Signature of person or attorney mailing the form

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 17th day of October, 2007, I caused to be served the foregoing document as follows:

Idaho Department of Water Resources PO Box 83720 Boise ID 83720-0098	☒ Via US Mail, Postage Paid ☐ Via Facsimile - ☐ Hand-Delivered - Court Folder ☐ Other _____
Marguerite E Tews PO Box 161 Shoshone ID 83352	☒ Via US Mail, Postage Paid ☐ Via Facsimile - ☐ Hand-Delivered - Court Folder ☐ Other _____
William G Tews 513 Golf Course Rd Jerome ID 83338	☒ Via US Mail, Postage Paid ☐ Via Facsimile - ☐ Hand-Delivered - Court Folder ☐ Other _____
Lawrence Z. Tews 680 N 350W Shoshone ID 83352	☒ Via US Mail, Postage Paid ☐ Via Facsimile - ☐ Hand-Delivered - Court Folder ☐ Other _____


ROBERT E. WILLIAMS

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

10/16/2007

WATER RIGHT NO. 37-1150

Owner Type	Name and Address
Current Owner	HARRY S & DIANE J RINKER REVOCABLE TRUST PO BOX 7250 NEWPORT BEACH, CA 92658 (714)979-8300
Current Owner	LAWRENCE Z TEWS 680 N 350 W SHOSHONE, ID 83352 (208)886-7585
Representative	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301
Original Owner	WILLIAM G TEWS 513 GOLF COURSE RD JEROME, ID 83338 (208)324-2805
Original Owner	MARGUERITE E TEWS PO BOX 161 SHOSHONE, ID 83352 (208)886-2822

Priority Date: 06/13/1899

Basis: Decreed

Status: Active

Source	Tributary
ROCK CREEK	BIG WOOD RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	35 CFS	
Total Diversion			35 CFS	

Location of Point(s) of Diversion:

ROCK CREEK	SWSWSW	Sec. 01	Township 01S	Range 17E	BLAINE County
ROCK CREEK	SESWNE	Sec. 12	Township 01S	Range 17E	BLAINE County
ROCK CREEK	SEWSE	Sec. 12	Township 01S	Range 17E	BLAINE County
ROCK CREEK	SESWSE	Sec. 12	Township 01S	Range 17E	BLAINE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	17E	1		SESW	4									
		12		NWNE	10		SWNE	30		SENE	10			
				NENW	40		NWNW	10		SENE	5			
				NESE	10		NWSE	10		SWSE	20		SESE	20
		13		NENE	20		NWNE	20						

Total Acres: 209

Conditions of Approval:

1.	RT. FOR ENTIRE FLOW FROM 7 PM TUES. TO 7 AM FRI. OF EACH WEEK. 35 CFS WAS THE MAXIMUM FLOW AS LISTED ON GAGING REPORT ACTUAL PRIORITY DATES WERE LISTED IN THE FROST DECREE AS 170"/7-30-1883, 50"/6-30-1884, 40"/6-1-1886.
----	---

Dates:

Licensed Date:

Claim Received Date:

Decreed Date: 03/11/1925

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S
Owner Name Connector:
Water District Number: 37
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

37-S

1. DECREE -- Elmer Brown, et al. -vs- Daniel Reardon, et al. 37-1150 thru 37-1152
+ 37-1212
2. STIPULATION -- Elmer Brown, et al. -vs- Daniel Reardon, et al.

112-3051-347

JUN 05 1996

①

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

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

Plaintiffs.

vs.

DANIEL HEARDON and S. H. CHAPMAN
Water Master

Defendants

DE C R E E

NUMERICAL COPY

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

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

ELMER BROWN:

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

RODNEY R. BROWN:

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

CHRISTINA EASTWOOD:

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

W. W. WALLACE:

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

JUN 05 1906

ANDREW McMONIGLE:

The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, also the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, all in Township 1 North of Range 17 E. B. M.

DANIEL REARDON:

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

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

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

I.

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

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

7PM FRI → 7PM TUE

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

7AM FRI

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

II.

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

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MAY 5 1996

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

III.

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

IV.

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

V.

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

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

s/ H. F. ENSIGN
District Judge

State of Idaho)
County of Blaine) ss

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

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

Attest: George F. McCoy
Clerk

JUN 05 1996

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

FILED

MAR 11 1925

Clerk District Court.

BLAINE COUNTY, IDAHO

STIPULATION

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

Plaintiffs,

vs.

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

Defendants,

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

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

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

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

Dated March 8th, 1925.

William Sullivan & Paul Winkler
Attorneys for Plaintiffs.
Residence: Hailey, Idaho.

M. J. Ladd & B. R. King
Attorneys for Defendants.
Residence: Hailey, Idaho.

JUN 05 1926

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

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

Plaintiffs,

vs.

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

Defendants,

D E C R E E

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

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

ELMER BROWN:

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

RODNEY R. BROWN:

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

CHRISTINA EASTWOOD:

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

W. W. Wallace:

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

ANDREW MEMONIGLE:

51996

ANDREW McMONIGLE

The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, also the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, all in Township 1 North of Range 17 E. B. M.

DANIEL REARDON;

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

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

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

I

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

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

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

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

II

That each of the plaintiffs herein shall, prior to May 1st, 1925, properly construct and install a concrete headgate and measuring device at the points where they divert the waters of said stream from the bed of Rock Creek, for use on their respective lands above described, so that the respective share or proportion of the waters of said stream hereinabove decreed to each plaintiff can at all times be accurately measured and determined thereby.

JUN 05 1936

III

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

IV

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

V

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

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

H. T. Ewing
District Judge.

STATE OF IDAHO
County of Blaine,
I, George J. McCay, Clerk of the District Court
do hereby certify that the within and foregoing is a true and
correct copy of the original of the above and foregoing
Judgment and Decree
Given and signed by me this 15th day of March, A.D. 1925
Hailey, Idaho.
Attest: George J. McCay, Clerk.

JUN 05 1925

FROM Roberta

DATE 4-20-79

TO Jim

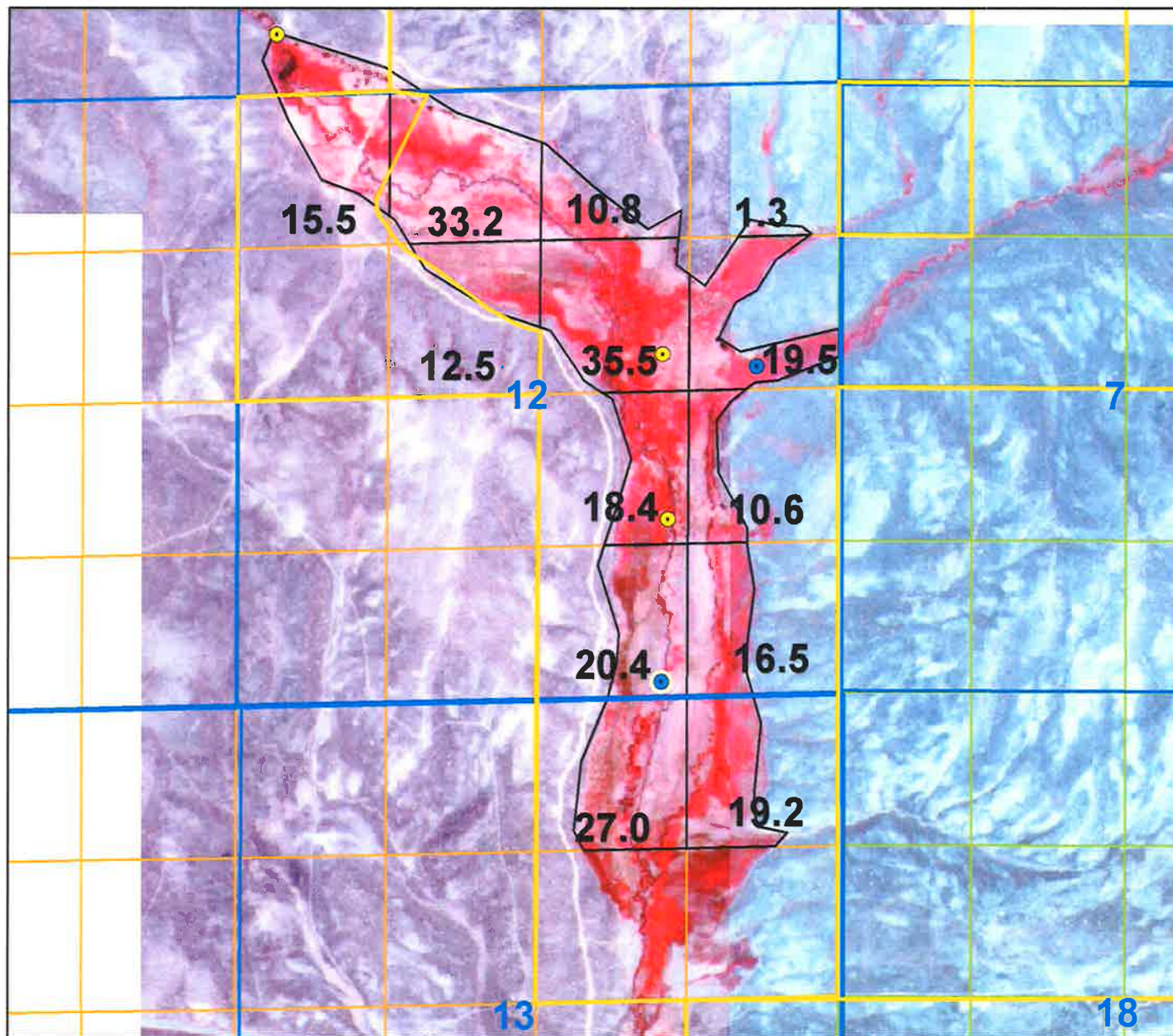
SUBJECT Right No. 37-1212 added to Brown vs. Reardon Decree

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

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

SIGNATURE

JUN 05 1996



0 1,000 2,000 4,000 Feet

**RINKER, ROCK CREEK
37-1150 AMENDED CLAIM - SOUTH AREA
FSA 1987 INFARED AERIAL PHOTO**

Legend

POD ACR

P.O.D.

- 37-1150, 37-4192
- 37-1150
- 37-4192

- PROPERTY_DESCRIPTION
- SECTIONS
- 1987_Irrigation_
- 101s18e
- 101s17e





BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

OCT 31 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

October 31, 2007

Mr. Kelly Christensen
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: 37-1150 Amended Claim

Dear Kelly:

As we discussed, enclosed is an amended claim for 37-1150 to reflect 240.4 acres rather than the original 209 acres. Also included is an aerial map showing the claimed acreage. The claim is signed by Charles E. Brockway as authorized by the attached Power of Attorney.

Cordially,


Charles G. Brockway, P.E.

Enc.

Cc: Harry Rinker
Robert E. Williams, Atty.

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

AMENDED

RECEIVED

OCT 31 2007

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

37-115010-31-07Amend Fee 5029810

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

Amended

Please type or print clearly

1. Name of Claimant (s) Harry S. and Diane J. Rinker Revocable Trust Phone (714) 979-8300
Mailing Address P.O. Box 7250, Newport Beach, CA Zip 92658

2. Date of Priority (Only one (1) per claim) 6/13/1899

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

4. a. Location of existing point of diversion is: Township 1S Range 17E Section 1,
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: SESWNE, SENWSE, and SESWSE, Section 12, T. 1 S., R. 17 E.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well.

Right is for entire flow from 7 pm Tuesday to 7 am Friday of each week. 35 cfs was maximum flow as listed
on gaging report.

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 4/15 to 10/31 amount 35 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 35 (cfs) and / or (b) _____ (acre feet)

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

9. Non-irrigation uses; described fully (e.g. Domestic: list number of households served; Stockwater: type and number of livestock, etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	17E	12	1.3	10.8	35.5	19.5	33.2	15.5		12.5					10.6	18.4	20.4	16.5	194.2
1S	17E	13	19.2	27.0															46.2

Total number of acres irrigated 240.4

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ Or None ☐

14. Remarks:

Amended claim being filed to reflect actual irrigated acreage within decreed place of use based on analysis of
1987 infrared aerial photo.

Last Name _____ Ident. No. _____

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

If applicable provide IDWR Water Right Number 37-1150

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We ☐ do ☐ do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

Of Harry S. & Diane J. Rinker Revocable Trust _____, that I have signed the foregoing Document in the space

below as Trustee _____ Organization _____ of Harry S. & Diane J. Rinker Revocable Trust _____
Title _____ Organization _____

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

Signature of Authorized Agent Chris E. Burkhog _____

Title and Organization Power of Attorney for Harry S. Rinker _____ Date 10/31/07

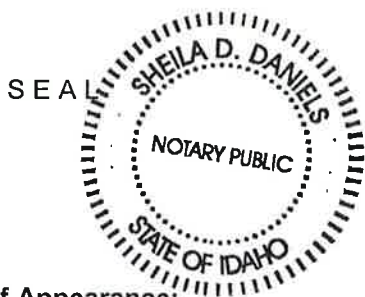
State of Idaho / or _____)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 31st day of October, 20 07.

Notary Public Sheila D. Daniels

Residing at Twin Falls County

My Commission Expires Aug. 6, 2013



Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Harry J. Rinker, hereby nominate and appoint
Charles E. Brockway as my attorney-in-fact with full authority to
act for and on my behalf to undertake any and all acts or matters pertaining to water right
applications, permits, and transfers before the Idaho Department of Water Resources for any
water right transactions:

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

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

Dated this 6 day of May, 2004

Signature

Signature

California
State of ~~Idaho~~

County of Orange

)
) ss.
)

On this 6th Day of May, 2004, before me, a Notary Public
in and for said County and State, personally appeared Harry S. Rinker,
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

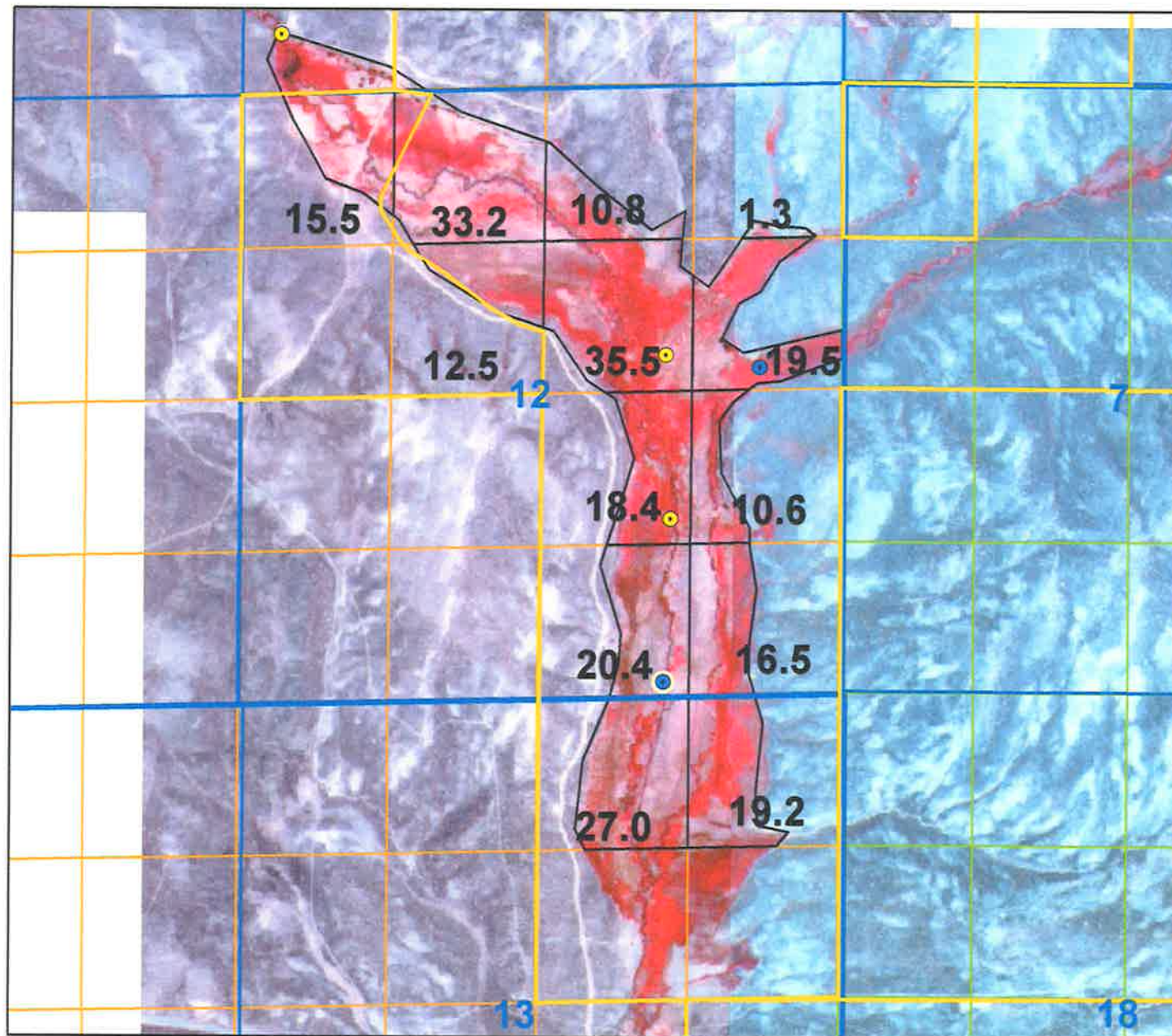
S
E
A
L



Brian F. Darabi
Notary Public

In and for said State and County

April 9, 2008
My Commission Expires



0 1,000 2,000 4,000 Feet

**RINKER, ROCK CREEK
37-1150 AMENDED CLAIM - SOUTH AREA
FSA 1987 INFARED AERIAL PHOTO**

BROCKWAY ENGINEERING, PLLC.
ALR - OCT. 17, 2007

Legend

**POD ACR
P.O.D.**

- 37-1150, 37-4192
- 37-1150
- 37-4192

- PROPERTY_DESCRIPTION
- SECTIONS
- 1987_Irrigation_
- t01s18e
- t01s17e



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-01150
Date Received: 9/14/1988
Receipt No: S002179
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARGUERITE E. TEWS 208-886-2822
Address: P.O. BOX 161
SHOSHONE, ID 83352
OR
Name: LAWRENCE Z. TEWS 208-886-7585
Address: 680 N. 350 W.
SHOSHONE, ID 83352
OR
Name: WILLIAM G. TEWS 208-324-2805
Address: 513 GOLF COURSE RD.
SHOSHONE, ID 83352

2. Date of Priority: JUN 13, 1899

3. Source: ROCK CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	17E	1	SW	SW	SW		BLAINE
		12	SE	SW	NE		BLAINE
			SE	NW	SE		BLAINE
			SE	SW	SE		BLAINE

5. Description of diverting works:
DAMS AND CHECKS AND OPEN DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	35.000		

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

8. Total consumptive use is 525.0 Acre Feet Per Annum.

A37-01150

Page 1

Date: 09/16/88

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FEB 23 1993

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	17E	1	SE	SW		IRR	4.0
					Section Acres		4.0
		12	NW	NE		IRR	10.0
			SW	NE		IRR	30.0
			SE	NE		IRR	10.0
			NE	NW		IRR	40.0
			NW	NW		IRR	10.0
			SE	NW		IRR	5.0
			NE	SE		IRR	10.0
			NW	SE		IRR	10.0
			SW	SE		IRR	20.0
			SE	SE		IRR	20.0
					Section Acres		165.0
		13	NE	NE		IRR	20.0
			NW	NE		IRR	20.0
					Section Acres		40.0
					Total Acres		209.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-04192

14. Remarks:
RT. FOR ENTIRE FLOW FROM 7 PM TUES. TO 7 AM FRI. OF EACH WEEK.
35 CFS WAS THE MAXIMUM FLOW AS LISTED ON GAGING REPORT
ACTUAL PRIORITY DATES WERE LISTED IN THE FROST DECREE AS
170"/7-30-1883, 50"/6-30-1884, 40"/6-1-1886.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

BROWN ET. AL.

Decree Plaintiff

REARDON & CHAPMAN

Decree Defendant

vs

A37-01150

Page

2

Date: 09/16/88

MICROFILMED

FEB 23 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 8

For Individuals:

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

Signature of Claimant(s): Lawrence J. Lewis Date: Sept 14 1988
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of September 19 _____
Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94

UNITED STATES DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY (WATER RESOURCES DIVISION)Sta. No. 13141100Table No. 01

Begin

YR. MO. D. HR.

Rating table for ROCK CREEK NEAR BELLVUE IDAHO

from _____ to _____, from _____ to _____, from _____ to _____

Gage height	Discharge	Difference	Gage height	Discharge	Difference	Gage height	Discharge	Difference	Gage height	Discharge	Difference	Gage height	Discharge	Difference	Gage height	Discharge	Difference	Gage height	Discharge	Difference
Feet	Cfs	Cfs	Feet	Cfs	Cfs	Feet	Cfs	Cfs	Feet	Cfs	Cfs	Feet	Cfs	Cfs	Feet	Cfs	Cfs	Feet	Cfs	Cfs
.00			1.00	25.3	4.7	.00			.00			.00			.00			.00		
.10			.10	30.0	5.2	.10			.10			.10			.10			.10		
.20			.20	35.2	5.7	.20			.20			.20			.20			.20		
.30			.30	40.9	6.2	.30			.30			.30			.30			.30		
.40			.40	47.1	6.7	.40			.40			.40			.40			.40		
.50			.50	53.8		.50			.50			.50			.50			.50		
.60			.60			.60			.60			.60			.60			.60		
.70			.70			.70			.70			.70			.70			.70		
.80			.80			.80			.80			.80			.80			.80		
.90			.90			.90			.90			.90			.90			.90		
0.00			2.00			0.00			0.00			0.00			0.00			0.00		
.10						.10			.10			.10			.10			.10		
.20	2.00	1.38	.20			.20			.20			.20			.20			.20		
.30	3.38	1.82	.30			.30			.30			.30			.30			.30		
.40	5.20	2.25	.40			.40			.40			.40			.40			.40		
.50	7.45	2.70	.50			.50			.50			.50			.50			.50		
.60	10.15	3.15	.60			.60			.60			.60			.60			.60		
.70	13.3	3.6	.70			.70			.70			.70			.70			.70		
.80	16.9	4.0	.80			.80			.80			.80			.80			.80		
.90	20.9	4.4	.90			.90			.90			.90			.90			.90		

This table is applicable for open-channel conditions. It is based on 7 discharge measurements made during 1974 & 75
and is fairly well defined between 2 cfs and 35 cfs.

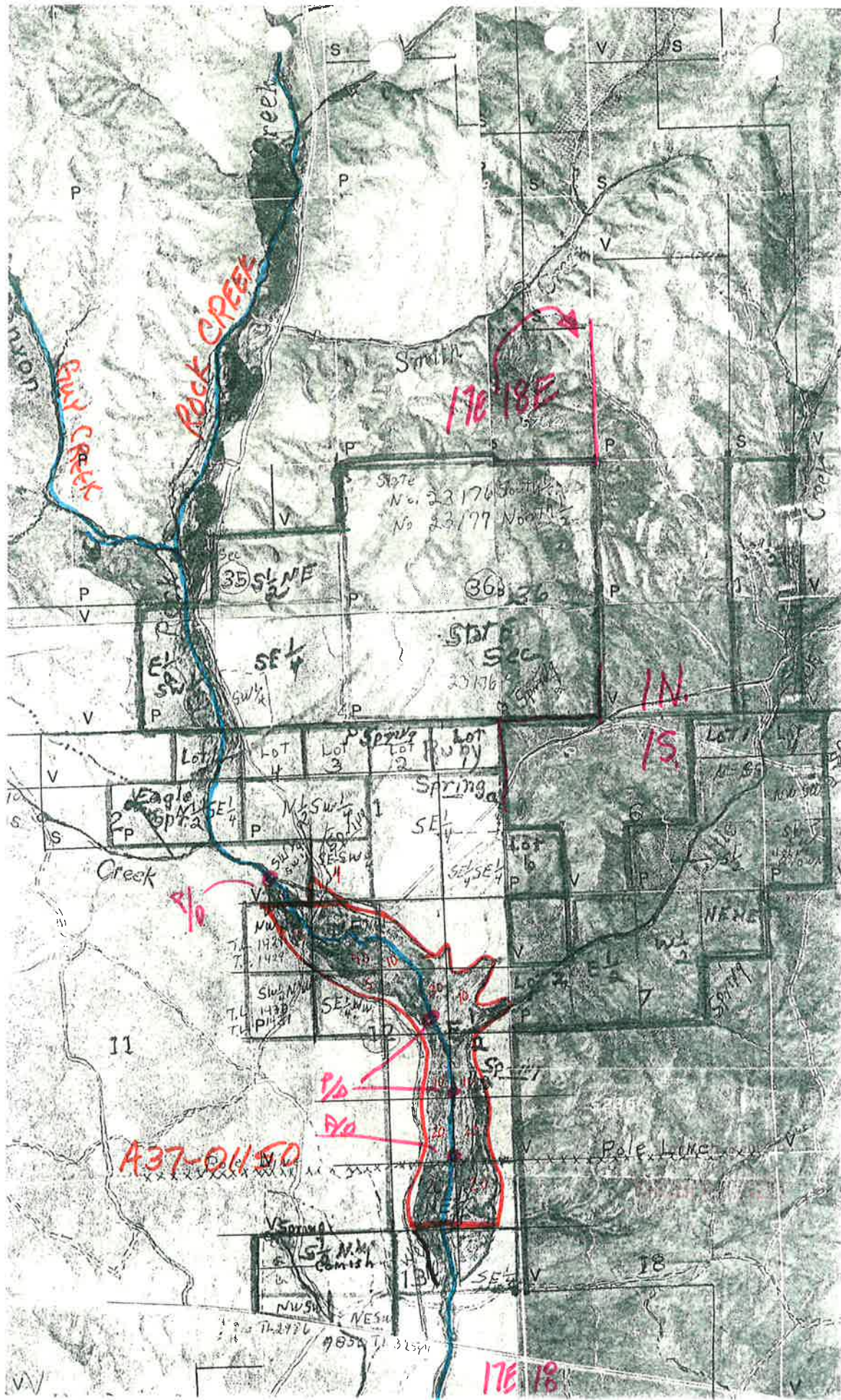
Comp. by ELY date 3-21-75

Ckd. by _____ date _____

A37-01150

MICROFILMED

FEB 23 1993



Index	Name	Age	Gender	Date	Location
37 0560	Quong Sing	18	"	June 1, 1888.	"
37 0561	Ranson, Sarah A.	65	"	Nov. 28, 1882.	Little Wood River. (Also shares in Big Cottonwood Canal Co.)
37 0562	Ravenscraft, J.W.	300	"	May 2, 1884.	Little Wood River. (Also shares in Little Wood River Canal Co.)
37 0563	Rawson, W. F.	60	"	May 10, 1887.	Big Wood River. - Trans #307, 848
37 0564	"	60	"	May 30, 1881.	Little Wood River.
37 0565	"	60	"	May 30, 1882.	" " "
	"				(Also shares in Little Wood River Canal Co.)
37 0566	Reardon, Daniel	90	"	July 30, 1883.	Dry Creek.
37 0567	"	80	"	July 30, 1883.	Rock Creek.
37 0568	"	50	"	June 30, 1884.	" "
37 0569	"	40	"	June 1, 1886.	" "
37 0570	Reedy, Mrs. Hannah H.	50	"	June 1, 1892.	Soldier Creek.
37 0571	Reedy, Mrs. Joseph H.	145	"	July 2, 1883.	" "
37 0572	"	22	"	June 27, 1883.	" "
37 0573	Rhodes, James M., Trustee.	2000	"	Aug. 27, 1882.	Warm Springs Creek. (For power purposes.)
37 0574	Do.	250	"	May 30, 1894.	Warm Springs Creek.
37 0575	Do.	40	"	Aug. 1, 1888.	N. Fork of E. Fork of Big Wood River. (For milling purposes for North Star Con- centrating Mill.)
37 0576	Rice, C. P.	180	"	Nov. 2, 1885.	Big Wood River.
37 0577	Richards, S. P.		"		Shares in Little Wood River Canal Company.
37 0578	Riley, W. T.	5595	"	Mch. 24, 1883.	Big Wood River. Trans #56-487-501
37 0579	Roberts, Mrs. Elizabeth	50	"	May 2, 1884.	" "
37 0580	Do.	25	"	June 2, 1888.	" "

9459
 Enc. doc 23-
 187.4
 A37-01150

MICROFILMED
 Feb 23 1983

The SW¹/₄ of t. SE¹/₄ of Section 1, the NE¹/₄ and t. SE¹/₄ of Section 12, and the NE¹/₄ of the NE¹/₄ of Section 13, in Township 1 South, of Range 17 E., B. M.

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

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

I.

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

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

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

37-1212

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

II.

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

MICROFILMED

FEB 23 1993

A37-01150

ALBERT S. LA MONTE and INEZ G. LA MONTE,
husband and wife, of Hailey, Blaine
County, Idaho,

GRANTORS,

TO

TEWS BROS. a partnership, consisting of
William G. Tews, Lawrence Z. Tews,
Clarence R. Tews and Marguerite E. Tews,

GRANTEES.

WARRANTY DEED.

Dated: May 3, 1943.

Recorded: May 12, 1943 at 9:30 A. M.

Book 148 of Deeds, Page 226.

Instrument No. 85446.

Ack. May 11, 1943, before R. H. McCoy, N.
P., Residing at Hailey, Idaho. My
Commission expire 3-31-46. SEAL.

Granting words: Grant, bargain, sell,
convey and confirm.

Covenant: WARRANT and DEFEND.

Consideration: \$1500.00.

(\$1.65 I.R.S. AFFIXED AND CANCELED)

Conveys:

All the following described real estate, situated in the County of Blaine,
State of Idaho, to-wit:

The EAST HALF of the SOUTHWEST QUARTER ($E\frac{1}{2}SW\frac{1}{4}$), the SOUTHEAST QUARTER ($SE\frac{1}{4}$),
the SOUTH HALF of the NORTHEAST QUARTER ($S\frac{1}{2}NE\frac{1}{4}$), all in Section THIRTY-FIVE (35), In Twp.
One (1) North of Range Seventeen (17) E.B.M.

Lots ONE (1), TWO (2), THREE (3), FOUR (4), and the SOUTHEAST QUARTER ($SE\frac{1}{4}$),
and the NORTH HALF of the SOUTHWEST QUARTER ($N\frac{1}{2}SW\frac{1}{4}$), the SOUTHEAST QUARTER of the SOUTH-
WEST QUARTER ($SE\frac{1}{4}SW\frac{1}{4}$), of Section ONE (1); The NORTH HALF ($N\frac{1}{2}$) and the SOUTHEAST QUARTER
($SE\frac{1}{4}$), of Section TWELVE (12); The NORTHEAST QUARTER ($NE\frac{1}{4}$) Section THIRTEEN (13); Lot
ONE (1), and the NORTH HALF of the SOUTHEAST QUARTER ($N\frac{1}{2}SE\frac{1}{4}$), of Section TWO (2), All in
TOWNSHIP ONE (1), SOUTH of RANGE SEVENTEEN (17), EAST BOISE MERIDIAN.

Lot SIX (6), of Section Six (6), in TOWNSHIP ONE (1), SOUTH of RANGE EIGHTEEN
(18) EAST BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Together with all water and water rights thereunto appertaining or in any way
belonging, Including, but not limited to, 170 inches dated July 30, 1883; 50 inches dated
June 30, 1884 and 40 inches dated June 1, 1886 from Rock Creek, as decreed in that certain
suit of S.C. Frost et al VS. Alturas Water Co. et al. and amended by decree shown in
Book 10 of Judgments, at page 105 records of Blaine County, Idaho.

This deed is given subject to a certain mortgage to the Federal Land Bank of
Spokane and one to the Land Bank Commissioner, which said mortgages said second parties
assume and agree to pay as part of the consideration hereof.

This deed is given subject to the Taxes for the year 1943.

R. H. MCCOY, BONDED ABSTRACTER
BLAINE COUNTY, IDAHO

A37-01150

MICROFILMED

RED 23 1993

24

c e r t i f i c a t e

-1-

STATE OF IDAHO,)
 : SS.
COUNTY OF BLAINE.)

I hereby certify that the foregoing sheets numbered 1B to 3B inclusive, contain a true and complete Abstract of all conveyances or other instruments of writing, recorded in the office of the County Recorder of Blaine County, Idaho, subsequent to June 4, 1940 at 5 o'clock P. M., which in any way affect the title to the following described land situated in Blaine County, Idaho, to-wit:

SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1; NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 12 and NE $\frac{1}{4}$ Sec. 13, in Twp. 1 South, Range 17 E. B. M.; and Lot 6 in Sec. 6, in Twp. 1 South, Range 18 East of Boise Meridian.

I also certify that there are no suits, judgments or liens, other than herein shown, pending in any court of record in Blaine County, Idaho, against any of the within named grantees which create a lien on the foregoing described property.

I further certify that the Tax Collector's Rolls show the taxes on the above described property paid to and including the year 1942. The taxes for the year 1943 are a lien on the property, but are not yet due and payable.

THIS CERTIFICATE NO. 4745 is made for the use of THE FEDERAL LAND BANK OF SPOKANE, and at the request of ALBERT S. LA MONTE.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal this 12th day of May, in the year 1943, at 10:50 o'clock A. M.

R. H. McCoy
BLAINE COUNTY ABSTRACTER

MICROFILMED

FEB 23 1993

R. H. MCCOY, BONDED ABSTRACTER
BLAINE COUNTY, IDAHO

A37-01150

MAY 1943

COPY

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

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

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

11/05/2010

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

RIGHT NUMBER: 37-1150

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

SOURCE: ROCK CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 4.00-5.200 CFS

PRIORITY DATE: 06/13/1899

POINT OF
DIVERSION:

T01S R17E S1 SW-SWSW Within BLAINE County
T01S R17E S12 SE-SWSE Within BLAINE County
~~T01S R17E S12 SENWSE Within BLAINE County~~
~~T01S R17E S12 SEOWNE Within BLAINE County~~

KKC

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	4.00-5.200 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R17E S12	NWNE	5.00 7.80	T01S R17E S12	SWNE	30 34.00
T01S R17E S12	SENE	10 16.00	T01S R17E S12	NENW	29 30.00
T01S R17E S12	NWNW	14 15.00	T01S R17E S12	SENW	10 11.00
T01S R17E S12	NESE	9 10.00	T01S R17E S12	NWSE	17.00
T01S R17E S12	SWSE	18.00	T01S R17E S12	SESE	15-16.00
T01S R17E S13	NENE	10 20.00	T01S R17E S13	NWNE	25.00
T01S R17E S13	SWNE	16.00	T01S R17E S13	SENE	14.00

200 249.8 ACRES TOTAL

This right is limited to the irrigation of 217.8 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 249.8 acres in a single irrigation season. Combined Right Nos.: 37-1150, 37-4192, and 37-22465.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

KKC

11/05/2010

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

SF-5

RIGHT NUMBER: 37-1150

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

SOURCE: ROCK CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: ~~4.00~~ 5.200 CFS

PRIORITY DATE: 06/13/1899

VERIFIED BY

KKC
11-5-10

POINT OF
DIVERSION:

T01S R17E S1 SW-SWSW Within BLAINE County
T01S R17E S12 SE-SWSE Within BLAINE County
~~T01S R17E S12 SENWSE Within BLAINE County~~
~~T01S R17E S12 SESWNE 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	~~4.00~~ <u>5.200</u> CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R17E S12	NWNE	~~5.00~~ <u>7.80</u>	T01S R17E S12	SWNE	~~30~~ <u>34.00</u>
T01S R17E S12	SENE	~~10~~ <u>16.00</u>	T01S R17E S12	NENW	~~29~~ <u>30.00</u>
T01S R17E S12	NWNW	~~14~~ <u>15.00</u>	T01S R17E S12	SENW	~~10~~ <u>11.00</u>
T01S R17E S12	NESE	~~9~~ <u>10.00</u>	T01S R17E S12	NWSE	<u>17.00</u>
T01S R17E S12	SWSE	<u>18.00</u>	T01S R17E S12	SESE	~~15~~ <u>16.00</u>
T01S R17E S13	NENE	~~18~~ <u>20.00</u>	T01S R17E S13	NWNE	<u>25.00</u>
T01S R17E S13	SWNE	<u>16.00</u>	T01S R17E S13	SENE	<u>14.00</u>

200 249.8 ACRES TOTAL

This right is limited to the irrigation of 217.8 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 249.8 acres in a single irrigation season. Combined Right Nos.: 37-1150, 37-4192, and 37-22465.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-1150 V2

WATER RIGHT NUMBER: 37-1150 V2

Owner Type Name and Address

Current Owner HARRY S & DIANE J RINKER REVOCABLE TRUST
 PO BOX 7250
 NEWPORT BEACH, CA 92658
 (714)979-8300

Representative CHARLES E BROCKWAY
 C/O BROCKWAY ENGINEERING
 2016 N WASHINGTON ST #4
 TWIN FALLS, ID 83301

Attorney ROBERT E WILLIAMS
 153 E MAIN ST
 PO BOX 168
 JEROME, ID 83338
 (208)324-2303

*Printed
6-8-10*

Priority Date: 06/13/1899

Basis: Decreed

Status: Active

Source Tributary

ROCK CREEK BIG WOOD 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	5.200 CFS	
	<u>Total Diversion:</u>	5.200 CFS	

Location of Point(s) of Diversion

ROCK CREEK	SW1/4SE1/4	Sec. 12, Twp 01S, Rge 17E, B.M.
ROCK CREEK	SW1/4SW1/4	Sec. 1, Twp 01S, Rge 17E, B.M.

Place of Use

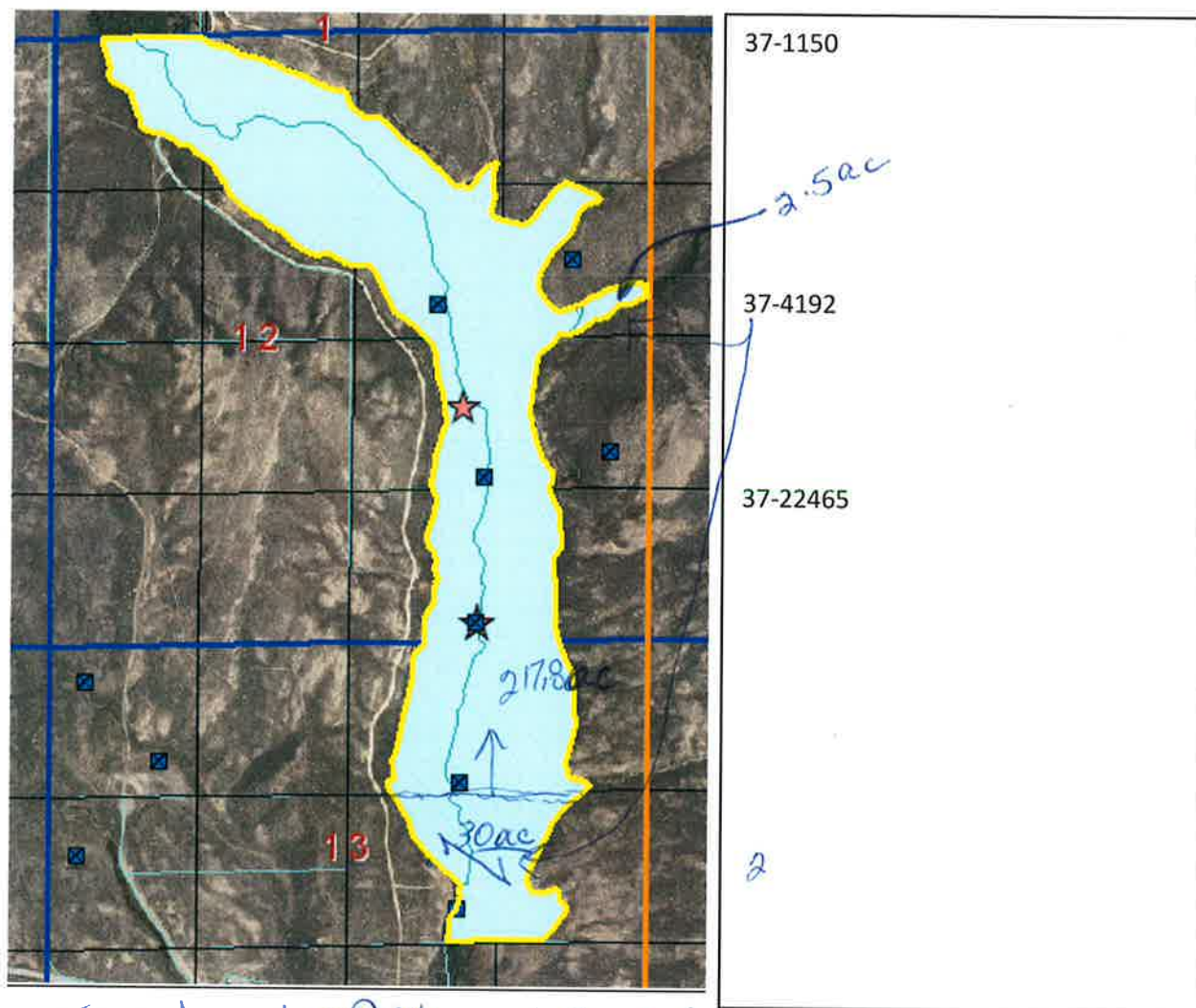
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals						
01S	17E	12	7.8	34.0	16.0	30.0	15.0	11.0	10.0	17.0	18.0	16.0	174.8
01S	17E	13	20.0	25.0	16.0	14.0							75.0

Total Acres: 249.8

Conditions of Approval:

1. K06 This right is limited to the irrigation of 217.8 acres within the place of use described above in a single irrigation season.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. 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.
4. E56 The rights listed below are limited to the irrigation of a combined total of 249.8 acres in a single irrigation season. Combined Right Nos.: 37-1150, 37-4192, and 37-22465.



Total ArcMAP POH excluding the 2.5ac in Sec 12 SENE
is 247.8ac.

Sec 13 S $\frac{1}{2}$ NE = 30ac

$$\begin{array}{r} 247.8 \\ - 30.0 \\ \hline 217.8 \end{array}$$
 Basis for rec
Acre limit.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-1150 V2

WATER RIGHT NUMBER: 37-1150 V2

VERIFIED BY KKC
4-6-10

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

Priority Date: 06/13/1899

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ROCK CREEK	BIG WOOD 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	5.200 CFS	
	<u>Total Diversion:</u>	5.200 CFS	

Location of Point(s) of Diversion

ROCK CREEK	SW1/4SE1/4	Sec. 12, Twp 01S, Rge 17E, B.M.
ROCK CREEK	SW1/4SW1/4	Sec. 1, Twp 01S, Rge 17E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals						
01S	17E	12	7.8	34.0	16.0	30.0	15.0	11.0	10.0	17.0	18.0	16.0	174.8
01S	17E	13	20.0	25.0	16.0	14.0							75.0

Total Acres: 249.8

Conditions of Approval:

1. K06 This right is limited to the irrigation of 217.8 acres within the place of use described above in a single irrigation season.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. 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.
4. E56 The rights listed below are limited to the irrigation of a combined total of 249.8 acres in a single irrigation season. Combined Right Nos.: 37-1150, 37-4192, and 37-22465.

10/06/2006

IDAHO DEPARTMENT OF WATER RESOURCES

RIGHT NUMBER: 37-1150

NAME AND ADDRESS: MARGUERITE E TEWS
PO BOX 161
SHOSHONE ID 83352

WILLIAM G TEWS
513 GOLF COURSE RD
JEROME ID 83338

LAWRENCE Z TEWS
680 N 350 W
SHOSHONE ID 83352

SOURCE: ROCK CREEK TRIBUTARY: BIG WOOD RIVER
QUANTITY: 4.000 CFS
PRIORITY DATE: 06/13/1899
POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	4.000 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R17E S12	NWNE	5.00	T01S R17E S12	SWNE	30.00
T01S R17E S12	SENE	10.00	T01S R17E S12	NENW	29.00
T01S R17E S12	NWNW	14.00	T01S R17E S12	SENW	10.00
T01S R17E S12	NESE	9.00	T01S R17E S12	NWSE	17.00
T01S R17E S12	SWSE	18.00	T01S R17E S12	SESE	15.00
T01S R17E S13	NENE	18.00	T01S R17E S13	NWNE	25.00

200 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



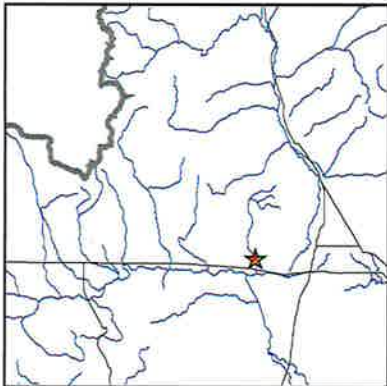
Idaho Department of Water Resources

SRBA Recommendation:

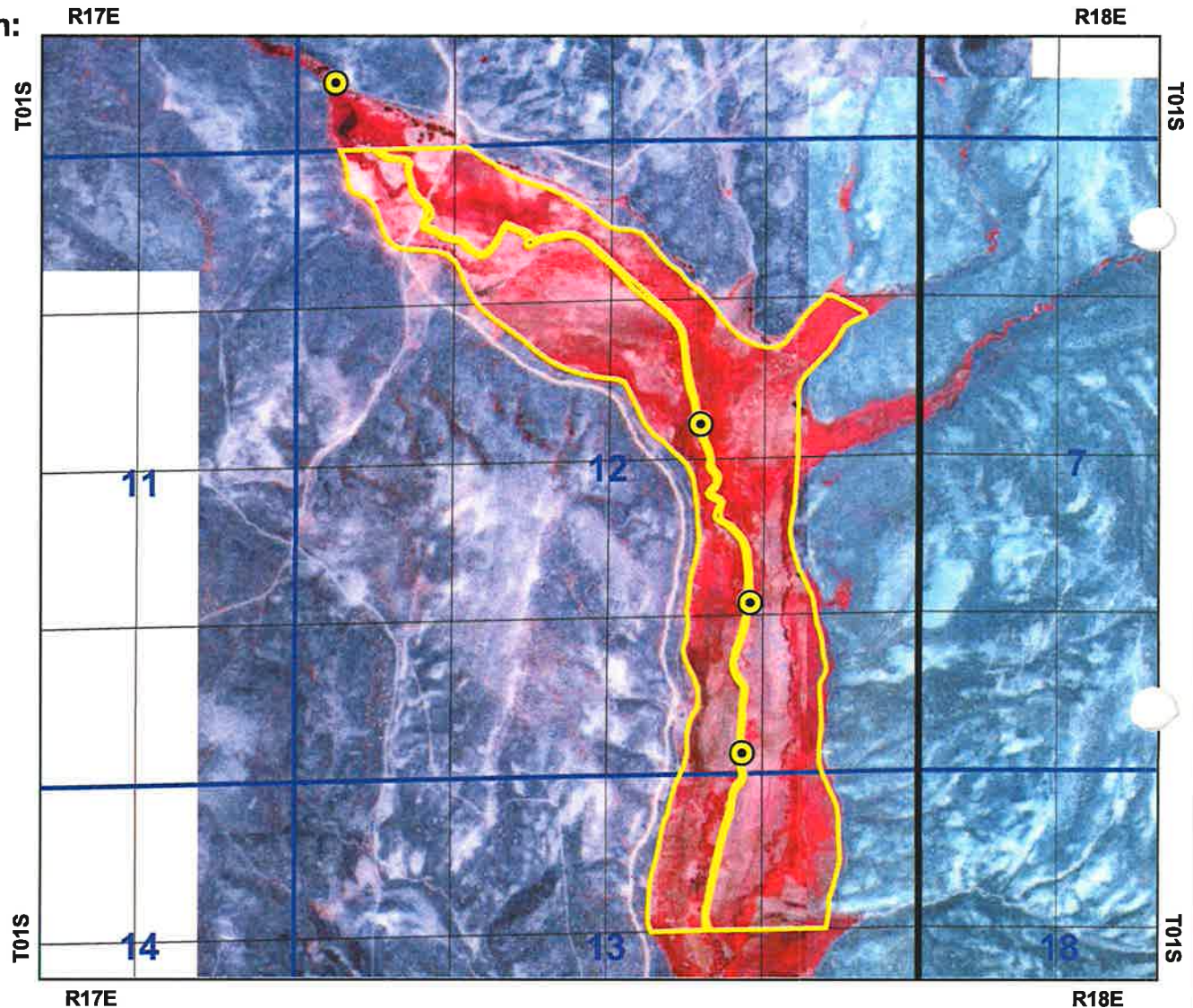
37-1150

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
On Friday, October 6, 2006
1987/88 Aerial Photography

11/01/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 21, 2006

Water right number: 37-1150

MARGUERITE E TEWS
PO BOX 161
SHOSHONE ID 83352
Telephone Number: (208)886-2822

WILLIAM G TEWS
513 GOLF COURSE RD
JEROME ID 83338
Telephone Number: (208)324-2805

LAWRENCE Z TEWS
680 N 350 W
SHOSHONE ID 83352
Telephone Number: (208)886-7585

RECEIVED

NOV 14 2006

DEPARTMENT OF
WATER RESOURCES

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

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

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

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800)451-4129

ALL THREE PEOPLE LISTED ABOVE HAVE
PASTED AWAY AND THEY HAD SOLD

ROCK CREEK RANCH IN 1990

THANK YOU
CLARENCE D TEWS

NOV 14 2006

Adjudication Claim Notes

Claim(s): 37-1150

Background Data

- Source is Rock Creek tributary to Big Wood River
- Decreed for all of Rock Creek Tuesday-Friday on 5 QQ
- Claimed 35.0 cfs for Irrigation of 209 acres

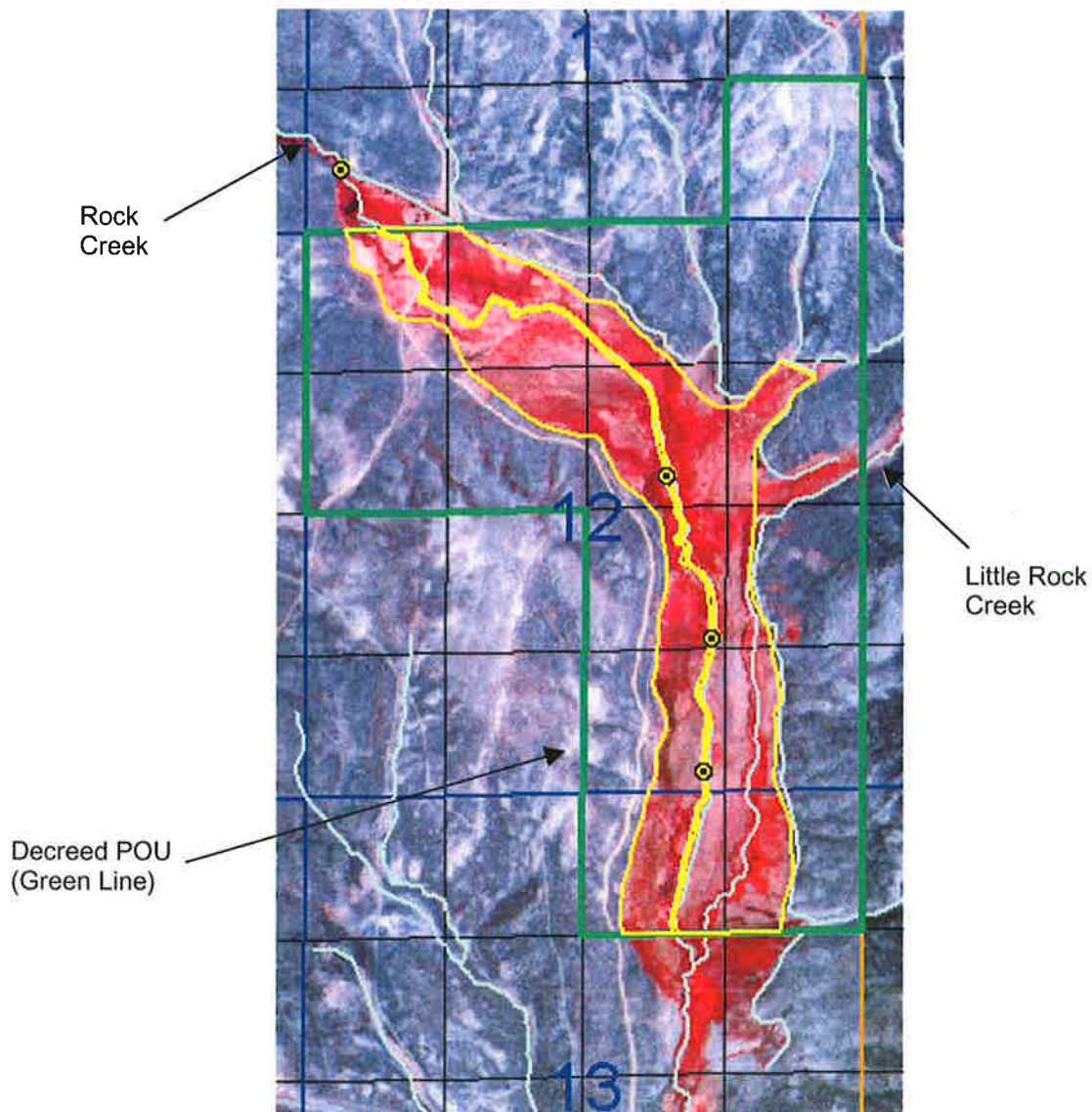
Place Of Use Data

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

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

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

1987 Aerial Photo



Notes

T1S R17E Sections 12 & 13

➤ Water allocation:

- Rock Creek assumed to carry up to 35 cfs based on USGS rating curve
- 37-1150
 - all Rock Creek
 - Rotation
 - 7 PM Tuesday – 7 AM Friday
 - 60 hours of 168 hours/week = 35.7 %
 - 12.5 cfs daily
- 37-1151
 - all Rock Creek
 - Rotation
 - 7 AM Friday – 12 noon Sunday
 - 3 parties, 1/3 each
 - 53 hours of 168 hours/week = 31.5 %
 - 11.1 cfs daily
- 37-1152
 - all Rock Creek
 - Rotation
 - 12 noon Sunday – 7 PM Tuesday
 - 2 parties, 1/2 each
 - 55 hours of 168 hours/week = 32.7 %
 - 11.4 cfs daily
- The standard at this time was 0.02 cfs/acre. Since these rights were not decreed with a diversion rate, they are being recommended at 0.02 cfs/acre.

➤ Recommendation

- 4.0 cfs for Irrigation of 200 acres
- Rock Creek Summary:
 - 37-627 – claim disallowed (right superceded)
 - 37-1150 – 4.0 cfs for Irrigation of 200 acres
 - 37-1151
 - 37-1151B – 0.86 cfs for Irrigation of 48 acres
 - 37-1151D – 7.0 cfs for Irrigation of 350 acres
 - 37-1152 – claim disallowed (exceeds 0.02 cfs/acre)
 - 37-1212 – 0.86 cfs for Irrigation of 48 acres
 - 37-4192 – claim disallowed (no evidence of priority)

- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

7A5-6
Vol 6 p1177
37-5

①

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

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

Plaintiffs.

vs.

DANIEL REARDON and S. H. CHAPMAN
Water Master

Defendants

DE C R E E

NUMERICAL COPY

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

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

ELMER BROWN:

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

RODNEY R. BROWN

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

CHRISTINA EASTWOOD:

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

W. W. WALLACE:

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

JUN 05 1956

ANDREW McMONIGLE:

The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, also the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, all in Township 1 North of Range 17 E. B. M.

DANIEL REARDON:

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

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

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

I.

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

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

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

37-1212

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

II.

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

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

III.

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

IV.

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

V.

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

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

s/ H. F. ENSIGN
District Judge

State of Idaho)
County of Blaine) ss

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

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

Attest: George F. McCoy
Clerk

JUN 05 1966

"Exhibit A"

AGREEMENT FOR THE USE OF WATER OF ROCK CREEK.

This agreement made and entered into this 13th day of June A. D. 1899, by and between T. S. Eastwood, A. D. Davis, William P. Eastwood, John Schmidt, Elmer Brown, Daniel Reardon and Elmer Brown, Lessee and Rodney R. Brown, witnesseth:

That for and in consideration of the sum of One Dollar, lawful money of the United States of America, in hand paid by each of the parties hereto, one to the other, and other good and valuable considerations, the receipt whereof is hereby confessed and acknowledged; it is mutually agreed by and between all of the parties hereto, all of said parties being the owners of ranches on Rock Creek, in the County of Blaine and State of Idaho, that the following division of the waters of said Rock Creek shall be made and be binding on all of said parties their heirs, executors, administrators and assigns to wit:

The said Daniel Reardon and Elmer Brown, lessee of the Kelleher Ranch, which said ranches are situated the furthestest down said Rock Creek, of any of the parties ranches to this agreement, shall be entitled to and shall have the use of all of the waters of said Creek for two full consecutive days each week beginning Wednesday, June 14th, at 7 o'clock A. M. and continuing until Friday in each week at 7 o'clock A. M. The said T. S. Eastwood, Elmer Brown (who also owns a ranch near the upper end of said Rock Creek) and Rodney R. Brown, shall be entitled to all of the waters of said creek from Friday of each week at 7 o'clock A. M. until Sunday of each week at 7 o'clock P. M. and the said William P. Eastwood and John Schmidt, shall be entitled to all of the waters of said Creek from Sunday of each week at 7 o'clock P. M. until Wednesday of each week at 7 o'clock A. M.

It is further agreed by and between all of the parties hereto that the said Rodney R. Brown shall be entitled to all of the waters of the tributary of Rock Creek known as Guy Hollow.

It is further agreed by and between all of the parties to this agreement that they will keep all of their lateral ditches in good order and repair so as to guard against the waste or loss of water, and that each of them will use the utmost care and diligence in shutting off the water at the times hereinbefore specified so as not to deprive one another of their full time for which they are entitled to the use of said water.

And it is further agreed by and between all of the parties hereto that this agreement shall be submitted by the attorneys of each of the parties hereto, to the District Court of the Fourth Judicial District, in and for the County of Blaine, State of Idaho, and a Decree asked for in accordance with the terms of this agreement and that the ranches herein named shall be described by subdivisions in said Decree, if granted.

In Witness Whereof, the said parties hereto have hereunto set their hands and seals the day and year in this agreement first above written.

Signed, sealed and delivered
in presence of
W. H. Watt.

Witness as to Kelleher
Geo. A. McLeod.

T. S. Eastwood	(Seal)
A. D. Davis	(Seal)
William P. Eastwood	(Seal)
John Schmidt	(Seal)
Elmer Brown	(Seal)
Daniel Reardon	(Seal)
Rodney R. Brown	(Seal)
Cornelius Kelleher	(Seal)

A37-01150

STATE OF IDAHO, }
County of Blaine, } ss.

On this 13th day of June, 1899, before me. W. H. Watt, a Notary Public in and for the County of Blaine, State of Idaho, personally appeared T. S. Eastwood, A. D. Davis, William P. Eastwood, John Schmidt, Elmer Brown, Daniel Beardon and Rodney E. Brown, personally known to me to be the persons who are described in and who executed the within instrument and they duly acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and Notarial Seal the day and year in this certificate last above written.

(Seal)

W. H. Watt, Notary Public.

STATE OF IDAHO, }
County of Blaine, } ss.

On this 20th day of June in the year 1899, before me, W. E. Heard, Clerk Dist. Court, in and for said County, personally appeared Cornelius Kelleher, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

In Testimony Whereof, I have hereunto set my hand and official seal on the day and year in this certificate above written.

W. E. Heard, Clerk of Dist. Court.

(Seal)

By Geo. A. McLeod, Deputy.

Recorded at request of Daniel Beardon, June 5, 1900, at 1:30 P.M.

W. E. Heard, Co. Recorder.

By Geo. A. McLeod, Deputy.

WIDOWED

A37-01150

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1150

WATER RIGHT NUMBER: 37-1150

Owner Type Name and Address
 Current Owner DANIEL REARDON

, ZZ

Priority Date: 06/13/1899

Basis: Decreed

Status: Active

Source Tributary
 ROCK CREEK BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /		
DOMESTIC	/ to /		

Total Diversion:Location of Point(s) of Diversion

ROCK CREEK

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	
01S	17E	1																X	
01S	17E	12	X	X	X	X	X	X	X	X					X	X	X	X	
01S	17E	13	X	X															

DOMESTIC same as IRRIGATIONConditions of Approval:

1. RT. FOR ENTIRE FLOW FROM 7 PM TUES. TO 7 AM FRI. OF EACH WEEK.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-566

WATER RIGHT NUMBER: 37-566

Owner Type

Name and Address

Priority Date:

Basis:

Status: See Remarks

Source

Tributary

also -567
-568
-569

Beneficial Use

From To

Diversion Rate

Annual Volume

Total Diversion:

Location of Point(s) of Diversion

Place of Use

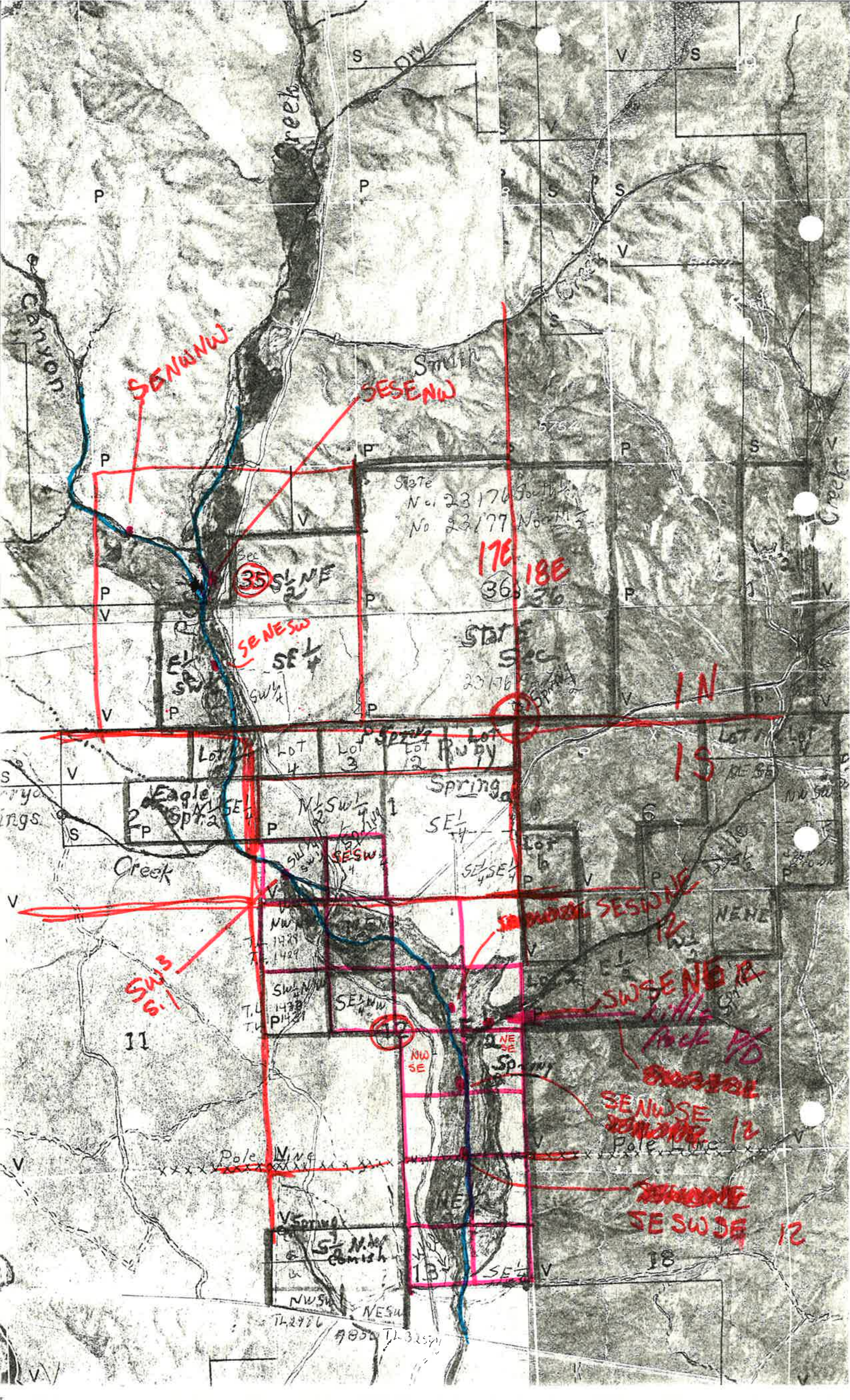
Conditions of Approval:

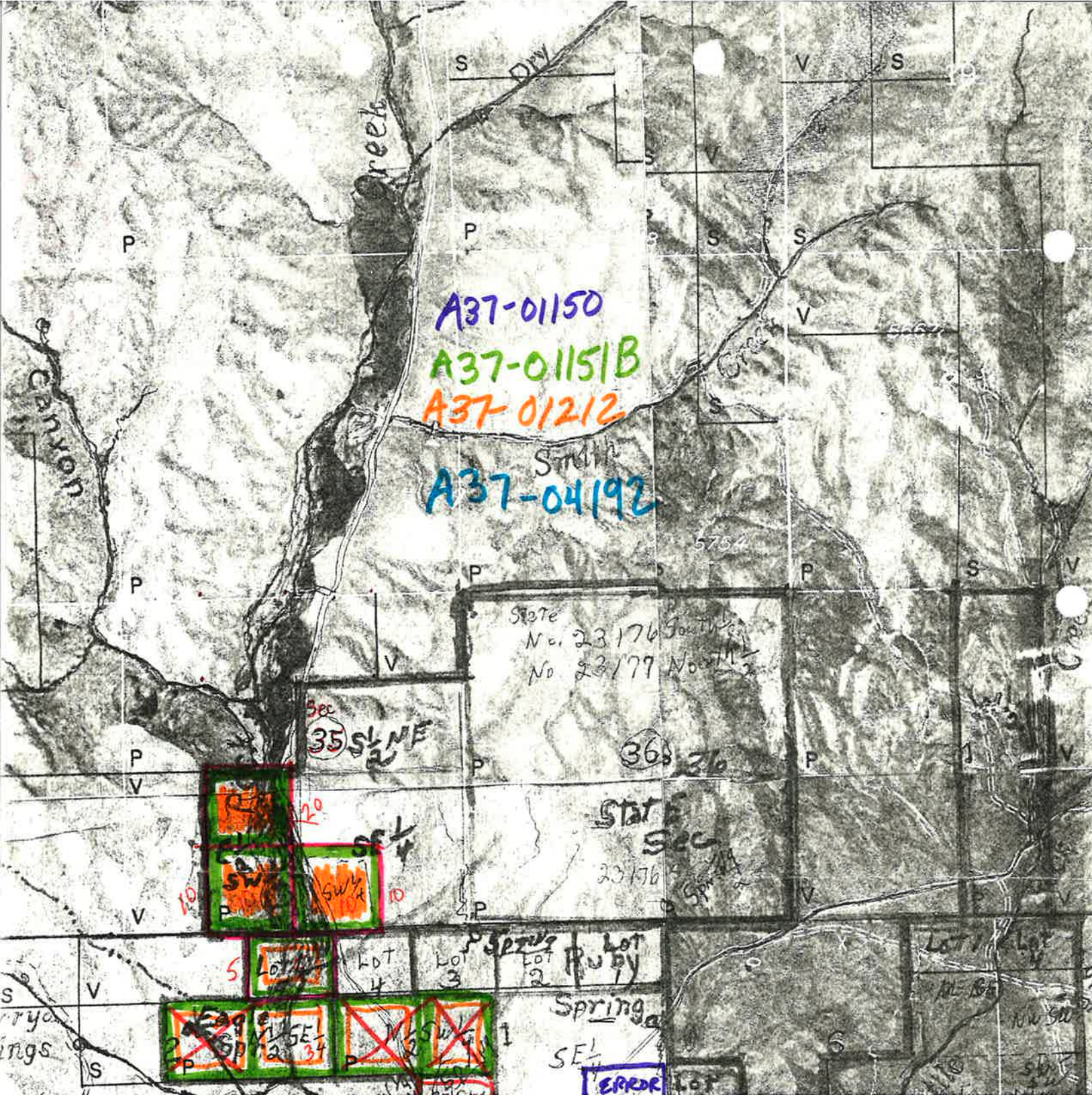
1. SUPERSEDED BY BROWN VS REARDON DECREE. SEE RT. 37-1150.

Remarks:

Comments:

Water Supply Bank:





Anders, Matthew

From: Charles G. Brockway [charles.g.brockway@brockwayeng.com]
Sent: Wednesday, July 26, 2006 2:18 PM
To: Anders, Matthew
Subject: Rinker claims - Rock Creek

Matt,

I received your letter yesterday regarding 37-1150, 37-1151B, 37-1212, and 37-4192. I'll re-open this file, get familiar again with the rights, and get back with you. We did an extensive workup of the rights for Mr. Rinker so I think we'll have some good info.

Best regards,
Chuck

Charles G. Brockway, Ph.D., P.E.

Brockway Engineering, PLLC
2016 North Washington Street #4
Twin Falls, Idaho 83301
charles.g.brockway@brockwayeng.com

9/21/2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 21, 2006

Charles E. Brockway
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, Idaho 83301

RE: Snake River Basin Adjudication claims 37-1150, 37-1151B, 37-1212, and 37-4192

Dear Mr. Brockway,

Mr. Harry Rinker referred me to you regarding Snake River Basin Adjudication (SRBA) claims 37-1150, 37-1151B, 37-1212, and 37-4192. These claims are appurtenant to a ranch on Rock Creek formerly owned by the Tews family and now owned by Mr. Rinker. Below are the present issues that need to be resolved with these claims:

- a) Ownership of the claims needs to be changed to Mr. Rinker.
- b) 37-1150 and 37-1151 were decreed for rotational use. We need to establish if the parties that presently own these rights want them decreed as rotational or daily use. We also need to establish diversion rates for these rights. A likely starting point will be the 1975 USGS rating curve for Rock Creek submitted with the claims.
- c) 37-4192 requires evidence of priority if Mr. Rinker would like to pursue this water right claim.

Attached are the original claims, the decree for 37-1150, 37-1151, 37-1152, and 37-1212, and the 1975 USGS rating curve completed Rock Creek. Feel free to contact me at (208) 287-4937 if you have any questions or would like to discuss this.

Sincerely,

Matt Anders
GIS Specialist – Snake River Basin Adjudication

cc: Harry Rinker
PO Box 7250
New Port Beach, CA 92658

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-01150
Date Received: 9/14/1988
Receipt No: S002179
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARGUERITE E. TEWS 208-886-2822
Address: P.O. BOX 161
SHOSHONE, ID 83352
OR
Name: LAWRENCE Z. TEWS 208-886-7585
Address: 680 N. 350 W.
SHOSHONE, ID 83352
OR
Name: WILLIAM G. TEWS 208-324-2805
Address: 513 GOLF COURSE RD.
SHOSHONE, ID 83352

2. Date of Priority: JUN 13, 1899

3. Source: ROCK CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	17E	1	SW	SW	SW		BLAINE
		12	SE	SW	NE		BLAINE
			SE	NW	SE		BLAINE
			SE	SW	SE		BLAINE

5. Description of diverting works:
DAMS AND CHECKS AND OPEN DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	35.000		

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

8. Total consumptive use is 525.0 Acre Feet Per Annum.

A37-01150

Page 1

Date: 09/16/88

MICROFILMED

FEB 23 1993

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	17E	1	SE	SW		IRR	4.0
						Section Acres	4.0
		12	NW	NE		IRR	10.0
			SW	NE		IRR	30.0
			SE	NE		IRR	10.0
			NE	NW		IRR	40.0
			NW	NW		IRR	10.0
			SE	NW		IRR	5.0
			NE	SE		IRR	10.0
			NW	SE		IRR	10.0
			SW	SE		IRR	20.0
			SE	SE		IRR	20.0
						Section Acres	165.0
		13	NE	NE		IRR	20.0
			NW	NE		IRR	20.0
						Section Acres	40.0
						Total Acres	209.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-04192

14. Remarks:
RT. FOR ENTIRE FLOW FROM 7 PM TUES. TO 7 AM FRI. OF EACH WEEK.
35 CFS WAS THE MAXIMUM FLOW AS LISTED ON GAGING REPORT
ACTUAL PRIORITY DATES WERE LISTED IN THE FROST DECREE AS
170"/7-30-1883, 50"/6-30-1884, 40"/6-1-1886.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

BROWN ET. AL.		REARDON & CHAPMAN
Decree Plaintiff	vs	Decree Defendant
A37-01150	Page 2	Date: 09/16/88

MICROFILMED

FEB 23 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 8

For Individuals:

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

Signature of Claimant(s):

Lawrence J. Teers

Date: Sept 14 1988

Date: _____

State of Idaho)

County of Twin Falls)

SS.

Subscribed and sworn (or affirmed) before me this 14th day

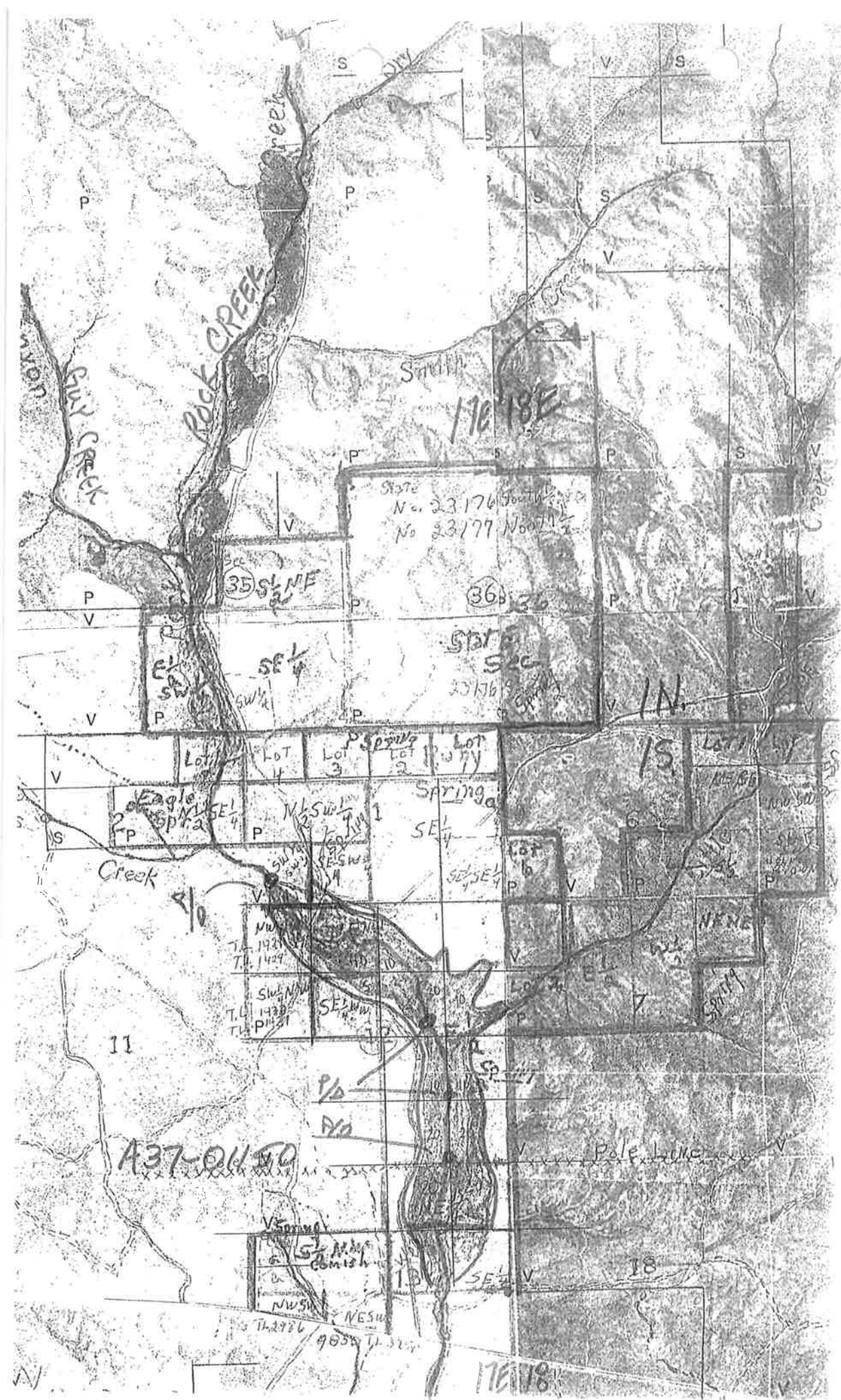
of September 19 _____

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-01151B
Date Received: 9/14/1988
Receipt No: S002179
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARGUERITE E. TEWS 208-886-2822
Address: P.O. BOX 161
SHOSHONE, ID 83352
OR
Name: LAWRENCE Z. TEWS 208-886-7585
Address: 680 N. 350 W.
SHOSHONE, ID 83352
OR
Name: WILLIAM G. TEWS 208-324-2805
Address: 513 GOLF COURSE RD.
JEROME, ID 83338

2. Date of Priority: JUN 13, 1899

3. Source: ROCK CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	17E	35	SE	SE	NW		BLAINE
			SE	NE	SW		BLAINE

5. Description of diverting works:
DAMS, CHECKS, AND DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	35.000		

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

8. Total consumptive use is 117.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-01151B

Page 1

Date: 09/14/88

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	17E	35	NE	SW		IRR	20.0
			SE	SW		IRR	10.0
			SW	SE		IRR	10.0
						Section Acres	40.0
01S	17E	2	SE	NE	1	IRR	5.0
			NE	SE		IRR	3.0
						Section Acres	8.0
						Total Acres	48.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-01212

14. Remarks:

RT. FOR 1/3 OF FLOW FROM 7 AM FRI. TO NOON SUNDAY OF EACH WEEK.
35 CFS IS THE MAXIMUM FLOW MEASURED ON THE STREAM

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BROWN ET. AL.

Decree Plaintiff

vs

REARDON & CHAPMAN

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 5

For Individuals:

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

Signature of Claimant(s): William D Zeno Date: Sept 14 1988
Lauren Zeno Date: Sept 14 1988

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 14th day

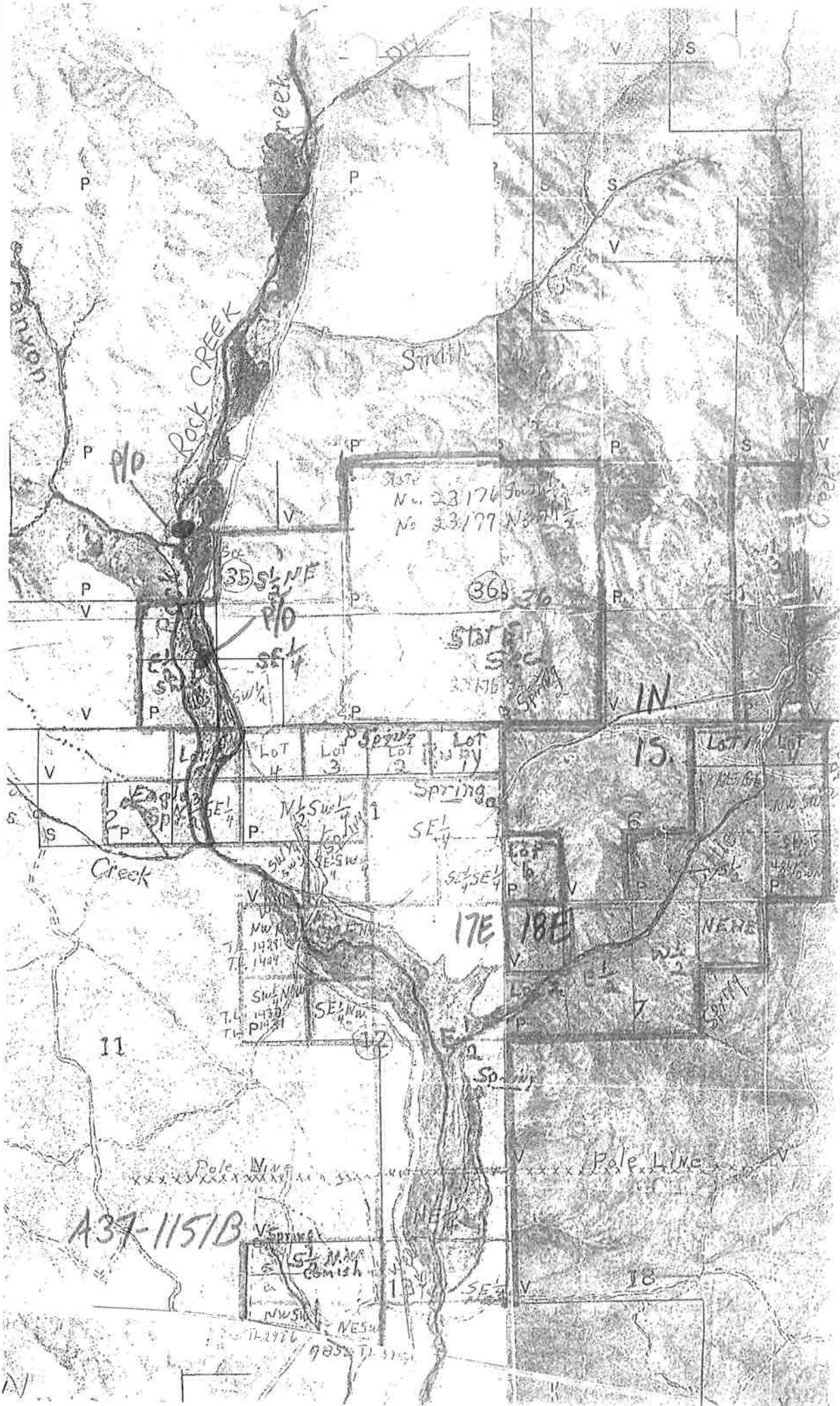
of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, ID

My Commission Expires 6-30-94



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-01212
Date Received: 9/14/1988
Receipt No: S002179
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARGUERITE E. TEWS 208-886-2822
Address: P.O. BOX 161
SHOSHONE, ID 83352
OR
Name: LAWRENCE Z. TEWS 208-886-7585
Address: 680 N. 350 W.
SHOSHONE, ID 83352
OR
Name: WILLIAM G. TEWS 208-324-2805
Address: 513 GOLF COURSE RD.
JEROME, ID 83338

2. Date of Priority: JUN 13, 1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	17E	35	SE	NW	NW		BLAINE

5. Description of diverting works:
DAMS, CHECKS, AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	10.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A37-01212

Page 1

Date: 09/14/88

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	17E	35	NE	SW		IRR	20.0
			SE	SW		IRR	10.0
			SW	SE		IRR	10.0
						Section Acres	40.0
01S	17E	2	SE	NE	1	IRR	5.0
			NE	SE		IRR	3.0
						Section Acres	8.0
						Total Acres	48.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-01151B

14. Remarks:
RT. CONTINUOUS & EXCLUSIVE
10 CFS IS AN ESTIMATE OF FLOW. NONE IS MEASURED OR GIVEN IN
DECREE, ONLY ENTIRE FLOW IS NAMED.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

BROWN ET. AL.

Decree Plaintiff

vs

REARDON & CHAPMAN

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: FIVE

For Individuals:

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

Signature of Claimant(s): William S Teus Date: Sept 14 1988

Date: _____

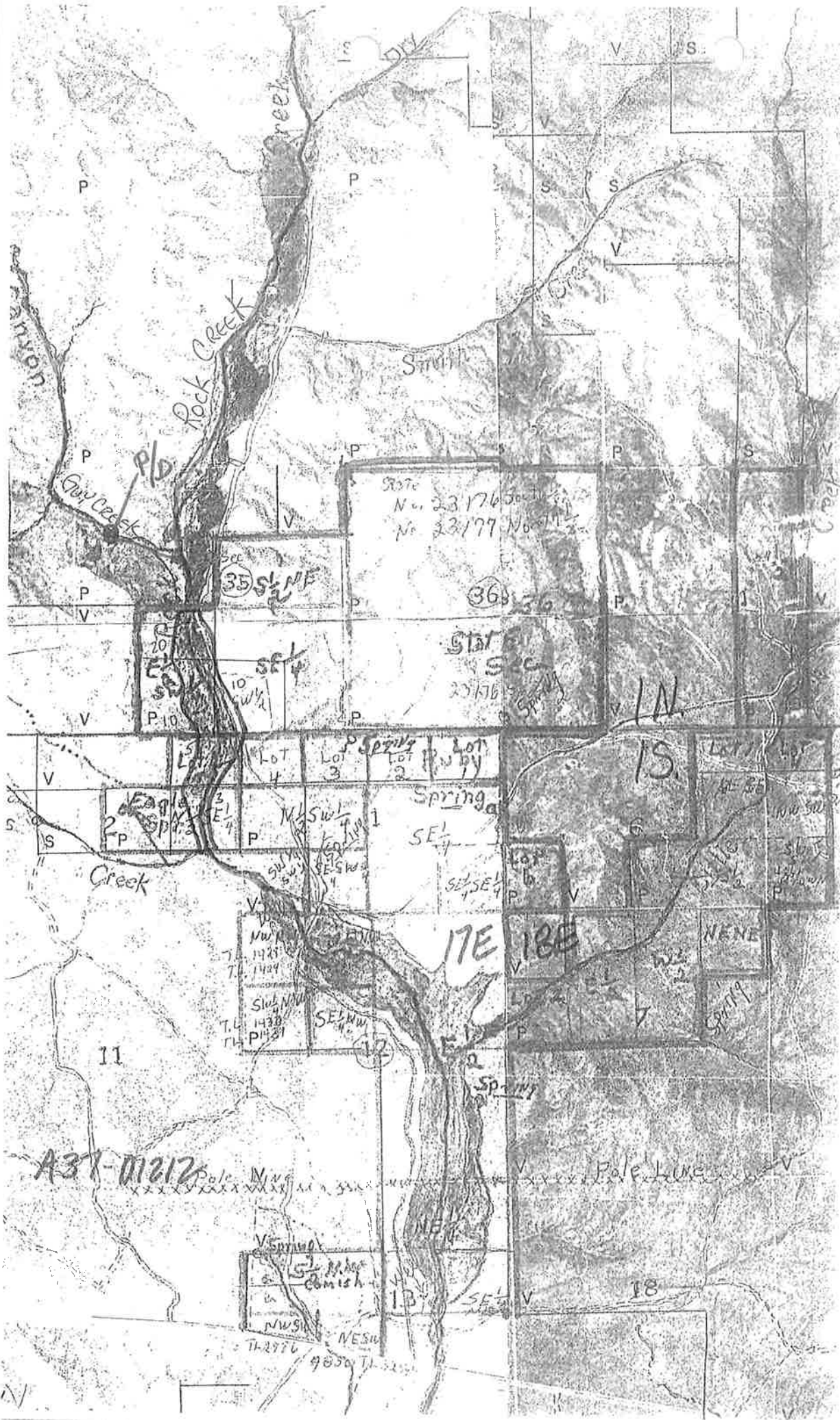
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-04192
Date Received: 9/14/1988
Receipt No: S002179
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARGUERITE E. TEWS 208-886-2822
Address: P. O. BOX 161
SHOSHONE, ID 83352
OR
Name: LAWRENCE Z. TEWS 208-886-7585
Address: 680 N. 350 W.
SHOSHONE, ID 83352
OR
Name: WILLIAM G. TEWS 208-324-2805
Address: 513 GOLF COURSE RD.
JEROME, ID 83338

2. Date of Priority: APR 01, 1926

3. Source: LITTLE ROCK CREEK Trib. to: ROCK CREEK
ROCK CREEK BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	17E	12	SW	SE	NE		BLAINE
			SE	SW	SE		BLAINE

5. Description of diverting works:
CHECK DAMS & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		

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

8. Total consumptive use is 150.0 Acre Feet Per Annum.

MICROFILMED
FEB 23 1993

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	17E	13	SW		NE		IRR	20.0
			SE		NE		IRR	40.0
							Section Acres	60.0
							Total Acres	60.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-01150

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): Lamont J. Teus Date: Sept. 14 1988

Date: _____

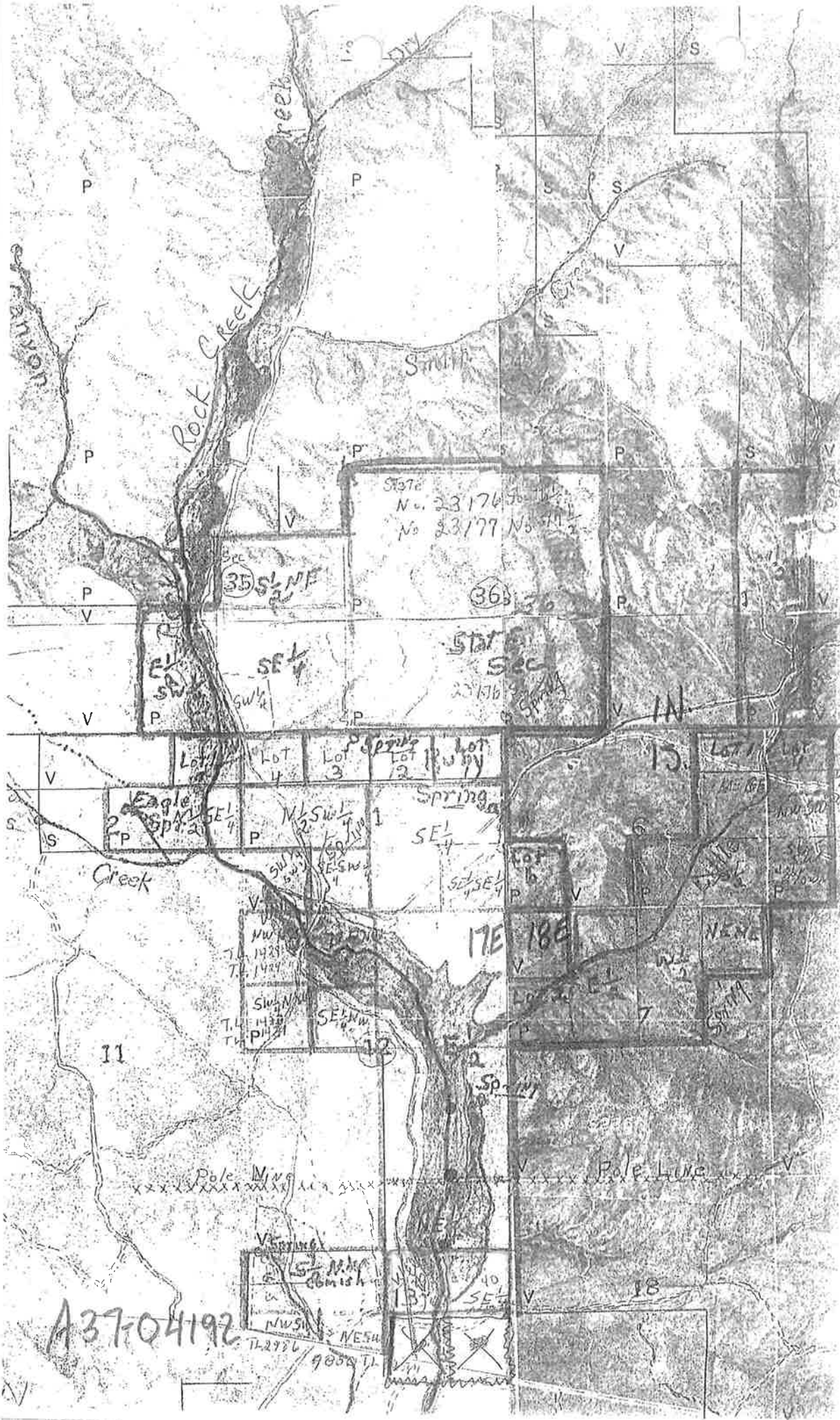
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of Sept. 19 88
[Signature]
Notary Public

Seal

Residing at Kimberly, ID
My Commission Expires 6/30/94

Date: 09/14/88
MICROFILMED
FEB 23 1993



State
No. 23176
No. 23177

Sec 35

Sec 36

Sec 35

Creek

11

Pole Mine

Pole Line

A37-04192

Sec 13
NWS
NE 1/4
TL 2926
9000 TL

18

745-6
Vol 6 p1177
37-5

①

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

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

Plaintiffs.

vs.

DANIEL REARDON and S. H. CHAPMAN
Water Master

Defendants

D E C R E E

WRITING COPY

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

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

ELMER BROWN:

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

RODNEY R. BROWN

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

CHRISTINA EASTWOOD:

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

W. W. WALLACE:

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

JUN 05 1936

ANDREW McMONIGLE:

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

DANIEL REARDON:

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

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

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

I.

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

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

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

37-1212

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

II.

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

RECORDED
MAY 05 1926

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

III.

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

IV.

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

V.

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

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

s/ H. F. ENSIGN
District Judge

State of Idaho)
) ss
County of Blaine)

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

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

Attest: George F. McCoy
Clerk

JUN 05 1966

UNITED STATES DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY (WATER RESOURCES DIVISION)

Sta. No. 13141100

Table No. 01

Begin YR. MO. D. HR.

Rating table for ROCK CREEK NEAR BELLVUE IDAHO

from _____ to _____, from _____ to _____

Gage height	Discharge	Difference	Gage height	Discharge	Difference	Gage height	Discharge	Difference	Gage height	Discharge	Difference	Gage height	Discharge	Difference	Gage height	Discharge	Difference	Gage height	Discharge	Difference
Feet	Cfs	Cfs	Feet	Cfs	Cfs	Feet	Cfs	Cfs	Feet	Cfs	Cfs	Feet	Cfs	Cfs	Feet	Cfs	Cfs	Feet	Cfs	Cfs
.00			1.00	25.3	4.7	.00			.00			.00			.00			.00		
.10			.10	30.0	5.2	.10			.10			.10			.10			.10		
.20			.20	35.2	5.7	.20			.20			.20			.20			.20		
.30			.30	40.9	6.2	.30			.30			.30			.30			.30		
.40			.40	47.1	6.7	.40			.40			.40			.40			.40		
.50			.50	53.8		.50			.50			.50			.50			.50		
.60			.60			.60			.60			.60			.60			.60		
.70			.70			.70			.70			.70			.70			.70		
.80			.80			.80			.80			.80			.80			.80		
.90			.90			.90			.90			.90			.90			.90		
0.00			2.00			0.00			0.00			0.00			0.00			0.00		
.10			.10			.10			.10			.10			.10			.10		
.20	2.00	1.38	.20			.20			.20			.20			.20			.20		
.30	3.38	1.82	.30			.30			.30			.30			.30			.30		
.40	5.20	2.25	.40			.40			.40			.40			.40			.40		
.50	7.45	2.70	.50			.50			.50			.50			.50			.50		
.60	10.15	3.15	.60			.60			.60			.60			.60			.60		
.70	13.3	3.6	.70			.70			.70			.70			.70			.70		
.80	16.9	4.0	.80			.80			.80			.80			.80			.80		
.90	20.9	4.4	.90			.90			.90			.90			.90			.90		

This table is applicable for open-channel conditions. It is based on 7 discharge measurements made during 1974 & 75 and is fairly well defined between 2 cfs and 35 cfs.

Comp. by ELV date 3-21-75

Ckd. by _____ date _____

437-01150

MICROFILMED

FEB 23 1993