

RINKER ROCK CREEK STATUS 10-26-2010

Frost decree 12-13-1909

Brown decree 03-11-1925

*** RINKER –ROCK CREEK RIGHTS REVISED EXCESS FLOW ANALYSIS dated 12-17-2009.** Starred items are based upon this analysis. Prepared by Brockway Engineering.
Brockway proposal = values specified in the latest objection

NORTH SYSTEM SF-5s due for the all of the claims.

37-1151D Rock Creek source

Brockway proposal	3.00 cfs for 252.8 ac + .23 cfs for stockwater
Department recom	3.00 cfs for 100.9 ac within 293.4 ac with combined right remarks 627, 1151D, 1152, 22398, 22464 limit to 293.4 ac. <u>1151D, 1152, 22464 limit to 249.7 ac</u>

37-1152 Rock Creek source

Brockway proposal	3.00 cfs for 252.8 ac + .23 cfs for stockwater
Department recom	3.00 cfs for 148.8 ac within 293.4 ac with combined right remarks 627, 1151D, 1152, 22398, 22464 limit to 293.4 ac <u>1151D, 1152, 22464 limit to 249.7 ac</u>

Brockway Excess flow* 6.00 cfs for 252.8 ac Calculation based upon the combination of 37-1151D and 37-1152.

37-627 Smith (Schmidt) Creek source ✓

Brockway proposal	1.62 cfs for 252.8 ac + .23 cfs for stockwater
Department recom	1.62 cfs for 80.8 ac with combined right remarks 627, 1151D, 1152, 22398, 22464 limit to 293.4 ac

37-22398 Rock Creek source. Claim recognizes irrigated acres not covered in the Frost or Brown Decrees. Rec priority date = 8-23-1957 based upon aerial photography.

Brockway Obj proposal	2.23 cfs for 43.9 ac
Brockway Excess flow*	2.03 cfs for 43.9 ac
Department recom	2.03 cfs for 43.7 ac

37-22464 Rock Creek source For the same POU as the three decreed rights (149.7 acres) and is for the additional flow rate above the decree and as calculated by Brockway Engineering. Current recommended priority date 3-12-1925.

Brockway Obj proposal	8.06 cfs for 252.8 ac Priority date = 12-14-1909
Brockway Excess flow*	6.72 cfs for 252.8 ac (0.0396 cfs/ac)
Department recom	6.06 cfs for 249.7 ac (rate data entry error. Should have been 6.60 cfs)

249.7 ac * 0.0396 cfs/ac*	9.89 cfs	Rate per acre determined from Brockway Excess flow analysis
+ Seepage loss*	2.71 cfs	
	12.60 cfs	
Rock Creek decreed rate*	6.00 cfs	
difference	6.60 cfs	

MIDDLE SYSTEM (ROCK CREEK) SF-5s due for the all of the claims.

(See split analysis on Pg 3 regarding the split of 37-22463 into 37-22501 and 37-22502)

37- 1151B Rock Creek source

Brockway proposal	0.20 cfs for 15 ac + .23 cfs for stockwater
Department recom	0.20 cfs for 15 ac with combined right remarks 1151B, 22501 limit to 15 ac

37-22501 Rock Creek source

Brockway proposal	Priority date = 12-14-1909
Department recom	0.74 cfs for 15 ac with combined right remarks 1151B, 22501 limit to 15 ac Priority date = 03-12-1925

Department split summary

37-22501	0.74 cfs for 15.0 ac
37-22502	0.45 cfs for 25.2 ac
Total	1.19 cfs for 40.2 ac

Brockway Excess flow* 1.19 cfs for 40.2 ac (0.0396 cfs/ac)

MIDDLE SYSTEM (GUY CREEK) SF-5s due for the all of the claims. 2 different systems

A. 37-1212, 37-22502 Guy Creek

37-1212

Brockway proposal	1.00 cfs for 25.2 ac + .23 cfs for stockwater
Department recom	1.00 cfs for 25.2 ac with combined right remarks 1212, 22502 limit to 25.2 ac

37-22502 Guy Creek Source

Brockway proposal	Priority date = 12-14-1909
Department recom	0.45 cfs for 25.2 ac with combined right remarks 1212, 22502 limit to 25.2 ac Priority date = 03-12-1925

Brockway Excess flow* 1.19 cfs for 40.2 ac (0.0396 cfs/ac)

B. 37-22264 Guy Creek Source

Brockway proposal	0.53 cfs
Brockway Excess flow*	0.22 cfs for 5.3 ac
Department recom	0.22 cfs for 5.3 ac

SOUTH SYSTEM

37-1150, 37-4192, AND 37-22465

An ADR was due for 37-4192 on October 29, 2010. SF-5s due for the remainder of the claims.

37-1150 Rock Creek source

Brockway proposal	5.20 cfs for 217.5 ac + .23 cfs for stockwater
Department recom	5.20 cfs for 217.8 ac within 249.8 ac with combined right remarks 1150, 4192, 22465 limit to 249.8 ac

37-22465 Rock Creek

Brockway proposal 7.63 cfs for 252 ac comb Priority date = 12-14-1909
 Brockway Excess flow* 5.36 cfs for 217.5 ac
 Department recom 5.36 cfs for 217.8 ac within 249.8 ac with combined right remarks
 1150, 4192, 22465 limit to 249.8 ac

KNOWN ISSUES

Most significant difference between the claimant proposal and the department's is that the claimant proposal includes 10^{ths} of an acre for those quarter/quarters exceeding 10 acres and the department recommendations round those 10^{ths}.

The individual right acre limits are based upon the number of irrigated acres within the decreed POU whether for an individual decreed right or a combination of decreed rights where applicable.

SPLIT RATE CALCULATIONS FOR 37-22463

Attachment to 4-6-2010 2:11 PM e-mail to Brockway, Williams, Bromley, and Kelly

Strike out underline corrections made 11-1-2010 (kkc)

37-22463 split analysis 1.32 cfs on 40.2 acres claimed

1.32 cfs - ~~1.19~~ 1.20 cfs = ~~0.13~~ 0.12 cfs

The rate per acre for the found acreage for the two decreed rights are disproportionate. Therefore the diversion rate split is based upon the excess flow/conveyance loss calculations associated with each system. As the claimed rate exceeded the calculated requirements the remainder was split proportionately.

37-22501 15.0/40.2 * 0.132 cfs = 0.048 ≈ 0.05 cfs

37-22502 25.2/40.2 * 0.132 cfs = 0.081 ≈ 0.08 cfs

SEE TABLE BELOW FOR EXCESS FLOW CALCULATIONS

37-22501 claim split rate = 0.74 cfs + 0.05 cfs = 0.79 cfs (Rock Creek)

37-22502 claim split rate = 0.45 cfs + 0.08 cfs = 0.53 cfs (Guy Creek)

37-1151B 37-22501 Rock Creek

Found 15 ac, decreed rate = 0.20 cfs

Excess flow requirements

15.0 cfs/ac * 0.0416 cfs/ac = 0.624 cfs

Conveyance losses for ditch 35 = 0.79 mi
 @ 0.40 cfs/mile = 0.316 cfs

Total requirement

Excess flow = 0.62 cfs

Conv Losses = 0.32 cfs

Sub total = 0.94 cfs

Less decree rate = 0.20 cfs

RATE FOR 37-22501 = 0.74 cfs

37-1212 37-22502 Guy Creek

Found 25.2 acres decree rate = 1.00 cfs

Excess flow requirements

25.2 cfs/ac * 0.0416 cfs/ac = 1.05 cfs

Conveyance losses for ditches 33 and 34
 One mile long. = 0.40 cfs

Total requirement

Excess flow = 1.05 cfs

Conv Losses = 0.40 cfs

Sub total = 1.45 cfs

Less decree rate = 1.00 cfs

RATE FOR 37-22502 = 0.45 cfs

Claim 37-1151D combines 37-1151A & 37-1151C

37-1151C historically assoc with Forest 37-171 1.00 cb

37-1151A

37-172 0.80 cb

37-98
~~37-98~~ 1.20 cb

3.00 cb

Claim 1152 combines 37-1152A & 37-1152B

37-1152A

37-625 1.20 cb

37-626 0.60 cb

Smith Cr
37-627

37-1152B

37-195 1.20 cb

3.00 cb

Claim 37-1151B

37-108 0.20 cb

37-1212 Guy Cr

37-109 ~~1.00~~ 1.00 cb

Claim 37-1150

37-566 1.80

567 1.60

568 1.00

569 .80

5.20 cb

Rinker Claiming North to south On Rock creek

37-1151 $\checkmark$

627 $\checkmark$ 216 ac Smith/Smith

1151B $\checkmark$

1212 $\checkmark$

1152 $\checkmark$ 413 ac Rock Creek named St.

4192 $\checkmark$

1150 $\checkmark$

627 tentative P/u

≈ 84 ac all east of R. Cr. @ $1\frac{1}{4}$ ac = 1.68 cfs

Pond

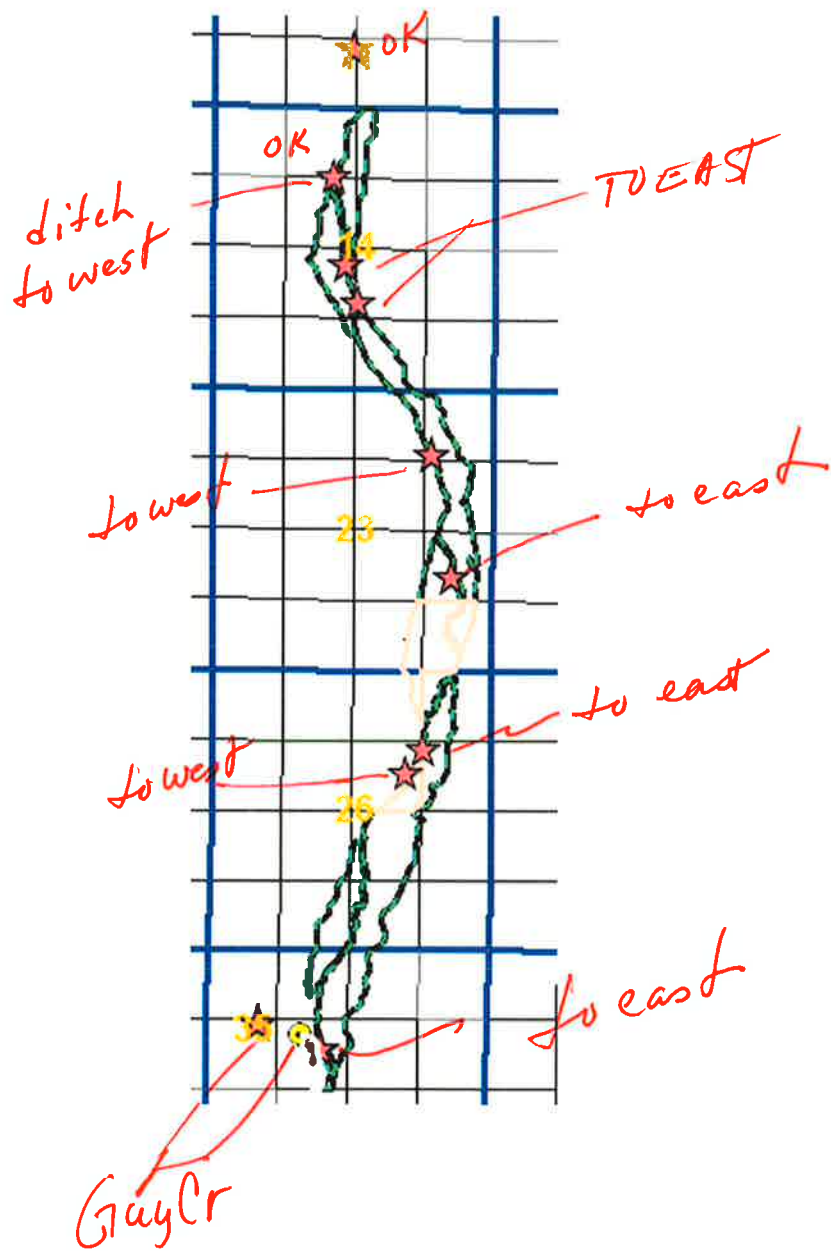
Pond Surface ≈ 1 ac

Provides
3.30 cfs/day

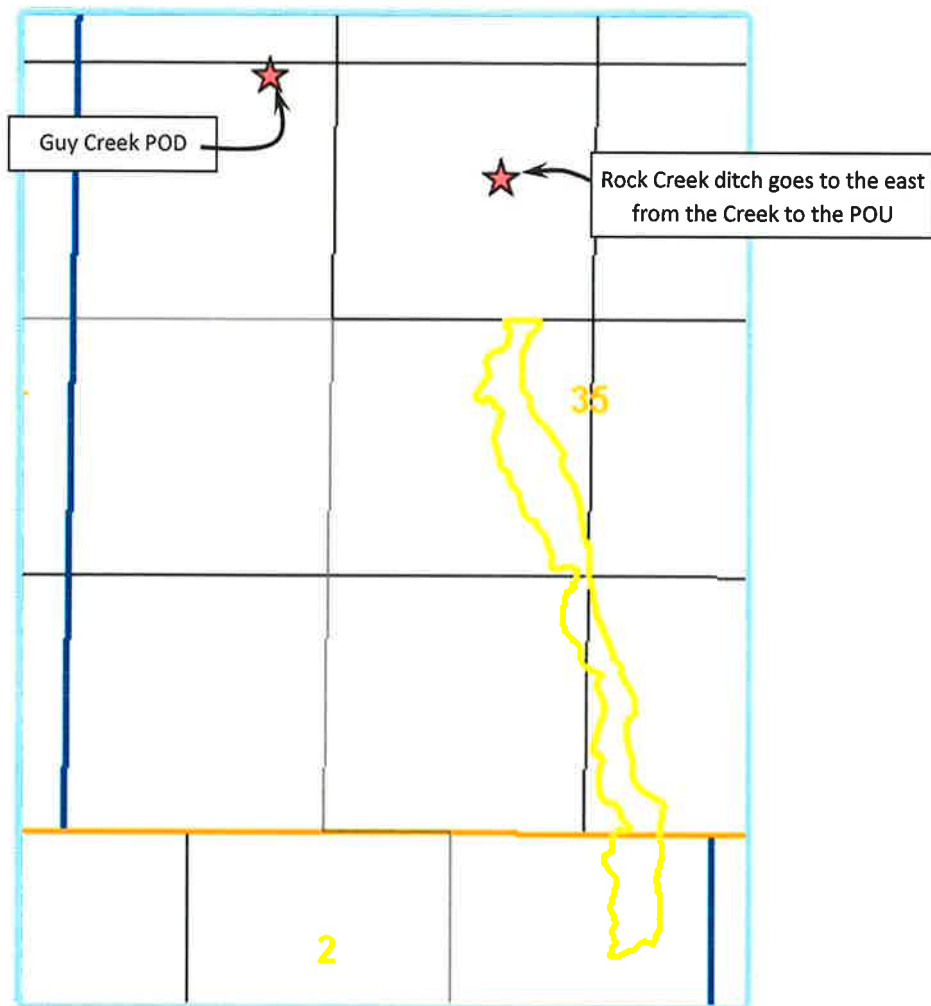
? One P/D should be in
IN 17E Sec 14SWNWSE rather than SE NESW

Urn Shape West of R. Cr. appears to be
overstated.

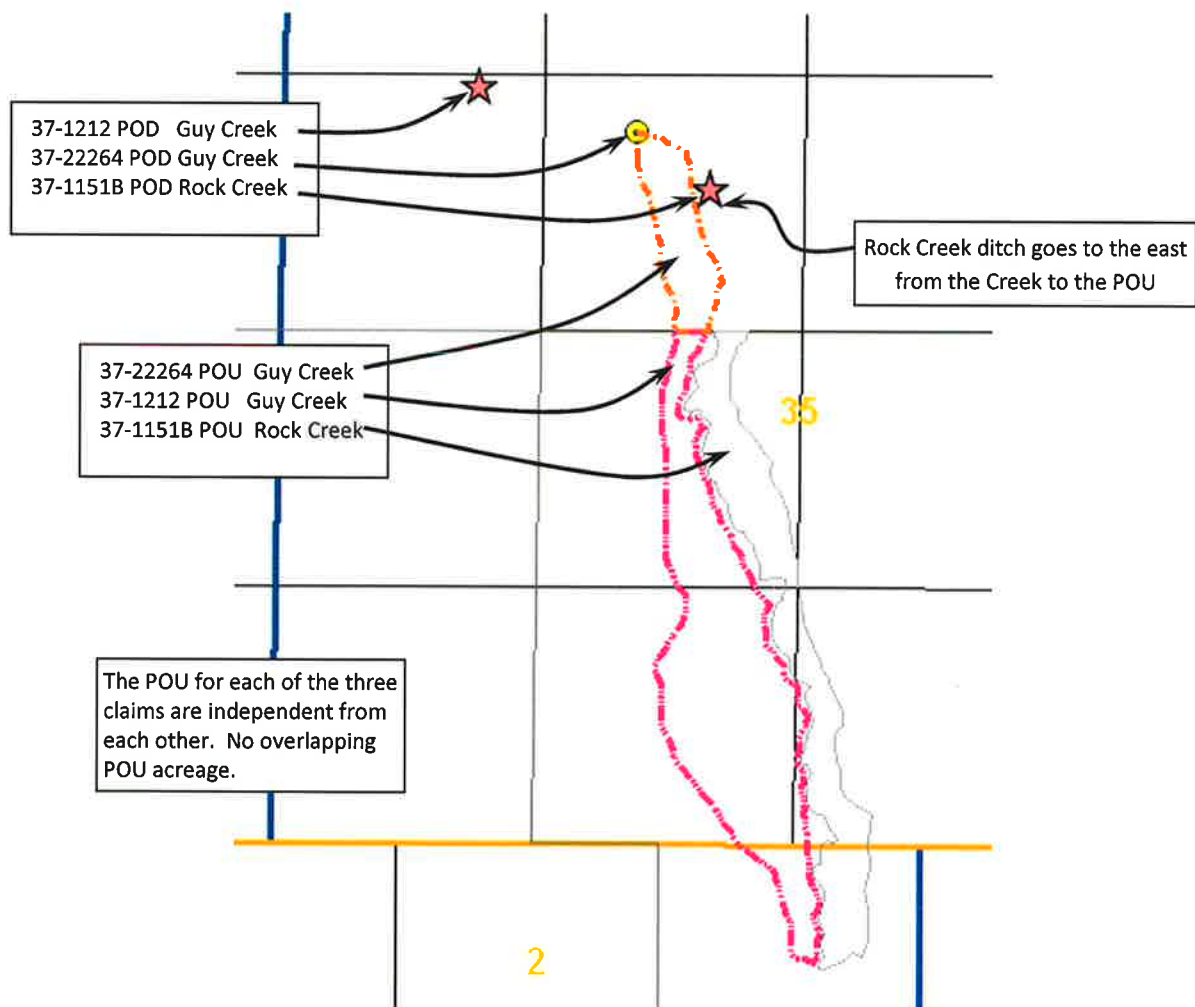
Where is Gay Creek and where does it enter
the property



37-1152 POU



37-1212 Guy Creek; 37-22264 Guy Creek; and 37-1151B Rock Creek



Rinker SRBA Claims on Rock Creek – Summary

Group 1

37-627 – claim disallowed (right superceded by 37-1152)

- o Claimed 4.55 cfs
- o 37-627 is in Frost (1909) decree
- o 37-1152 is in Brown vs. Reardon (1925) decree

37-1151D – 7.0 cfs for Irrigation of 350 acres

- o claimed 8.49 cfs

37-1152 – claim disallowed (exceeds 0.02 cfs/acre)

- o claimed 8.49 cfs

37-22398 *Re B/U claim for irr outside of decreed P/U.
Rec on BU acres only Dir rpt on file with SRBA.*

Group 2

37-1150 – 4.0 cfs for Irrigation of 200 acres

- o claimed 35 cfs
- o probably more irrigated land here, but had to limit to 200 acres because decreed on 200 acres

Group 3

37-1151B – 0.86 cfs for Irrigation of 43 acres

- o claimed 35 cfs

37-1212 – 0.86 cfs for Irrigation of 43 acres *Guy Cr*

- o claimed 10 cfs

37-22264 B/U Guy Cr

37-4192 – claim disallowed (no evidence of priority)

- o source is Rock Creek and Little Rock Creek
- o claimed 1.2 cfs

37-12157 domestic (SRBA decreed)

37-7798 Dom/irr disallowed (lapsed permit)

* *active.
37-22264 (late claim - BU. From Guy Cr.)*

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, September 15, 2009 3:19 PM
To: 'sheila.daniels@brockwayeng.com'; 'Charles G. Brockway'
Cc: Bromley, Chris; Kelly, Vicki
Subject: Rinker Rock Creek rights

Attachments: POU comparison of the department shape file 9-14-2009.doc

Sheila,

Chuck contacted me yesterday and called again today regarding issues associated with this system. He indicated that his vacation was imminent and therefore I have included you in this e-mail. If Chuck is still there just ignore this.

Chuck indicated that Greg was going to follow-up on the information if he could not get through it but I do not have Greg's e-mail address, therefore, you are included to forward this to Greg if necessary.

Chuck,

I have tried to address as much as I could in a short period of time and I did review some earlier communications but not all of them. Hopefully I did not miss any significant points in the historical documents. If you have additional questions, information, or concerns please let me know.



POU comparison of
the departme...

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

September 2009

POU comparison of the department shape file "37-1151d rec pou explode"
And Brockway Engineering "37-1151D_POU - CGB-9-26-08"
Aerial photography reviewed 1957, 1987, 1002, 2004 and 2006.

It appears that the additional areas included are primarily based upon the 1957 aerial photograph.

In looking over your proposed changes it appears that you are adding ground based upon the 1957 aerial photo. While that photo does show farming activity in at least some of the areas in question, the 1987 and subsequent aerial photos suggest that it is no longer a part of the irrigation system.

If we are to utilize the 1957 aerial photo to add ground to the irrigated POU then the same photos probably should be utilized to exclude ground currently recognized as irrigated but appears dry in 1957 or as riparian area not receiving irrigation water. An example is the riparian area just north of where Guy Creek joins Rock Creek. In reviewing all the aerial photos and the DRG it appears that a significant portion of ground in that area probably only receives sub irrigation directly from Rock Creek and no actual diverted water. Also it appears based upon the 1957 aerial photo, the northern end of the field west of Rock Creek and north of Rock Creek currently recommended as irrigated, probably wasn't. I have not tried to develop a shape file for the irrigated ground as of 1957 but a quick look it appears to me that maybe the total irrigated acreage would actually be less than the latest shape that I have created.

In reviewing the 1957 aerial photo I can not see any irrigation system that would support the beneficial use claim 37-22267.

SPECIFIC AREA ANALYSIS

The department's shape is outlined in light yellow. Brockway Engineering's shape is crosshatched in red and outlined in dark blue.

Starting from the northern most boundary for this area and proceeding south, the first difference I noted was in Sec 23 SENE and NESE.

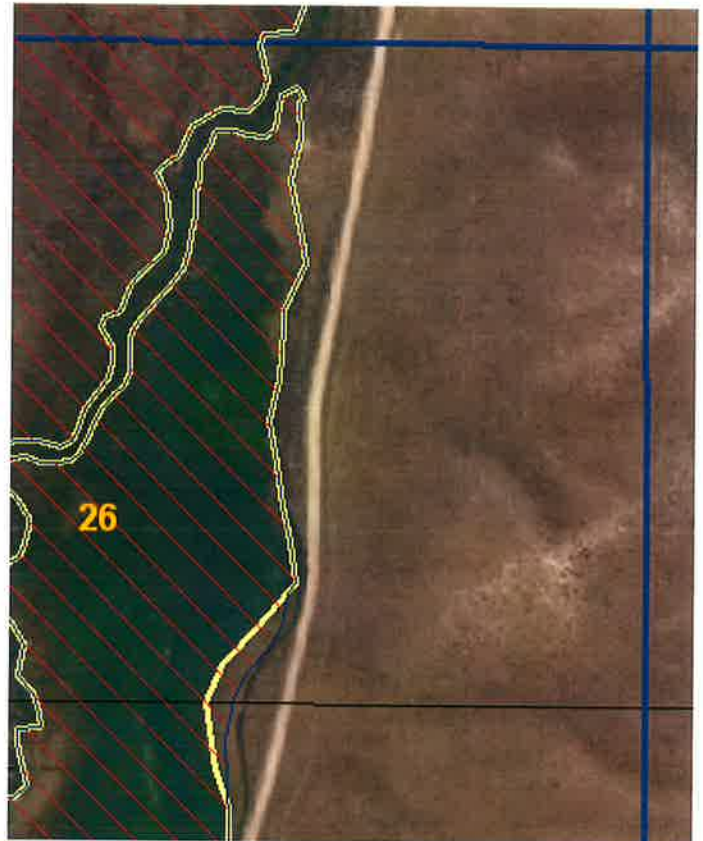
The 1957 aerial photo does show that farming activity appears to be occurring in this area. Any ditch routes are not clear. In reviewing the remaining aerial photographs, and my field notes from the 8-11-2008 field examination I did not observe anything that would indicate that this ground is irrigated currently or historically as of 1987. No ditch remnants were observed during the field exam.

POU shapes overlaying the 2004 aerial photo.



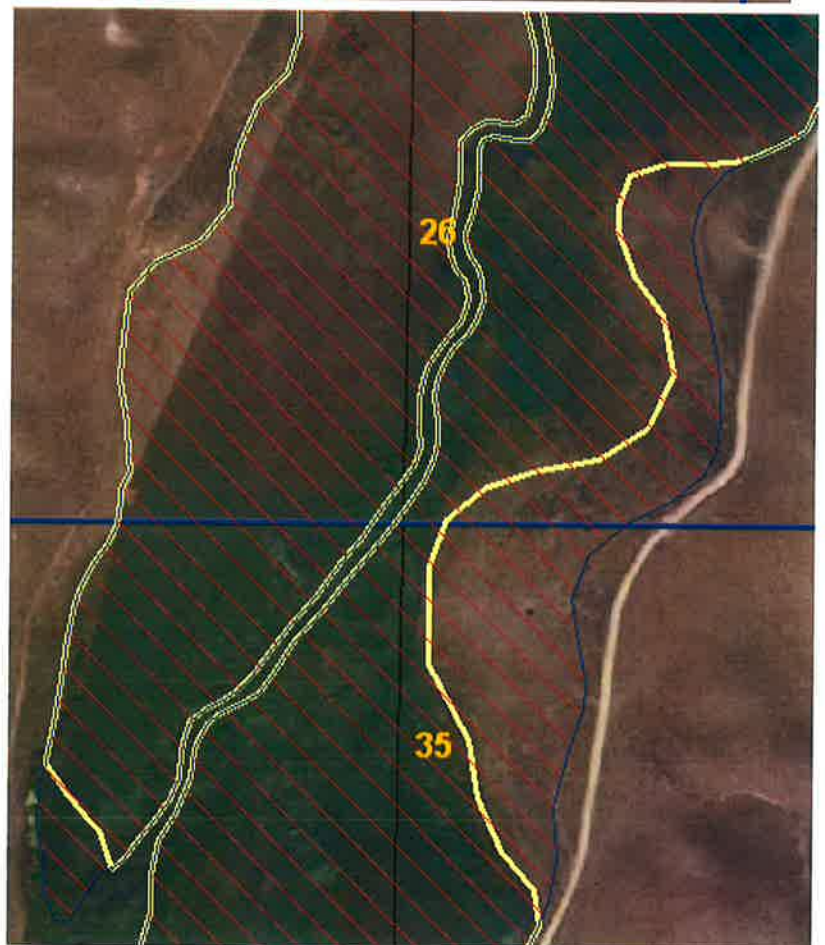
Next difference, Sec 26 NENE, and SENE.

In reviewing the aerial photography this area does not appear irrigated, however in reviewing the field examination notes I had no comments regarding this area. As I recall the additional area is rather steep and did not appear irrigated. One could argue some irrigation for areas below a major ditch should always be included in the recommended POU because water could reach that ground.



Prior to the field examination the additional ground you identified east of Rock Creek in Sec 26 SWSE and Sec 35 NWNE I had included as a part of the recommended POU. However after observing that ground in the field I specifically identified that ground as dry.

For the small area in SEC 35 NENW and west of Rock Creek I excluded that ground based upon the field examination. At the point where you have extended the POU is the same location that I identified as the end of the ditch location. Basically my line represented my estimation of the approximate water flow from that point to the river. This area in general is more of a wet land rather than irrigated ground. Under normal circumstances sub irrigated ground is not recommended especially where the delivery system stops short of that ground.



An aerial photograph of a field, likely a golf course, with yellow boundary lines. The number 13 is visible in the lower right quadrant of the image.

Regarding the Rock Creek point of diversion in SEC 26 NWSE, I am not planning on recommending that point of diversion.

I have tried to review as much of the history regarding this system as I could yet still provide you with feedback as soon as I could. As I am not finalizing any recommendation at this time the information is subject to change based on any additional information that may become available.

Christensen, Kelly

To: Jones, Doug; Bromley, Chris
Subject: RE: Rinker Rock Creek rights tentative letter to Brockway

After reviewing your shapes I decided that I needed to address the POU holes left by both decrees. There are two areas that were not covered by either decree and are identified in the attached summary paragraph. Based upon this additional information I suppose that late claims for beneficial use for those areas would be appropriate. I did not state that but rather implied it. In double checking I see where the Guy Creek right 37-1212 was originally decreed at 1.00 cfs. I modified my letter to reflect that rate.

Additional paragraph for the letter:

In an additional review of the decreed places of use in both the Frost decree and the Reardon Decree I found that there are two additional areas that were not covered by either decree. They are located in (1S, 17E Sec 12 NWNE), and (1N, 17E Sec 23 S½SE¼, and Sec 26 NWNE). The following recommendation short summary following represents my tentative recommendations at this point but includes the areas identified above. Without additional information the recommendations for the associated decreed rights will have to be adjusted accordingly. If you have additional information or concerns that you wish to be considered prior to the completion of the recommendations please contact me prior to October 17, 2008.

kelly

From: Jones, Doug
Sent: Tuesday, October 07, 2008 9:04 AM
To: Christensen, Kelly
Subject: RE: Rinker Rock Creek rights tentative letter to Brockway

Good letter, were you going to have a conclusion paragraph on what you expect them to do and by when? The attached are shape files for the Frost described lands and the Brown v Reardon described lands. Pretty amazing differences! Note the bogus land list in Brown for the Reardon property. The BLM GLO-records info is pretty interesting as to when places were patented – I don't know how long they had to file and then develop the land before patent – but some of these places accumulated over time and into the 1920's (1899 might be an average priority date).

Thanks Kelly!

Doug << File: RockCr_Frost.shx >> << File: RockCr_BrownVReardon.dbf >> << File: RockCr_BrownVReardon.prj >>
<< File: RockCr_BrownVReardon.sbn >> << File: RockCr_BrownVReardon.sbx >> << File: RockCr_BrownVReardon.shp
>> << File: RockCr_BrownVReardon.shx >> << File: RockCr_Frost.dbf >> << File: RockCr_Frost.prj >> << File:
RockCr_Frost.sbn >> << File: RockCr_Frost.sbx >> << File: RockCr_Frost.shp >>

From: Christensen, Kelly
Sent: Monday, October 06, 2008 2:55 PM
To: Bromley, Chris; Fritschle, Carter; Shaff, Don; Jones, Doug; Spencer, Nick
Subject: Rinker Rock Creek rights tentative letter to Brockway

Attached is a draft letter to Brockway. The first two pages run through the system analysis to a snippet of the recommendation for each of the rights. The third page lists the Frost decree, the Brown decree and Claim summaries associated with the Rock Creek property in general. This is more of a compilation of information rather than an exhaustive analysis of the recommendation results. There is a lot more that could be said.

<< File: Rinker Rock Creek department position letter.doc >>

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

October 2008



State of Idaho
DEPARTMENT OF WATER RESOURCES

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Western Region

CL "BUTCH" OTTER
GOVERNOR
DAVID R. TUTHILL JR.
DIRECTOR

October 7, 2008

*Rock Creek right
system.*



*D:\Data\B37\log\res pt2
Rock Creek Dept
P.O. Letter*

Charles Brockway
Brockway Engineering, PLLC
2016 North Washington Street #4
Twin Falls, Idaho 83301

RE: Tentative recommendations for 37-627, 37-1150, 37-1151B, 37-1151D, 37-1152, 37-4192, and 37-22264

Dear Chuck

After a lengthy discussion with the state office regarding Rock Creek and tributaries and the rights decreed to that property through the Alturas vs Frost decree and the Brown vs Reardon decree the department's position is as follows.

The Frost decree is considered to be the historical record of the rights associated with the rights in question. The Brown decree is considered to be a decree that addresses a rotational agreement associated with the Rock Creek and Guy Creek rights but that that decree did not 'set aside or supercede' the decreed rates identified in the Frost decree. That decree created a rotational system whereby all decreed waters from Rock Creek were 'pooled' to be delivered in that manner. The change of priority for the Rock Creek rights is considered to put all rights on an equal priority date footing.

The claimed place of use for 37-1151D includes the following rights identified in the Brown Vs Reardon decree and subsequently split based upon land ownership.

37-1151A	FOR 1/3 OF FLOW FROM 7 AM FRI. TO NOON SUNDAY OF EACH WEEK
37-1151C	FOR 1/3 OF FLOW FROM 7 AM FRI. TO NOON SUNDAY OF EACH WEEK
37-1152A,	RT. FOR 1/2 OF FLOW FROM NOON SUNDAY TO 7 PM TUES. OF EACH WEEK
37-1152B,	RT. FOR 1/2 OF FLOW FROM NOON SUNDAY TO 7 PM TUES. OF EACH WEEK

SYSTEM OVERVIEW.

Rock Creek flows north to south throughout the entire irrigated place of use and can irrigate all of the irrigated ground except for the ground covered by Guy Creek and a small 2.5 acre parcel irrigated by Little Rock Creek.

Smidt/Smith Creek enters the system from the east roughly in the middle of 1N, 17E, Sec 26 and can irrigate the ground east of Rock Creek from that point then south to near the middle of 1N, 17E, Sec 35.

Guy Creek enters the system from the west roughly in the middle of 1N, 17E, Sec 35 and irrigates the ground west of Rock Creek from that point and south into 1S, 17E, Sec 2. There is no irrigation system from Rock Creek that would allow Rock Creek water to irrigate the same ground.

Little Rock Creek enters the system from the east roughly in the middle of 1S, 17E, Sec 12 and can irrigate the ground east of Rock Creek from that point then south to the end of the irrigated ground to the south. There is a small 2.5 acre parcel east of the main Rock Creek ditch and on the Little Rock Creek channel that is irrigated from Little Rock Creek and not from Rock Creek.

In an additional review of the decreed places of use in both the Frost decree and the Reardon Decree I found that there are four additional areas that were not covered by either decree. They are located in (1S, 17E Sec 12 NWNE), (1N, 17E Sec 14 SWNE), (1N, 17E Sec 14 NWSE), and (1N, 17E

covered?

*5 Liver 1.5±ac
ditch cuts thru*

1 ac ±

32 ac 3.4 ac

Sec 23 S½SE¼, and Sec 26 NWNE). The areas in Sec 14 are rather small (less than 2 acres each). The following recommendation short summary following represents my tentative recommendations at this point but includes the areas identified above. At this point my inclination is to include as the decreed place of use the irrigated ground if it is covered by either or both decrees. Without additional information the recommendations for the associated decreed rights will have to be adjusted accordingly. If you have additional information or concerns that you wish to be considered prior to the completion of the recommendations please contact me prior to October 17, 2008.

LIMITED ELEMENT CLIP OF EXAMPLE RECOMMENDATIONS;

Acreage is tentative but close based upon currently available information but includes ground outside of the combined decreed place of use. Additional remarks regarding acre limits may be necessary.

37-1150 10.8 cfs on 217 ac

This right is limited to the irrigation of the place of use listed above for all of the flow from 7:00 pm Tues to 7:00 am Friday

37-1151B 10.8 cfs on 15 ac

This right is limited to the irrigation of the place of use listed above for 1/3rd of the flow from 7 am Friday to Noon on Sunday of each week.

37-1151D 10.8 cfs on 287.4 ac

This right is limited to the irrigation of the place of use listed above for all of the flow from noon Sunday to 7 pm Tues. of each week and 2/3rds of the flow from 7 am Friday to Noon on Sunday of each week.

37-1152 disallowed,

Recommended as 37-1151D .

37-1212 1.00 cfs on 25 ac

37-627 1.48 cfs 74 ac

smaller

Would consider greater than 1" per acre if Hubble is specific to the found POU.

37-4192 0.64 cfs on 32 ac

Would consider greater than 1" per acre if Hubble is specific to the found POU. The POU. would need to be amended to include the 2.5 acres in 1S, 17E, Sec 12 SENE that is upstream from the Rock Creek ditch.

37-22264 0.11 cfs on 5.3 ac

Would consider greater than 1" per acre if Hubble is specific to the found POU.

Sincerely,

Kelly K Christensen
Sr Water Resource Agt

Enclosure

ASSOCIATED RIGHTS AS LISTED IN THE FROST DECREE;

Decreed to Christina Smidt (Pdf Pg 31)* ⁻⁸⁹ Smidt Creek is currently identified on the Quad maps as Smith Creek					
Right	Rock Creek	Smidt Cr*	Guy Hollow	Springs	Priority date <i>Sec 26 E 1/2 NE, N 1/2 SE SW SE</i>
37-625	1.20 cfs				4-15-1889
37-626	0.60 cfs				6-01-1886
37-627		all of Smidt Cr			6-01-1891
Decreed to Elmer Brown (Pdf Pg 11) - 48					
37-98	1.20 cfs				6-01-1886 <i>Sec 35 E 1/2 NW NWNE</i>
Decreed to Rodney Brown (Pdf Pg 12) - 49					
37-108			1.00 cfs		9-01-1884 <i>Sec 2 Lt 1</i>
37-109	0.20 cfs				6-01-1885 <i>Sec 35 SWSE E 1/2 SW (149.1 ac)</i>
Decreed to Author Davis (Pdf Pg 14) - 53					
T.S. Eastwood					
37-171	1.20 cfs				6-01-1886 <i>Sec 14 NESW, E 1/2 NW NWNE</i>
37-172			0.80 cfs		8-25-1885 <i>Sec 15 N 1/2 SW, NWSE, SWNE</i>
Decreed to William Eastwood (Pdf Pg 15) 55					
37-195	1.20 cfs				5-02-1887 <i>Sec 23 N 1/2 NE NESE 14 SWSE SESW</i>
Decreed to Daniel Reardon (Pdf Pg 29) - 85					
37-566	1.80 cfs				7-30-1883 <i>Sec 12 NW 1/4, S 1/2 NE, N 1/2 SE</i>
37-567	1.60 cfs				7-30-1883 <i>Sec 13 N 1/2 NE S 1/2 SE</i>
37-568	1.00 cfs				6-30-1884
37-569	0.80 cfs				6-01-1886
Total by source	Rock Creek 10.8 cfs	Smidt Creek all of stream	Guy Hollow 1.00 cfs	Springs 0.80 cfs	

ASSOCIATED RIGHTS AS LISTED IN THE BROWN VS REARDON DECREE

37-1150	From 7:00 pm Tues to 7:00 am Friday	Rock Creek	6-13-1899
37-1151A	From 7:00 am Tues to 12:00 noon Sunday	Rock Creek	6-13-1899
37-1151B	From 7:00 am Tues to 12:00 noon Sunday	Rock Creek	6-13-1899
37-1151C	From 7:00 am Tues to 12:00 noon Sunday	Rock Creek	6-13-1899
37-1152A	From 12:00 noon Sunday to 7:00 pm Tues	Rock Creek	6-13-1899
37-1152B	From 12:00 noon Sunday to 7:00 pm Tues	Rock Creek	6-13-1899
37-1212	No limit	Guy Creek	6-13-1899

Smidt/Smith Creek was not mentioned in the Brown Vs Reardon decree.
Little Rock Creek was not mentioned in either decree.

ADJUDICATION CLAIMS FILED AGAINST THE ROCK CREEK SYSTEM

Claim No	Current owner	Source	Rate	Priority date
37-627	Harry & Diane Rinker Rev Trust	Smith Cr	4.57 cfs	6-01-1891
37-1150	Harry & Diane Rinker Rev Trust	Rock Creek	35.00 cfs	6-13-1899
37-1151B	Harry & Diane Rinker Rev Trust	Rock Creek	35.00 cfs	6-13-1899
37-1151D	Rock Creek LLC	Rock Creek	8.49 cfs	6-13-1899
37-1152	Harry & Diane Rinker Rev Trust	Rock Creek	8.49 cfs	6-13-1899
37-1212	Harry & Diane Rinker Rev Trust	Guy Creek	10.00 cfs	6-13-1899
37-4192	Harry & Diane Rinker Rev Trust	Rock Cr/ Little Rock Cr	1.20 cfs	4-01-1926
37-22264	Rock Creek LLC	Guy Creek	0.53 cfs	8-23-1957

Christensen, Kelly

From: Christensen, Kelly
Sent: Thursday, October 02, 2008 11:50 AM
To: 'Charles G. Brockway'
Subject: RE: Rinker Rock Creek

Apparently, I did not get it anyway. Since the Hailey hearings my mailbox has exploded. I probably need to clean it up to get a 12 meg file
KKC

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Thursday, October 02, 2008 11:48 AM
To: Christensen, Kelly
Subject: RE: Rinker Rock Creek

I sent you a zip file Tuesday morning. It was 11 MB – is that too large for your system?

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: Christensen, Kelly [mailto:Kelly.Christensen@idwr.idaho.gov]
Sent: Thursday, October 02, 2008 11:46 AM
To: Charles G. Brockway
Subject: RE: Rinker Rock Creek

Some of the state office are still discussing the diversion rate that can be recognized. The conflict of recognizing an in per acre with a remark for all of the stream flow suggests to some that the cap would be at one in per acre, not in excess of an inch per acre. I do not know where they will land but I will keep you informed when I find out how things set.

Kelly

O.H. by the way, I have never received any 1957 aerial photos.

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Thursday, October 02, 2008 11:29 AM
To: Christensen, Kelly
Subject: RE: Rinker Rock Creek

Kelly,
I thought you couldn't do that because the decreed place of use on 37-1212 does not cover SENW 35. My recollection was that is why the beneficial use claim was required. Also, wouldn't we have to amend the 37-1212 claim?

9/15/2009

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: Christensen, Kelly [mailto:Kelly.Christensen@idwr.idaho.gov]

Sent: Wednesday, October 01, 2008 7:46 AM

To: Charles G. Brockway

Subject: RE: Rinker Rock Creek

Something to think about. We have the decreed right from Guy Cr 37-1212 and the beneficial use right 37-22264. If I were to recommend 1212 for all of the water of Guy Cr then 22264 would basically be of no value. Thoughts???

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]

Sent: Friday, September 26, 2008 2:32 PM

To: Christensen, Kelly

Subject: RE: Rinker Rock Creek

Kelly,

I thought I would try to make your life a little harder.....

Attached are a bunch of shape files and the 1957 photos.

I took the shape files you sent on 8/20/08 and the recommended points of diversion and did some tweaking based on the 1957 aerial photo and the other photos. The 1957 photo is pretty clear on the points of diversion; unfortunately, the scans are not the highest resolution – I have the advantage of having the actual photos right here.

37-1151D

There were a few very minor areas (12.5 acres) that I think are/were probably irrigated, but I do agree that your shape file is generous in some areas, so it may be a wash. I'm not too dogmatic about it...

37-1151B / 37-1212

No change

37-1150 and 37-4192

That knob in the NWSE Section 12 looks irrigated in both the 1957 and 1987 photos.

I think the shape file for 37-4192 should extend to the ditch on the east side (in the SENE Section 13).

Admittedly, this area seems lightly irrigated, but the 1957 photo clearly shows it, and it appears pink on the 1987 photo.

37-22264 (Guy Creek)

I agree with your 5.3 acres.

On the points of diversion, I located them as best I could based on all available photos and what we found in the field. We never found the one in the NWSE Section 12, but it sure looks like one.

Chuck

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

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(208) 736-8543

9/15/2009

charles.g.brockway@brockwayeng.com

From: Christensen, Kelly [mailto:Kelly.Christensen@idwr.idaho.gov]

Sent: Friday, September 26, 2008 10:01 AM

To: Charles G. Brockway

Subject: RE: Rinker Rock Creek

No. I have a report for the City of Burley due directly and all of my time is going there right now. Hopefully next week.

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]

Sent: Friday, September 26, 2008 9:36 AM

To: Christensen, Kelly

Subject: Rinker Rock Creek

Kelly,

Did you get any more time on this?

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

9/15/2009

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, September 30, 2008 3:11 PM
To: Bromley, Chris
Subject: RE: Rinker Rock Creek 37-627 and 37-1150

Attachments: B37 Rinker Rock Creek tributaries issue.doc

Attached is a pictorial of the issues. Hopefully this will help.



B37 Rinker Rock
Creek tributar...

From: Bromley, Chris
Sent: Tuesday, September 30, 2008 2:37 PM
To: Christensen, Kelly
Cc: Fritschle, Carter; Kelly, Vicki
Subject: RE: Rinker Rock Creek 37-627 and 37-1150

See below.

From: Christensen, Kelly
Sent: Tuesday, September 30, 2008 2:15 PM
To: Bromley, Chris
Cc: Fritschle, Carter
Subject: Rinker Rock Creek 37-627 and 37-1150

We have touched on this before but no firm decision has been made to the best of my knowledge.

A quick synopsis

37-627 decreed in the frost decree for all of stream for irrigating property held by Christina Smidt with a 6-13-1891 priority date.

Smidt Creek now identified as Smith Creek on quad map.

Neither Smidt Cr or Smith Cr was identified in the Brown vs Reardon decree.

All rights decreed in the Brown vs Reardon decree share the same priority date of 6-13-1899.

One of the main ditches from Rock Creek crosses Smidt Cr thus diverting that stream at that point and no doubt has always done so.

The questions are;

1. Can we recognize 37-627 as decreed in the Frost decree?

Why wouldn't we? You say it was decreed in the Frost decree. I think I'm missing something here but am not sure what it is.

2. Alternatively should we recognize it with a priority date of one day after the Brown vs Reardon decree?

Answer to question 1 would help me answer this.

37-1150 was decreed for irrigation with Rock Creek as the source in the Brown vs Reardon decree.

Like the Smidt Cr system, a main ditch crosses Little Rock Creek thus diverting the water from that source.

Little Rock Creek is diverted upstream from that ditch by approximately 550 ft and irrigates 2.5 acres not covered by any other source as well as a number of acres within the decreed pou for 37-1150.

The questions are;

September 2008

1. Can we recognize 37-1150 with two sources, Rock Creek and Little Rock Creek? if so then the claimant should amend claim to add Little Rock Creek as a source????

Was Little Rock Creek a decreed source? If so, we can't recognize it as a decreed source for this right. If not, I'd need to see some pictures of the system to understand what you're talking about.

2. Alternatively should we require a beneficial use claim for irrigation from Little Rock Creek for whatever acreage has been historically irrigated from this source?

This may be the best way to go about it.

To the best of my knowledge we are within a couple of acres of agreement on the rest or the rights associated with Rock Creek and/or Guy Creek.

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

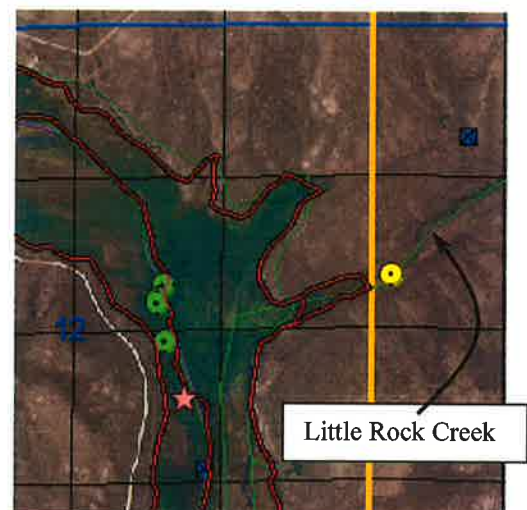
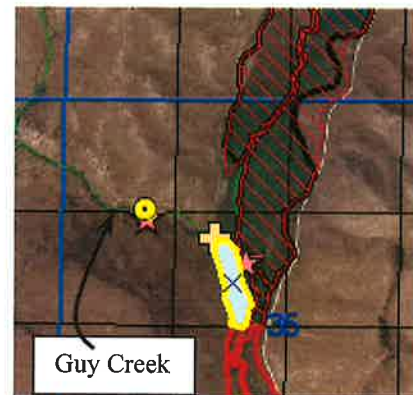
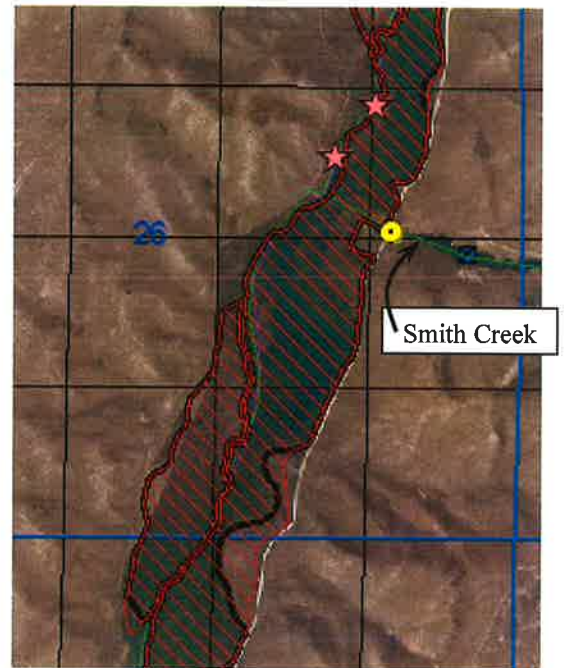
37-627 source, Smith Creek

Brown Vs Reardon decree (3-11-1925) followed the Frost decree(12-13-1909) and decreed all of the waters of Rock Creek. As Smith Cr and Little Rock Creek are tributary to Rock Creek and the decree was for “all the water” it raises a question regarding these two sources.

Included in the Brown vs Reardon decree was 37-1212 which decreed all of the water of Guy Cr. This stream's circumstances are virtually the same as Smith and Little Rock Creek. There is a specific diversion from Guy Creek though.

To the best of my knowledge Little Rock Creek was not addressed in the Frost decree but even when I did my field examination earlier this fall there was water flowing into the channel.

There is a nice set of ambiguous circumstances associated with the three sources and how they were treated over time.



Christensen, Kelly

From: Charles G. Brockway [charles.g.brockway@brockwayeng.com]
Sent: Friday, September 26, 2008 2:32 PM
To: Christensen, Kelly
Subject: RE: Rinker Rock Creek
Attachments: Rinker Rock Creek CGB.zip

Kelly,

I thought I would try to make your life a little harder.....

Attached are a bunch of shape files and the 1957 photos.

I took the shape files you sent on 8/20/08 and the recommended points of diversion and did some tweaking based on the 1957 aerial photo and the other photos. The 1957 photo is pretty clear on the points of diversion; unfortunately, the scans are not the highest resolution – I have the advantage of having the actual photos right here.

37-1151D ✓

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37-1151B / 37-1212

No change

37-1150 and 37-4192

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37-22264 (Guy Creek)

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Chuck

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

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 2016 Washington Street North, Suite 4
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charles.g.brockway@brockwayeng.com

From: Christensen, Kelly [mailto:Kelly.Christensen@idwr.idaho.gov]
Sent: Friday, September 26, 2008 10:01 AM
To: Charles G. Brockway
Subject: RE: Rinker Rock Creek

No. I have a report for the City of Burley due directly and all of my time is going there right now. Hopefully next week.

9/30/2008

September 2008

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Friday, September 26, 2008 9:36 AM
To: Christensen, Kelly
Subject: Rinker Rock Creek

Kelly,

Did you get any more time on this?
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

9/30/2008

Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, May 02, 2008 10:44 AM
To: 'charles.g.brockway@brockwayeng.com'
Subject: Rinker Rock Creek POU - POD

Chuck, there are a number of details that need to be resolved or clarified and I thought that it might be more productive to resolve them in smaller bites rather than trying to address everything in one communication. For this e-mail I would like to address the system PPU's and how the recommendations should be grouped. Also I would like to clarify the points of diversion.

How do you want to deal with the recommendations in general? Do you want the recommendations to reflect the three general systems, (North, Central, and South)? As it appears that amendments are probably needed to add points of diversion if there needs to be a change in the claimed POU it should be done at the same time.

Regardless of the system(s) it appears that additional PODs need to be added. Specifically one in Sec 26 SENE (close to quarter/quarter line) that diverts water to the east side of Rock Creek. Possibly another POD in Sec 26 SWNE approximately 600 ft southwest of the previous POD diverting water to the west of Rock Creek. In looking at the aerial photos it looks like the ditch from the POD in Sec 23 NENE ends in Sec 26 NWNE. We may have already discussed it but the recommended POD in Sec 14 NESW looks like it should be in Sec 14 NWSE based upon the 1992 aerial photo.

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

Question:

The Brown decree specifically addresses the sources associated with the decree as Rock Creek and Guy Creek. Other side streams were not addressed.

Side streams are somewhat of an issue. The first is Little Rock Creek associated with the southern system. Probably Little Rock Creek has always been diverted but never recognized either in the Brown Vs Reardon decree or the Frost decree. At the least, I could see where we could recognize the point of diversion on Little Rock Creek as an unrecorded transfer, diverting that water prior to entering Rock Creek. If so I think that Little Rock Creek should be shown on the right as a source.

The rub to the above circumstance is Smidt creek aka Smith creek (current USGS name). That source was decreed to Christina Smidt, probably the Christina Eastwood listed in the Brown decree. That use was decreed in the Frost Decree as 37-627 however this right was not recognized in the Brown Decree. Like Little Rock Creek the Rock Creek ditch intercepts the Smith Creek channel. Also there is a small reservoir on Smith Creek, but probably could be considered to be small enough to just be a part of the delivery system. Can we recognize this right/use? If so should it be recognized as a beneficial use right with a priority date 1 day after the Brown decree? Alternatively, could it also be considered as an unrecorded transfer of the POD as described above?

Wtr Right	Status	Basis	Claimed Rate	Rec as	Overlap	Source
37-1212	Active	Decreed	10.00	37-1212	Central System	Guy Cr
37-627	Active	Decreed	4.32 irr	Disallowed	Central System	Smidt Cr
37-1152	Active	Decreed	8.26 irr	Disallowed See 37-1151D	North System	Rock Cr
37-1150	Active	Decreed	35.00	37-1150	South System	Rock Cr
37-1151B	Active	Decreed	35.00	37-1151B	Central System	Rock Cr
37-1151D	Active	Decreed	8.26 irr	37-1151D	North System	Rock Cr
37-4192	Active	Statutory Claim	1.20	Disallowed	South System	Little Rock Cr

Southern system I find = 247.7 ac. Recommendation was for 200 ac

This is the third and southern most system on Rock Creek. There is one associated decreed right, 37-1150 and one statutory claim, 37-4192. Both were claimed under the same numbering convention. The 248 acres excludes the claimed POU for 37-4192.

Rock Creek enters the property from the East approximately half way down the property. The ditch originally diverted from Rock Creek in Sec 1 SWSW runs along the eastern boarder of the POU to the southern portion of the POU. This ditch intercepts the Little Rock Creek channel and therefore diverts that stream at that point.

Concerns regarding the Hubble analysis for POU associated with 37-1150

e-mailed - 4-24-08

You indicated that the ave Run length for Fld I was 2580 ft. Using your premise that the flow direction is basically north to south it appears that the runs would basically be segmented by cross ditches therefore the ave run would be significantly less.

In looking at the quad map it actually appears that the ditch running between Rock Creek and Little Rock Creek is more of a ridge ditch than anything else although I would not want to commit to this without actually walking the property.

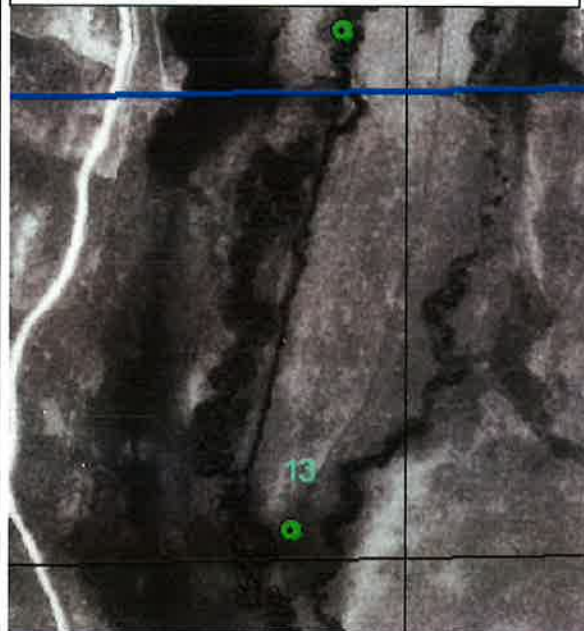
Area I direction of flow question.



The aerial photography that I have available for Area K does not give a clear picture of the irrigation system however you indicate that a ditch runs along the west side of at parcel to near the farmstead. Assuming that the majority of irrigation comes from the ditch the runs for this segment would be significantly less than the ave 1950 ft.

As the ditch flowing through area L is a continuation of the same ditch in area I, it appears that it continues to be a ridge ditch where the Run Length would be significantly less than the ave 1280 ft.

Areas K & L direction of flow question

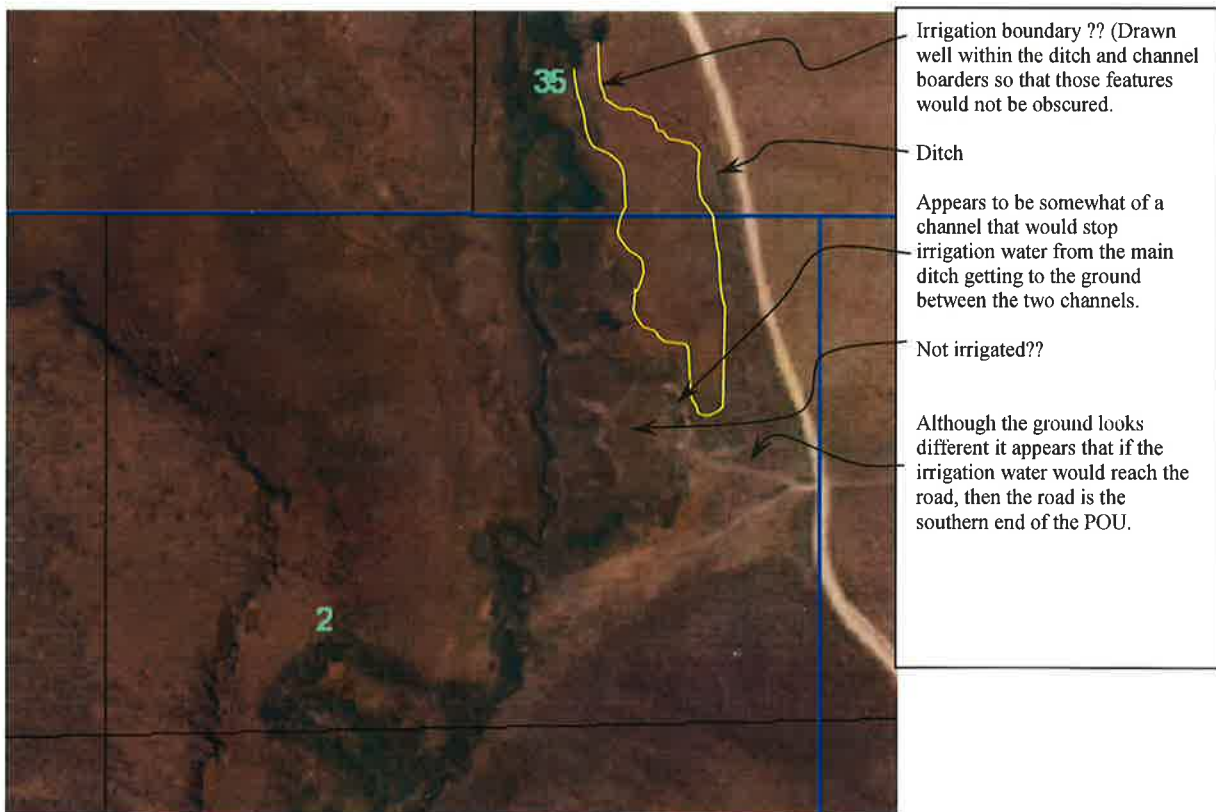


Central system I find ≈ 13.7 to 37.9 ac Recommendation was for 43 ac

This system runs from the junction of Guy Creek and Rock Creek south through 1S, 17E sec 2 NESE. Sections 1 thru 6 in 1S, 17E are short sections. There is no $N\frac{1}{2}N\frac{1}{2}$ in any of the sections. This could lead to the wrong assumption that a portion of the POU is missing.

In reviewing the systems I noted that in reality Guy Canyon Creek irrigates the ground west of Rock Creek and Rock Creek irrigates the ground east of the same channel. I found 24.2 ac irrigated from Guy Creek (excluding the 6.7 acres to covered by 37-22264) I found 13.7 acres irrigated from Rock Creek (excluding the 2.2 acres in the SENW of Sec 35 below the ditch but appears to be a part of the irrigation system). This also recognizes a modification to the southern end of the POU as further described.

The water rights associated with this PPU are 37-1151B and 37-1212 which were claimed as such. A late claim has been submitted to the SRBA for consideration with a source of Guy Creek. That claim is 37-22264. The hearing date for this late claim is 7-15-2008.



Rinker { Attorney
Rob Williams }

Feb 20, 2008

10-17-07

Brockway meeting

SPLIT Right's?

Harry Rinker Recreable Trust

Rockcreek LLC (Prop to North.)
ownership issue

37-1150 Amended claim followup.

Chk to see if Rockcreek is on separate stream

37-4192 map or affidavit to resolve priority date

627/ 1152 superseded?

1151B stacked right 1" to an issue.

Amend. must be submitted
Oct. 31, 2007
Amend. due date
set at hearing
or when
Amend. record
ready to be
submitted with
Court.

10-18-07 Smokey Dome 37-38 } will supply an affidavit
404A }

E Fork 3 mile Cr = decreed 4 mile Cr?

e.g. 409B Frost decree only identifies 3 mile Cr.

Should E Fork 3 mi be a part of separate stream?

37-19832 - needs better evidence of priority.

Hollawell (historic owner should be able to
provide evidence).

37-368A Diamond Soldier major issue - licensed
right POA reduced therefore rate reduced accordingly.
Can we recognize the licensed rate on fewer acres
and/or overlap POAs & condition w/comb right limits

Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, November 05, 2007 3:16 PM
To: 'Charles G. Brockway'
Subject: RE: 37-1150

I have been looking at the POU recommendations for 37-1151B and 37-1151D. I have been bouncing between the 1992, 2004, 2006, and the 1987 NAPP photos. To really be comfortable with any recommendation I would need to do a field exam. The short story is that overall I could not find more acres than what Matt outlined. Actually I come up with fewer acres (but like I said I am not comfortable in making an absolute call). To move things forward at this point I would be willing to stick with Matt's shapes for the place of use. If you have some areas that you can specifically identify as being in error I am willing to take a look at them.

As far as 37-627 goes, I am willing to recognize it as a valid right however at this point I have not tried to identify an actual shape for the right. My initial look would suggest that the place of use would start in the NWSE of sec 26 and then go south from this point. As I see it it should be limited to the ground east of Rock Creek. Comments???

On 37-4192, didn't you indicate that you would provide aerial photography for evidence of priority?

The department is having a training session at the SO on the 15th and 16th so I won't be available to work on those days and I believe that the recommendation deadline for 37-1150 is set for the 15th. Have you had a chance to work on a hubble analysis?

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

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Friday, November 02, 2007 3:52 PM
To: Christensen, Kelly
Subject: RE: 37-1150

Kelly,
I would say that is a pretty fair delineation. Ours definitely had a bit of slop in it.

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: Christensen, Kelly [mailto:Kelly.Christensen@idwr.idaho.gov]
Sent: Friday, November 02, 2007 9:32 AM
To: Chuck Brockway Jr (E-mail)
Subject: 37-1150

After reviewing your shape file for the place of use and the initial department shape I decided to make a third shape. Although our shapes are similar, in general my shape is a little tighter according to the delivery system. Please review my shape and let me know what you think.

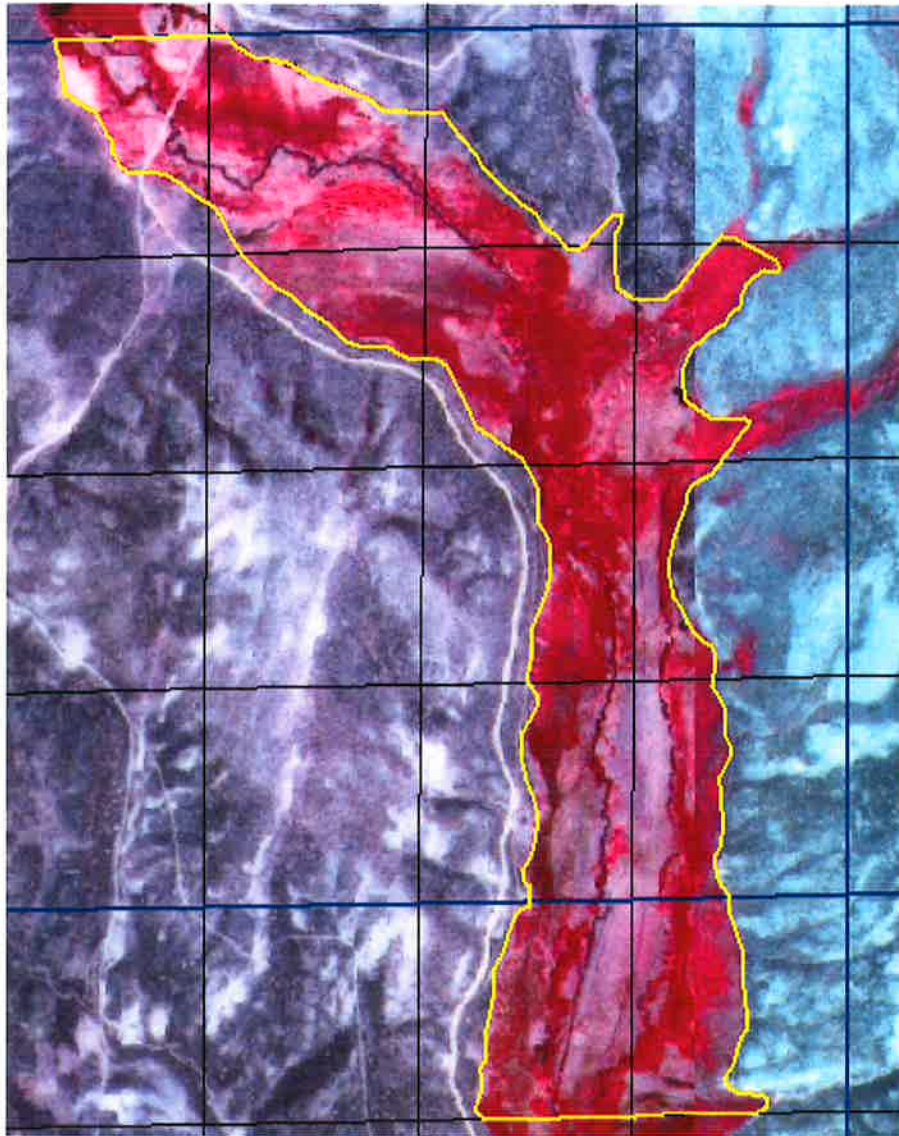
Maile Mag KKC to Brockway Jr Subject {37-1150}

37-1150 Place of use review for settlement.

Sent 11-2-2007
9:32am

Shape file created by KKC

1987 aerial photography



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	12	.1	9.2	34.0	14.0	31.0	15.0		11.0					10.0	18.0	19.0	17.0	178.3
01S	17E	13		20.0	26.0														46.0

Total Acres: 224.3

North system I find $\approx$ 300 ac

The North system includes rights North of the junction of Guy Canyon and Rock Creek. Water rights associated with the claimed ppu are 37-1151A, 37-1151C, 37-1152A and 37-1152B. 37-1151A, and 37-1151C were combined and claimed as **37-1152D** and 37-1152A and 37-1152B were combined and claimed as **37-1152**. 37-627 was decreed to the same POU as 37-1152A but was not identified in the Brown Vs Reardon decree.

North System

Northern most pod off map

Claimed POD location

Possible actual location

In looking at the 1992 aerial photo it looks like the claimed and recom POD is actually just a starting point for a braided channel segment. It appears that there is a point of diversion just into the NWSE of Sec14

In Sec 26 you show the ditch on the Running from the NWNE through the SWNE and further south. Based upon the contour lines this could not be. Is it possible that there is a POD in the SWNE?

End of ditch??

Point of diversion ??

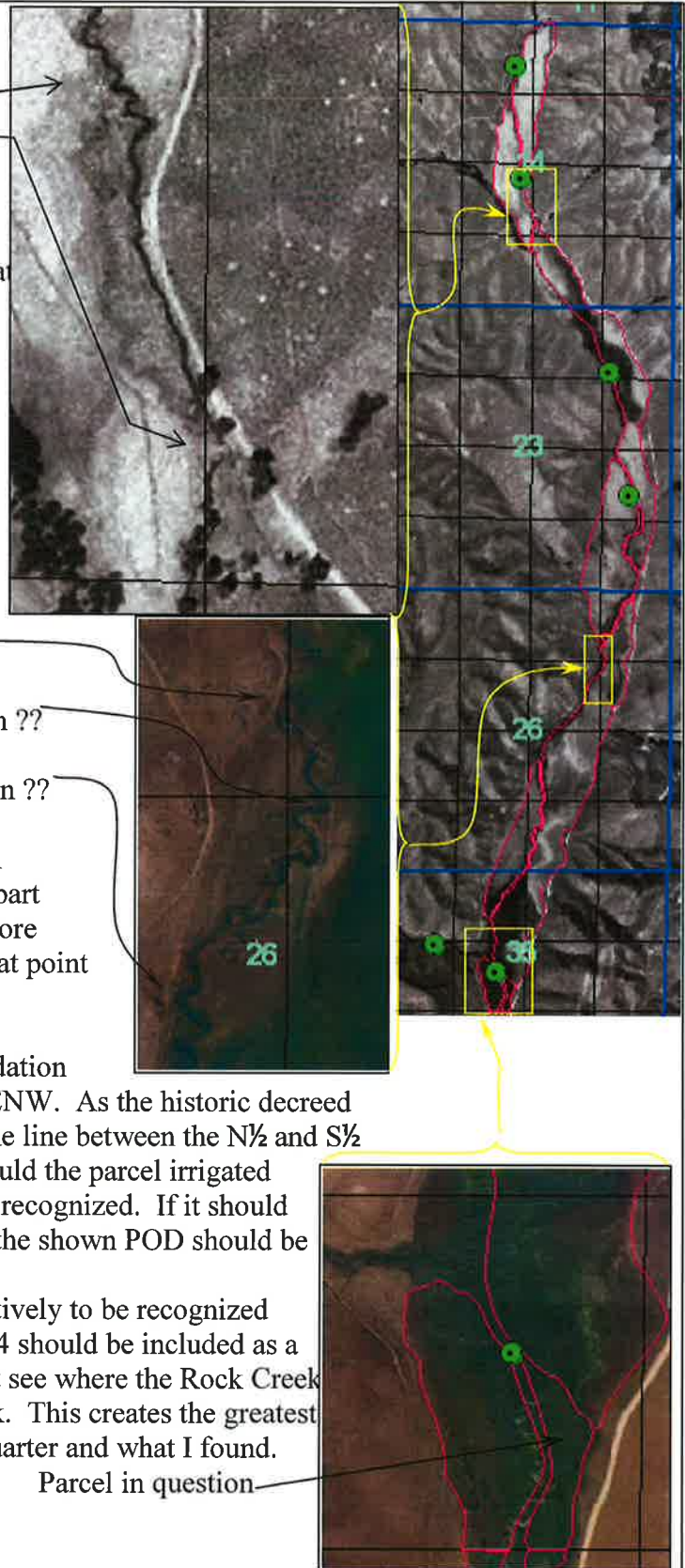
Point of diversion ??

You have identified a point of diversion just into the SENE. This point is not a part of any of the claims. Possibly one or more claims should be amended to include that point of diversion.

There is a general system/recommendation issue regarding the ground in Sec 35 SENW. As the historic decreed POU boundary for 37-1151A falls on the line between the $N\frac{1}{2}$ and $S\frac{1}{2}$ of that section, The question is how should the parcel irrigated from the POD for the central system be recognized. If it should be included with the north system then the shown POD should be a part of both systems.

I do not believe that the ground tentatively to be recognized through the pending late claim 37-22264 should be included as a part of the Rock Creek system. I do not see where the Rock Creek ditch system Crosses Guy Canyon creek. This creates the greatest difference in your acreage by quarter/quarter and what I found.

Parcel in question



**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

COPY

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:

37-1150

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

COPY

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	Dept
14	NWNE	9.1	8.4 +1.7
14	SWNE	2.0	2 -
14	NENW	10.9	8 +2.9
14	SENW	18.9	18 +.9
14	NESW	15.4	19 -3.6
14	SESW	2.6	6.3 -3.7
14	NWSE	2.3	1.1 +1.2
14	SWSE	22.4	21 +1.6
23	NENE	15.0	14 +1
23	NWNE	11.0	11 -
23	SENE	17.6	15 +2.1

23	NESE	26.1	25	+1.1	
23	NWSE	0.4	.3	+ .1	
23	SWSE	7.4	11		+ 3.6
23	SESE	25.7	25	+ .7	
26	NENE	18.8	19		+ .2
26	NWNE	6.0	4.8	+ 1.2	
26	SWNE	14.6	13	+ 1.6	
26	SENE	11.6	11	+ .6	
26	NESW	0.5	.7		+ .2
26	SESW	13.3	14		+ .7
26	NESE	0.2	.3		+ .1
26	NWSE	34.5	33	+ 1.5	
26	SWSE	21.4	22		+ .6
35	NWNE	6.6	8.6		+ 2
35	SWNE	0.6	.5	+ .1	
35	NENW	23.0	20	+ 3	
35	SENW	23.3	18	+ 5.5	
	Total	361.2	350		

COPY

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

Pinker Rock Creek

Rmk 223

Separate Stream Rmk

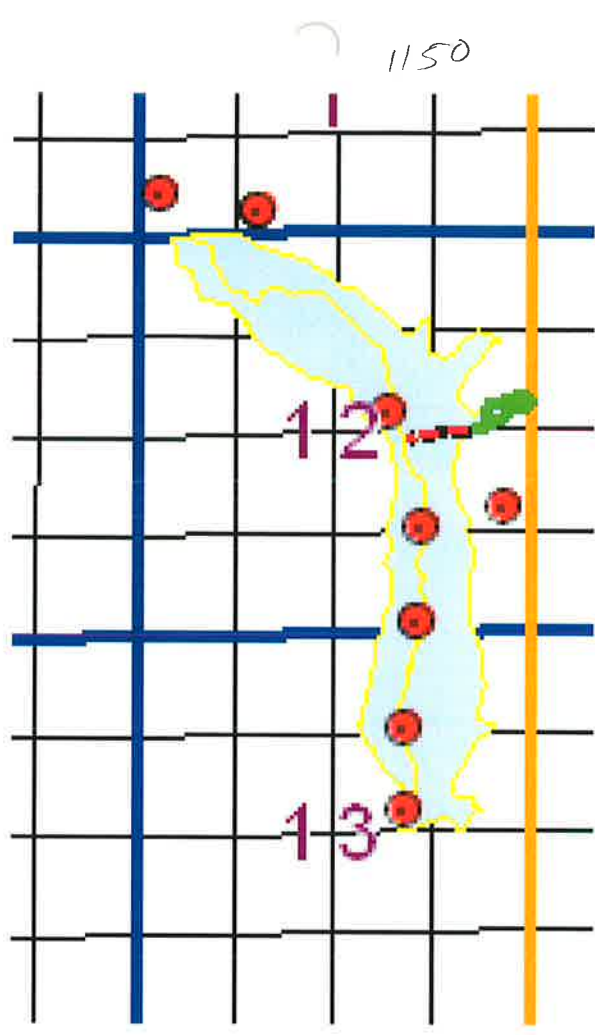
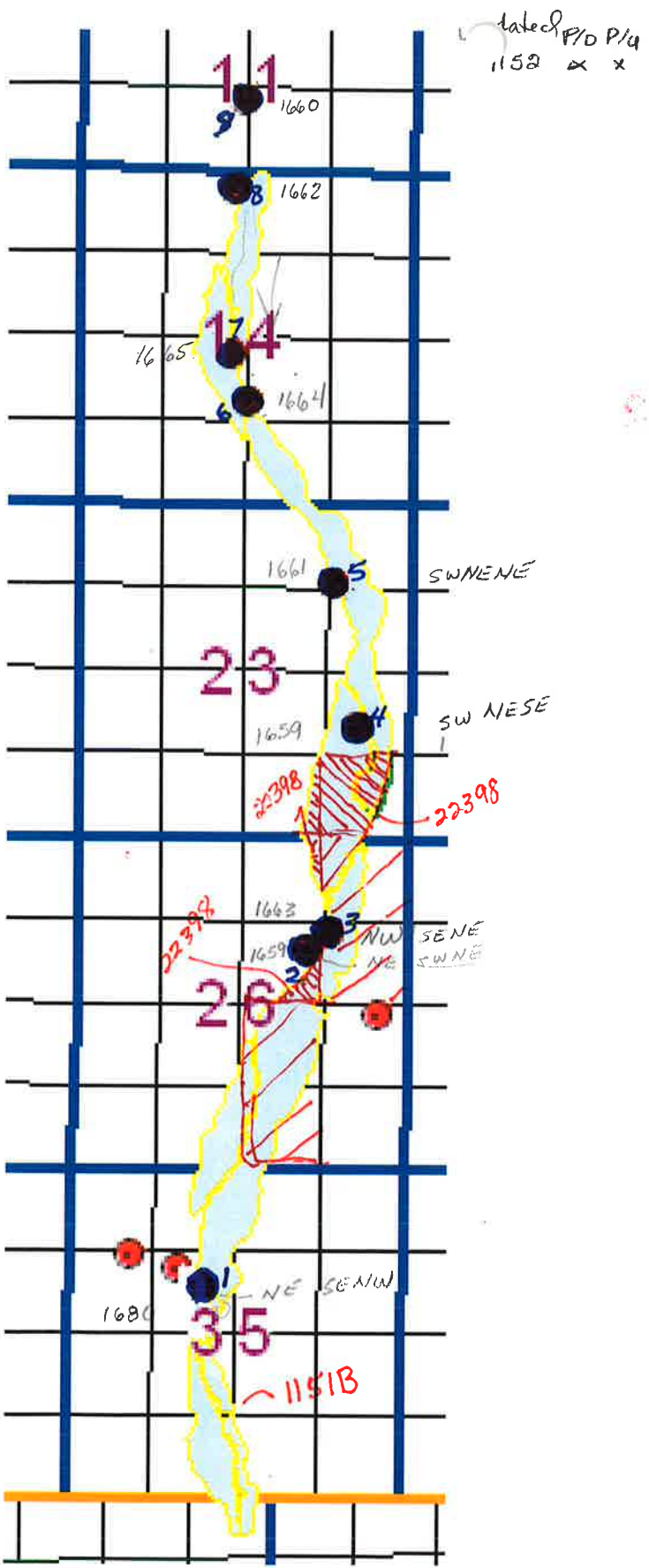
X 37-1151D } ✓
X 1152 } ✓ 249.7ac
X 22464 } ✓
X 627 } ✓
X 22398 } ✓ 293.4ac

X 37-1151B } ✓
X 22501 } ✓ 15ac

X 37-1212 GuyCr } ✓
X 22502 } ✓ 25.2ac

X 37-22264 GuyCr } ✓ 5.3ac

X 37-1150 ✓ }
X 37-4192 ✓ } 249.8ac
X 22465 ✓ }



1151D } same P/u
1152

South System

37-4192 Bld. Claimed from Both
 Rock Cr and Little Rock creek. A small
 ≈ 2.5 ac parcel in sec 12 SENE is irr by LTL Rock
 Cr only. the Sec 13 S $\frac{1}{2}$ NE ground is irrigated
 with a shared ditch carrying ^{both} LTL Rcr & RC. water
 30 ac Sec 13 2.5 (32.5 ^{rounding} IDWR) (32.9 ac Brockway) issue
 37-1150 was decreed & claimed on the balance
 of the property P/u = 217.8 ac Brockway 217.5

ditch with #8 = 5.4 mi.

Ditch	Brockway ditch length
1 .26	4192 0.655
2 .34	22465 <u>4.856</u>
3 .21	5.511
4 .28	
5 .75	
6 .17	
7 .54	
8 -	
9 .65	
10 .11	
11 .38	
12 .17	
13 .44	
14 } .96	
15 }	
Total	5.36 mi

4 PoDs Claimed

Could not find a P/D in Sec 12 NWSE
 during field work.

No notes on P/D in Sec 12 SWSE
 but does not show up on Aerial Photos.

North no flow rate limits rights are additive.

37- 1151D	100.9	3.00	22464	249.7
1152	148.8	3.00		* .0396
	249.7 ac			9.88 cfs

22398	43.7 ac	} 2,03 cfs	seepage ~~40~~ for 6.77 mi. Brockway #
	293.4 ac		
			12.60 (6.60)

NORTH analysis

On reviewing Brockway Engineering analysis dated 12-18-2009 I find that I am in basic agreement. The only difference is that I found {249.7 ac for 1151D & 22464 1152 comb

and 43.7 ac for 22398 giving a total PPA of 293.4.

Excess flows are a part of the recommendation for 22398 thus 37-22464 is considered an enlargement of 1151D & 1152 only when comb. they are limited to 12.60 cfs on 249.7 ac.

However all 4 rights are rec within a PPA and are limited to 293.4 ac.

Middle Analysis

1212 recognize on 25.2 ac ditches 33, 34 ^{1.17 mi.} ^{.83 mi.} ^{1.00 tot}
 1151B recognize on 15.0 ac ditches 35- .79 mi

enlargement 37-22463

North System

37-1151D, 152, 22398, 22464
293.4ac

12396

Middle System R.Cr.

1151B Rock Cr
1212 Guy Cr
22264 Guy Cr (B.U.) } 37-22463 excess
flow

Ditch Serving 22398 ✓

ditch 28(part) .25 mi in Sec 23 SESE (east side)

ditch 25 .49 mi in Sec 23 SWSE (west side)

29 .20

30 .07

.105

43.7

1.06

Brockway analysis
= .738 mi ditch run

7.67

- .738

6.932

293.4

- 43.7

249.7

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, March 31, 2010 10:02 AM
To: Bromley, Chris; Kelly, Vicki
Subject: 37-1150 et al Rinker Rock Creek pre settlement conference comments

Importance: High

Nearly ready to data enter the recommendations for all of the claims. The recommendations will recognize the property in 6 groups

1. North Claims 37-1151D, 1152, 22398 and excess flow claim 37-22464. Also includes 37-627 Smith Creek overlap.
2. Middle Claims 3 groups. (A) Guy Creek 37-1212 and a portion of excess flow claim 37-22463. (B) Guy Creek 37-22264 (beneficial use claim which includes excess flow within claim) and (C) 37-1151B and a portion of excess flow claim 37-22463.
3. South Claims Group 1, 37-1150, and excess flow claim 37-22465 (only associated with 1150). Group 2, 37-4192 (includes conveyance losses.)

Differences between Brockway Engineering and departments position.

1. Brockway presented a pou with all quarter/quarters showing tenths of an acre. The department recommendation rounds above 10 acres. Result is a slight difference in the total acreage on some claims.
2. There may be a math error in the Brockway 12-18-2009 analysis/proposal for the middle area. Need to double check before discussing it with Brockway though.
3. As noted above for the middle area, excess flow claim included both the Guy Creek system and the Rock Creek system. They are independent of each other therefore the excess flow claim needs to be split with the respective overlaps identified accordingly. I have run this by Carter and he agrees.
4. At this time I cannot duplicate the conveyance loss on the south system (ditch lengths split between 37-4192 and 37-22465.) It appears that Brockway has overstated the combined ditch length.

Basically I believe that things are really close. I just need to tie up a few loose ends but I want to make sure that my latest cut is correct before checking with Brockway.

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

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 43-1
Date Received: 1/14/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KELLY K CHRISTENSEN Phone: (208)420-5905

2335 MIDDLEBURG DR
BOISE ID USA 83709

2. Date

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	17E	12	NW	NE	IRRIGATION	7.8
			SW	NE	IRRIGATION	34
			SE	NE	IRRIGATION	14
			NE	NW	IRRIGATION	30
			NW	NW	IRRIGATION	15
			SE	NW	IRRIGATION	11
			NE	SE	IRRIGATION	10
			NW	SE	IRRIGATION	17
			SW	SE	IRRIGATION	18
			SE	SE	IRRIGATION	16
Section Acres						172.8
01S	17E	13	NE	NE	IRRIGATION	20
			NW	NE	IRRIGATION	25
			SW	NE	IRRIGATION	16
			SE	NE	IRRIGATION	14
Section Acres						75
Total Acres						247.8

30.0
217.8

North System

03/31/2010

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-1152

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: 3.000 CFS

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

PRIORITY DATE: 06/13/1899

POINT OF DIVERSION:

T01N R17E S11 SESW Within BLAINE County
T01N R17E S14 NENW Within BLAINE County
T01N R17E S14 NESW Within BLAINE County
T01N R17E S14 NWSE Within BLAINE County
T01N R17E S23 NENE Within BLAINE County
T01N R17E S23 NESE Within BLAINE County
T01N R17E S26 SWNE Within BLAINE County
T01N R17E S26 SENE Within BLAINE County
T01N R17E S35 SENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/15 10/31	0.230 CFS
IRRIGATION	04/15 10/31	3.000 CFS

PLACE OF USE:

<u>IRRIGATION in BLAINE County</u>					
T01N R17E S14	NWNE	7.40	T01N R17E S14	SWNE	2.10
T01N R17E S14	NENW	5.20	T01N R17E S14	SENE	17.00
T01N R17E S14	NESW	16.00	T01N R17E S14	SESW	0.90
T01N R17E S14	NWSE	0.80	T01N R17E S14	SWSE	15.00
T01N R17E S23	NENE	12.00	T01N R17E S23	NWNE	4.60
T01N R17E S23	SENE	14.00	T01N R17E S23	NESE	24.00
T01N R17E S23	NWSE	0.30	T01N R17E S23	SWSE	8.40
T01N R17E S23	SESE	23.00	T01N R17E S26	NENE	16.00
T01N R17E S26	NWNE	4.00	T01N R17E S26	SWNE	8.30
T01N R17E S26	SENE	10.00	T01N R17E S26	NESW	0.30

T01N R17E S26	SESW	13.00	T01N R17E S26	NWSE	31.00
T01N R17E S26	SWSE	21.00	T01N R17E S35	NWNE	8.70
T01N R17E S35	SWNE	0.40	T01N R17E S35	NENW	19.00
T01N R17E S35	SENW	11.00			

STOCKWATER in BLAINE County

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

293.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 249.7 acres in a single irrigation season. Combined Right Nos.: 37-1151D, 37-1152, and 37-22464.

This right is limited to the irrigation of 148.8 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 293.4 acres in a single irrigation season. Combined Right Nos.: 37-627, 37-1151D, 37-1152, 37-22398, and 37-22464.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

710th System
B/C

03/31/2010

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-1151D

NAME AND ADDRESS: ROCK CREEK LLC
C/O HARRY S RINKER MANAGER
PO BOX 7250
NEWPORT BEACH CA 92658

Preliminary
Rec 3-31-10
KRC

SOURCE: ROCK CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 3.000 CFS

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

PRIORITY DATE: 06/13/1899

POINT OF DIVERSION:

T01N R17E S11 SESW Within BLAINE County
T01N R17E S14 NENW Within BLAINE County
T01N R17E S14 NESW Within BLAINE County
T01N R17E S14 NWSE Within BLAINE County
T01N R17E S23 NENE Within BLAINE County
T01N R17E S23 NESE Within BLAINE County
T01N R17E S26 SWNE Within BLAINE County
T01N R17E S26 SENE Within BLAINE County
T01N R17E S35 SENW 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	3.000 CFS
STOCKWATER	04/15 10/31	0.230 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R17E S14	NWNE	7.40	T01N R17E S14	SWNE	2.10
T01N R17E S14	NENW	5.20	T01N R17E S14	SENE	17.00
T01N R17E S14	NESW	16.00	T01N R17E S14	SESW	0.90
T01N R17E S14	NWSE	0.80	T01N R17E S14	SWSE	15.00
T01N R17E S23	NENE	12.00	T01N R17E S23	NWNE	4.60
T01N R17E S23	SENE	14.00	T01N R17E S23	NESE	24.00
T01N R17E S23	NWSE	0.30	T01N R17E S23	SWSE	8.40
T01N R17E S23	SESE	23.00	T01N R17E S26	NENE	16.00
T01N R17E S26	NWNE	4.00	T01N R17E S26	SWNE	8.30

T01N R17E S26	SENE	10.00	T01N R17E S26	NESW	0.30
T01N R17E S26	SESW	13.00	T01N R17E S26	NWSE	31.00
T01N R17E S26	SWSE	21.00	T01N R17E S35	NWNE	8.70
T01N R17E S35	SWNE	0.40	T01N R17E S35	NENW	19.00
T01N R17E S35	SENW	11.00			

STOCKWATER in BLAINE County

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

293.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 249.7 acres in a single irrigation season. Combined Right Nos.: 37-1151D, 37-1152, and 37-22464.

This right is limited to the irrigation of 100.9 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 293.4 acres in a single irrigation season. Combined Right Nos.: 37-627, 37-1151D, 37-1152, 37-22398, and 37-22464.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

03/31/2010

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-22464

NAME AND ADDRESS: HARRY S & DIANE J RINKER REVOCABLE TRUST
PO BOX 7250
NEWPORT BEACH CA 92658*Preliminary
Rec 3-31-10
KKC*

SOURCE: ROCK CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 6.600 CFS

PRIORITY DATE: 03/12/1925

POINT OF DIVERSION:

T01N R17E S11 SESW Within BLAINE County

T01N R17E S14 NENW Within BLAINE County

T01N R17E S14 NESW Within BLAINE County

T01N R17E S14 NWSE Within BLAINE County

T01N R17E S23 NENE Within BLAINE County

T01N R17E S23 NESE Within BLAINE County

T01N R17E S26 SWNE Within BLAINE County

T01N R17E S26 SENE Within BLAINE County

T01N R17E S35 SENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/31

6.600 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R17E S14	NWNE	7.40	T01N R17E S14	SWNE	2.10
T01N R17E S14	NENW	5.20	T01N R17E S14	SESW	17.00
T01N R17E S14	NESW	16.00	T01N R17E S14	SESW	0.90
T01N R17E S14	NWSE	0.80	T01N R17E S14	SWSE	15.00
T01N R17E S23	NENE	12.00	T01N R17E S23	NWNE	4.60
T01N R17E S23	SENE	14.00	T01N R17E S23	NESE	24.00
T01N R17E S23	NWSE	0.30	T01N R17E S23	SWSE	8.40
T01N R17E S23	SESE	23.00	T01N R17E S26	NENE	16.00
T01N R17E S26	NWNE	4.00	T01N R17E S26	SWNE	8.30
T01N R17E S26	SENE	10.00	T01N R17E S26	NESW	0.30
T01N R17E S26	SESW	13.00	T01N R17E S26	NWSE	31.00
T01N R17E S26	SWSE	21.00	T01N R17E S35	NWNE	8.70

T01N R17E S35	SWNE	0.40	T01N R17E S35	NENW	19.00
T01N R17E S35	SEnw	11.00			

293.4 ACRES TOTAL

This right is limited to the irrigation of 249.7 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 249.7 acres in a single irrigation season. Combined Right Nos.: 37-1151D, 37-1152, and 37-22464.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

North System
B/U claim

03/31/2010

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-22398

NAME AND ADDRESS: ROCK CREEK LLC
C/O HARRY S RINKER MANAGER
PO BOX 7250
NEWPORT BEACH CA 92658

Preliminary
Rec 3-31-10
KC

SOURCE: ROCK CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 2.030 CFS

PRIORITY DATE: 08/23/1957

POINT OF DIVERSION:

T01N R17E S11 SESW Within BLAINE County
T01N R17E S14 NENW Within BLAINE County
T01N R17E S14 NESW Within BLAINE County
T01N R17E S14 NWSE Within BLAINE County
T01N R17E S23 NENE Within BLAINE County
T01N R17E S23 NESE Within BLAINE County
T01N R17E S26 SWNE Within BLAINE County
T01N R17E S26 SENE Within BLAINE County
T01N R17E S35 SENW 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	2.030 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R17E S14	NWNE	7.40	T01N R17E S14	SWNE	2.10
T01N R17E S14	NENW	5.20	T01N R17E S14	SENE	17.00
T01N R17E S14	NESW	16.00	T01N R17E S14	SESW	0.90
T01N R17E S14	NWSE	0.80	T01N R17E S14	SWSE	15.00
T01N R17E S23	NENE	12.00	T01N R17E S23	NWNE	4.60
T01N R17E S23	SENE	14.00	T01N R17E S23	NESE	24.00
T01N R17E S23	NWSE	0.30	T01N R17E S23	SWSE	8.40
T01N R17E S23	SESE	23.00	T01N R17E S26	NENE	16.00
T01N R17E S26	NWNE	4.00	T01N R17E S26	SWNE	8.30
T01N R17E S26	SENE	10.00	T01N R17E S26	NESW	0.30
T01N R17E S26	SESW	13.00	T01N R17E S26	NWSE	31.00
T01N R17E S26	SWSE	21.00	T01N R17E S35	NWNE	8.70

T01N R17E S35	SWNE	0.40	T01N R17E S35	NENW	19.00
T01N R17E S35	SENE	11.00			

293.4 ACRES TOTAL

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

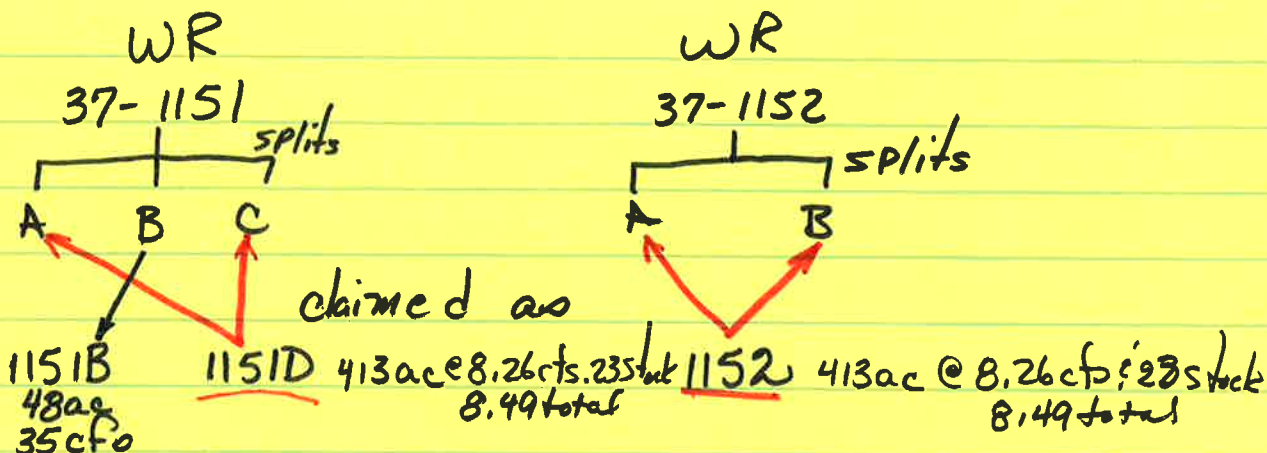
This right is limited to the irrigation of 43.7 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Rinker (Rock Creek)



Claim/Recom for 37-1151D covers all of the ground covered by Water Rights

37-1151C > AJ 1151D Recom 7.00cfs 350ac

- 1151A

- 1152A

1152B

> AJ 1152 Recom Disallowed (Part of 1151D Recom)

AJ 1151B Recom .86cfs 43ac

AJ 1212 Recom .86cfs 43ac

comb total .86cfs 43ac

37-1150

originally claimed on 209ac @ 35cfs

Amended 10-31-07 to 240.4ac @ 35cfs

Recommendation = 200ac 4.00cfs

11-2-07 POU analysis, & found 204ac Brockway concurred on same day (see e-mail)

80-11-8
Chalk Creek
(S. 92)

11

12

Fed ground

Irrigated?

side ditches?

14

err?

14

Braided Channel
wrong PD?

approx
ditch route
in 92

err?

Yes
Possible P/O?

Side ditches?
Yes

P

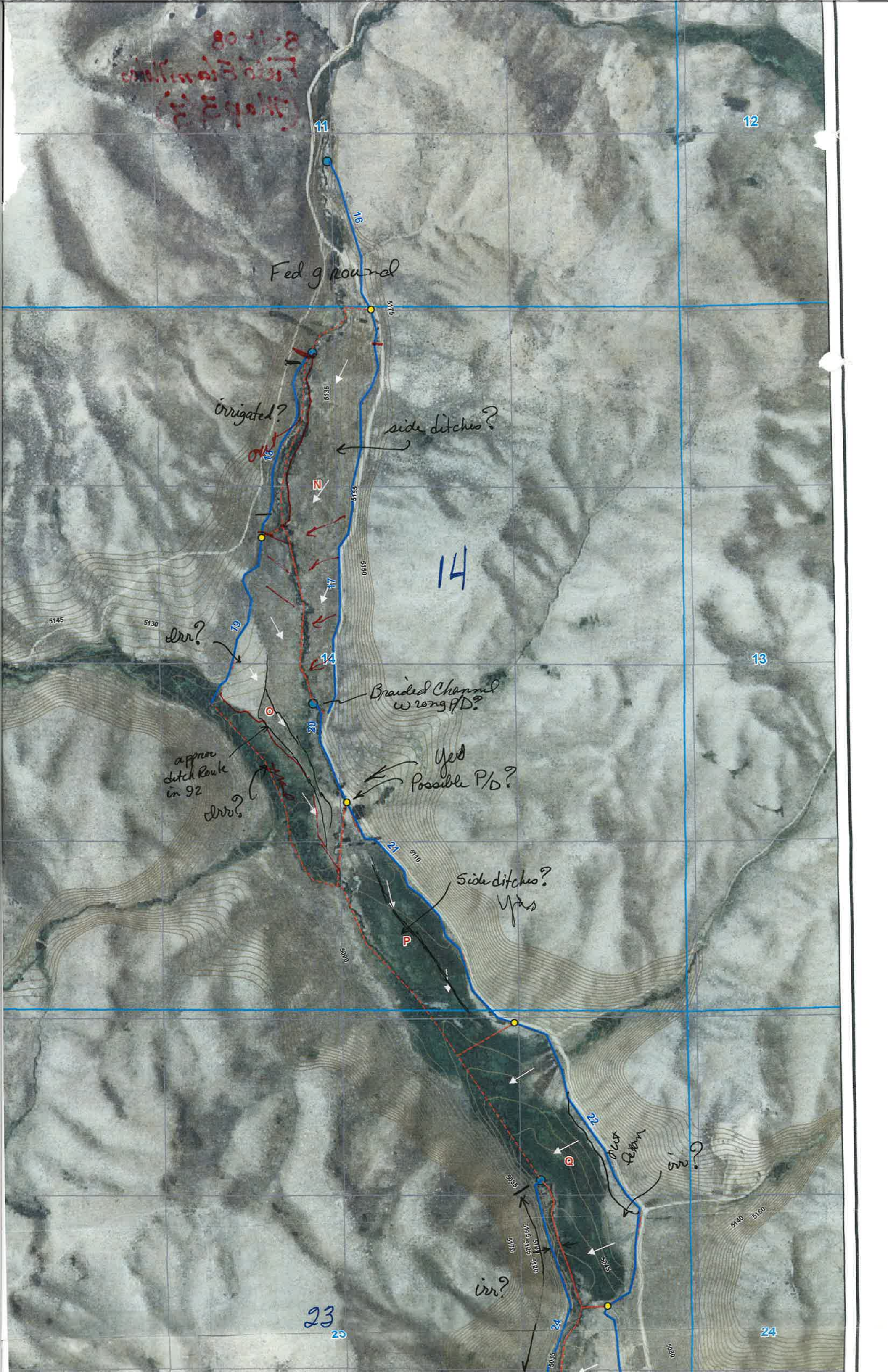
over
fence

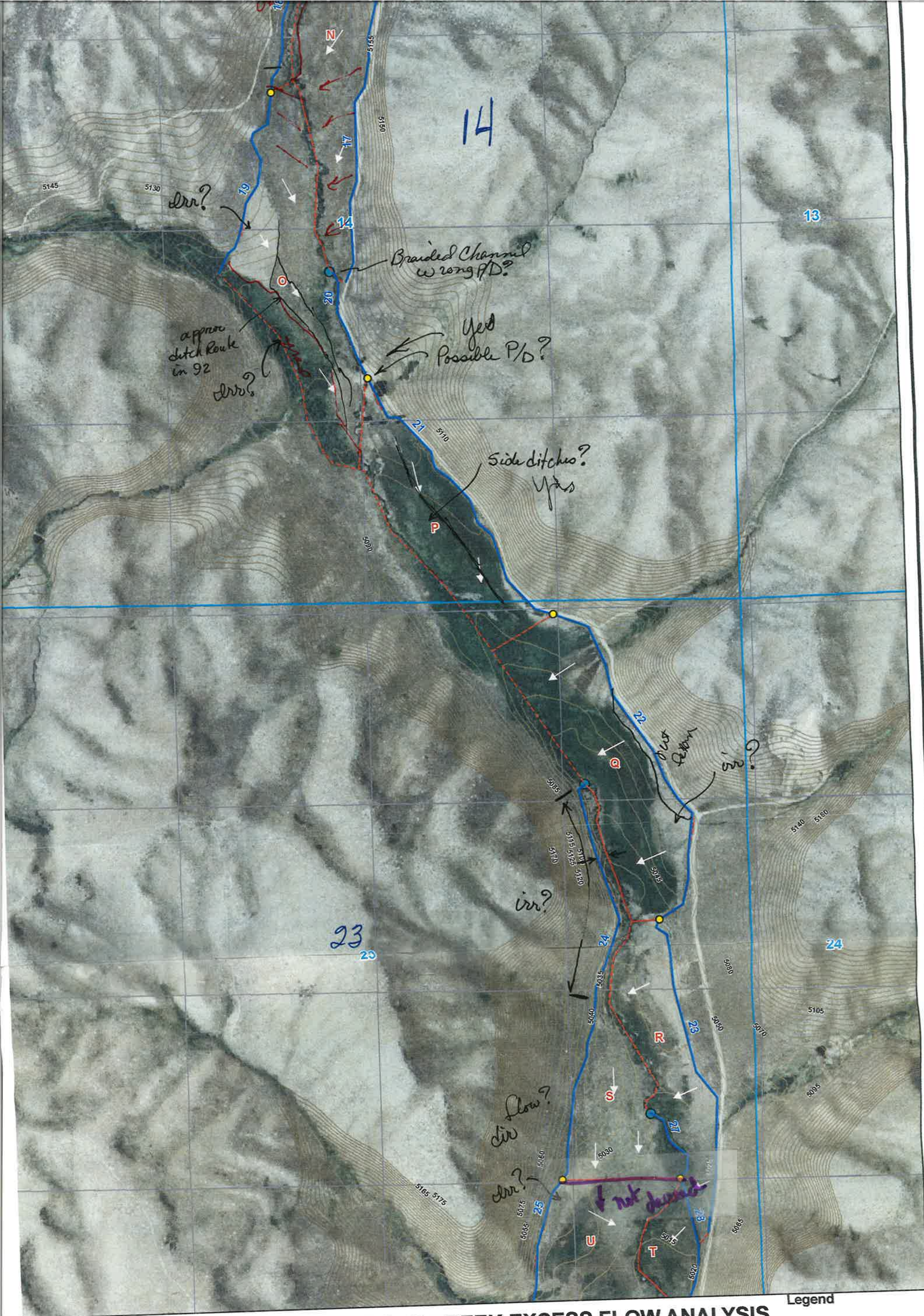
irr?

23

23

24

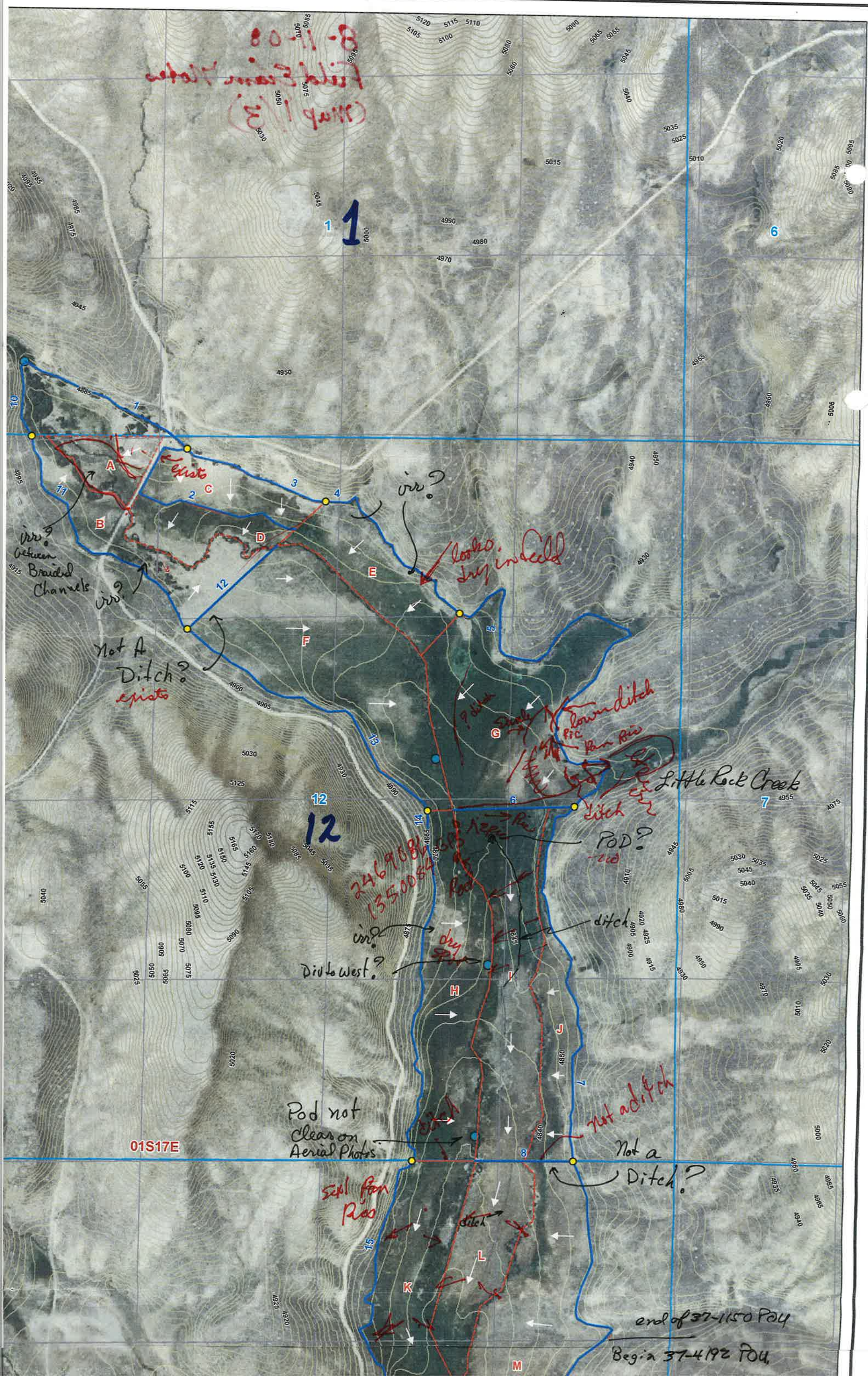


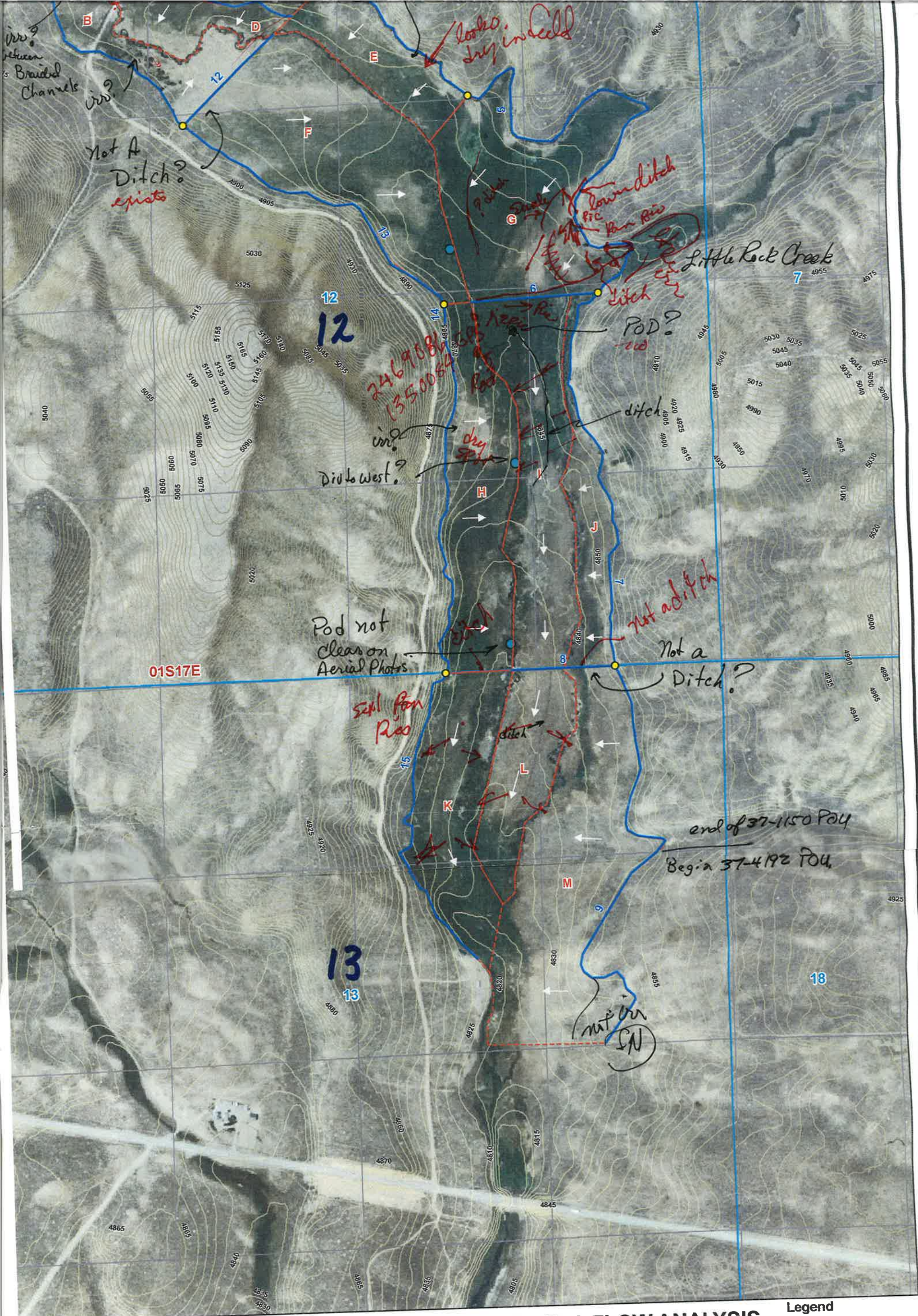


**RINKER - ROCK CREEK EXCESS FLOW ANALYSIS
NORTH MAP
NAIP 2006 AERIAL**

Legend

- Ditch
- Irrigation Water Flow
- Fields
- Junction
- Recommended_POD
- Sections_lines





RINKER - ROCK CREEK EXCESS FLOW ANALYSIS **SOUTH MAP** **NAIP 2006 AERIAL**

- Legend**
- Ditch
 - Irrigation Water Flow
 - Fields
 - Junction
 - Recommended_PO D
 - Sections lines

22

2 central

23

Reservoir?
Picks up
water

P/O? end?
Ditch
Route?

P/O?

Possible P/O?

ditch?

Possible
P/O?

Smith Cr

27

26

27 26
34 35

Gug Cango

any
ditch

Reservoir?
Area?

Upper
or North
Section

P/O Claimed

COPY

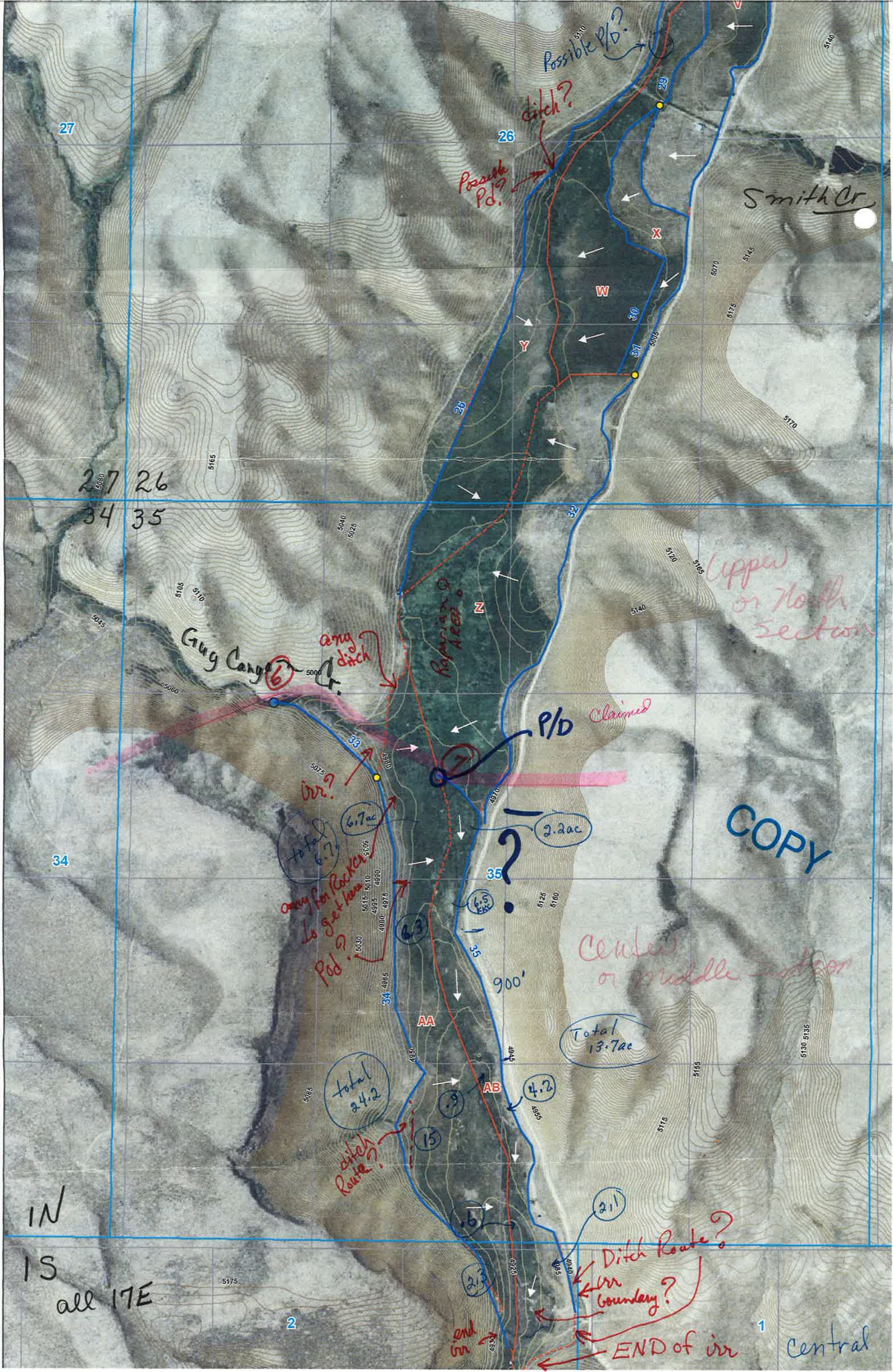
irr?
total
6.7
any for Ricketts
to get here
Pod?

2.2ac

1.5
ac

Center
or middle Section

900'



IN

IS
all 17E

2

1

Central

COPY

Total
13.7ac

total
24.2

total
6.7

2.2ac

4.2

2.3

2.1

9

6.3

6.5

6.7ac

irr?

any ditch

any for Rocker
to get him
P/D?

P/D Claimed

Upper
or North
Section

Center
or middle Section

Ditch Route?
Irr
boundary?

END of irr

end
irr

Smith Cr

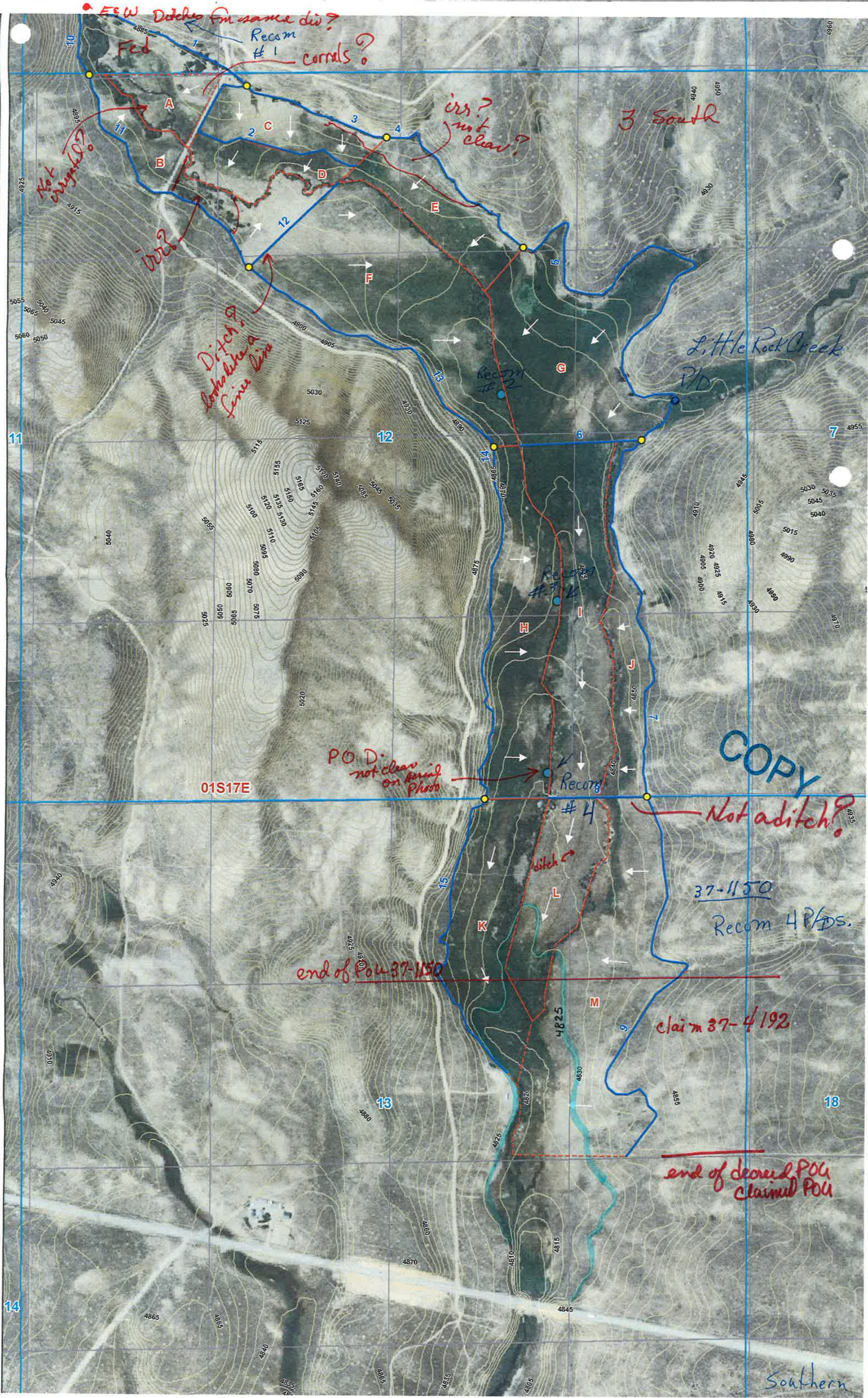
Gug Cango

Raparian Area

ditch?

Possible
P/D?

Possible P/D?



EW Ditches fm same di?
Fed
Recom #1
cornals?

3 South

irr?
not clear?

Ditch?
looks like a
line line

Little Rock Creek
P/D

PO.D.
not clear
on spring
photo

COPY

Not a ditch?

37-1150
Recom 4 P/Ds.

end of POU 37-1150

claim 37-4192

end of decreed POU
claimed POU

Southern

Sec 11

Fed

1 north

①

claimed

②

claimed

irr?

2

irr?

Braided channel?
wrong?

③

claimed?

irr
possible
P/D.

Approx
Ditch
Route in
1992

15

13

CON

Trans 2422

0607	Bill, Martin	120 inches.	Aug. 15, 1886.	Big Wood River.
0608		40 "	730 Apr. 15, 1887.	" " "
0609	Silva, A. I.	145 "	69 Apr. 1, 1884.	Little Wood River. (Also shares in Big Cottonwood Canal Co.)
0610	Silva, Alice	320 "	284 May 31, 1903.	Upper Malad River.
0611	Silva, Arthur D.	140 "	784 Apr. 30, 1891.	Big Wood River. Trans #170
0612	" "	80 "	285 June 2, 1903.	" " Trans #79 #341
0613	Silva, Joe and Anthony	160 "	49 Apr. 1, 1884.	TRANS #1938 Little Wood River. App for Trans
0614	Do.	40 "	162 May 1, 1889.	TRANS #1938 " "
0615	Silva, Manuel	155 "	77 May 31, 1884.	(Also shares in Big Cottonwood Canal Co.)
0616		155 "	227 May 10, 1897.	Big Wood River.
0617	Silva, Mary	225 "	134 June 1, 1887.	" " "
0618	Simpson, W. D.	110 "	63 June 22, 1884.	Little Wood River. (Also shares in Little Wood River Canal Co.)
0619	Sims, William	160 "	73 May 1, 1884.	Big Wood River.
0620	"	65 "	185 May 1, 1891.	" " "
0621	Sing, Quong			(See Quong Sing.)
0622	Skiles, J. W.	150 "	159 June 15, 1888.	Monumental Creek.
0623	Slater, Charlotte M.	80 "	90 Apr. 3, 1882.	Big Wood River.
0624	"	120 "	113 Apr. 3, 1895.	" " "
0625	Supervced by Brown v.s. Reardon Smidt, Christina	60 "	160 Apr. 15, 1889.	Rock Creek. *
0626	"	50 "	114 June 1, 1886.	" " "
0627	"	All of	167 June 1, 1891.	Smidt Creek.
0628	Smith, G. H.	140 inches.	187 June 1, 1891.	Three Mile Creek or Four Mile Creek.
0629	Smith, Charles C.	25 "	290 May 15, 1904.	Aubrey Creek.
0630	"	35 "	105 June 30, 1885.	Butte Creek. T #2482
0631	"	35 "	129 June 15, 1887.	" " "
0632	Smith, Henry E.	150 "	232 June 3, 1897.	Butte Creek or Powers Creek.

JUN 04 1906

16 E. Also, N 1/2 of SE 1/4, and NE 1/4 of SW 1/4 of Sec. 29, T. 5 S., R. 16 E., containing 280 acres. Also, SE 1/4 of NW 1/4 of Sec. 29, T. 5 S., R. 16 E., containing 40 acres.

Silva, Manuel Lots 1 and 2, NE 1/4 of NW 1/4, and NW 1/4 of NE 1/4 of Sec. 7, T. 5 S., R. 16 E., containing 156 acres. Also, E 1/2 of SW 1/4 and Lots 6 and 7, of Sec. 6, T. 5 S., R. 16 E., containing 155.35 acres.

Silva, Mary SE 1/4 of NE 1/4, and N 1/2 of NE 1/4 of Sec. 27, and SW 1/4 of SE 1/4 of Sec. 22, T. 1 N., R. 18 E., containing 160 acres.

Simpson, W. D. NE 1/4 of Sec. 10, T. 2 S., R. 21 E.

Sims, William S 1/2 of NW 1/4, NW 1/4 of NW 1/4, and S 1/2 of NE 1/4 of Sec. 15, and SW 1/4 of NW 1/4 of Sec. 14, T. 5 S., R. 16 E., containing 240 acres.

Sing, Quong (Same as Quong Sing.)

Skiles, J. W. W 1/2 of NW 1/4 and W 1/2 of SW 1/4 of Sec. 15, T. 2 S., R. 12 E.

Slater, Charlotte M. N 1/2 of SE 1/4 of Sec. 22, T. 5 S., R. 14 E. Also, NW 1/4 of SE 1/4 and N 1/2 of SW 1/4 of Sec. 23, T. 5 S., R. 14 E., containing 120 acres.

Smidt, Christina E 1/2 of NE 1/4, and N 1/2 of SE 1/4 of Sec. 26, T. 1 N., R. 17 E., containing 160 acres. Also, SW 1/4 of SE 1/4 of Sec. 26, T. 1 N., R. 17 E.

Smith, C. H. 160 acres of unsurveyed land.

Smith, Charles C. S 1/2 of NE 1/4, NE 1/4 of SE 1/4, and SE 1/4 of NW 1/4 of Sec. 24, T. 1 S., R. 19 E., containing 160 acres.

Smith, Henry E. SE 1/4 of NW 1/4, NE 1/4 of SW 1/4, and Lots 2

JUN 04 1996

Shipp, Joseph H.	200 inches.	June 3, 1887.	Big Wood River.
Shoshone, Village of	60 "	Nov. 28, 1882.	Little Wood River.
Silk, Martin	120 "	Aug. 15, 1886.	Big Wood River.
" "	40 "	Apr. 15, 1887.	" " "
Silva, A. I.	145 "	Apr. 1, 1884.	Little Wood River. [Also shares in Big Cottonwood Canal Co.]
Silva, Alice	320 "	May 31, 1903.	Upper Malad River.
Silva, Arthur D.	140 "	Apr. 30, 1903.	Big Wood River.
" " "	80 "	June 2, 1903.	" " "
Silva, Joe and Anthony	160 "	Apr. 1, 1884.	Little Wood River.
Do.	40 "	May 1, 1889.	" " "
Do.			Also shares in Big Cottonwood Canal Co.
Silva, Manuel	155 "	May 31, 1884.	Big Wood River.
" "	135 "	May 10, 1897.	" " "
Silva, Mary	225 "	June 1, 1887.	" " "
Simpson, W. D.	110 "	June 22, 1884.	Little Wood River. (Also shares in Little Wood River Canal Co.)
Sims, William	160 "	May 1, 1884.	Big Wood River.
" "	65 "	May 1, 1891.	" " "
Sing, Quong			(See Quong Sing.)
Skiles, J. W.	150 "	June 15, 1888.	Monumental Creek.
Slater, Charlotte M.	80 "	Apr. 3, 1882.	Big Wood River.
" " "	120 "	Apr. 3, 1895.	" " "
Smidt, Christina	60 "	Apr. 15, 1889.	Rock Creek.
" "	30 "	June 1, 1886.	" "
" "	All of	May 31, 1886.	Smidt Creek.
Smith, C. H.	140 inches.	June 1, 1891.	Three Mile Creek or Four Mile Creek.
Smith, Charles C.	25 "	May 15, 1904.	Aubrey Creek.
" " "	35 "	June 30, 1885.	Butte Creek.
" " "	35 "	June 15, 1887.	" "

JUN 04 1996

7AS-6
Vol 6 p1177
37-5

①

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

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

Plaintiffs.

vs.

DANIEL REARDON and S. H. CHAPMAN
Water Master

Defendants

DECREE

NUMBERED COPY

Mar 11, 1925

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 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. 1151

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. 1151

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 1926

ANDREW McMONIGLE:

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

1151

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 Gray 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

Tues 5 hrs
Wed 7 hrs
THU 7 hrs
2 1/2 days

2 days 1/3
6 hrs
Elmer Brown
Rodney Brown
Mc Monigle

2 days 6 hrs

RECORDED
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

37-5

745-6

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

FILED

MAR 11 1925

Basim M. Russell
Clerk District Court.

BLAINE COUNTY, IDAHO

By Geo. M. Roddy Deputy

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.

Suburban Sullivan & Son, Inc.

Attorneys for Plaintiffs.
Residence: Hailey, Idaho.

M. J. Adley & B. King

Attorneys for Defendants.
Residence: Hailey, Idaho.

RECORDED

JUN 05 1926

INTER-DEPARTMENT MEMO — 1

FROM Roberta

DATE 4-20-79

TO Jim

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

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

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

SIGNATURE

JUN 05 1996

North System

37-1151 ~~D~~ Rock Cr V-2
37-1152 Rock Cr V-2
37-627 Smith Cr V-2
37-22398 R. Cr (Bu fillin) AMDCI V-2
*37-22464 Excess Flow Lt CL. Rec done

Middle System

37-1212 Guy Cr V-2
37-22264 Guy Cr (Bz) ⁴⁰⁶⁸ V-2
37-1151B Rock Cr V-2
37-22463 ^{Excess Flow Lake Claim} Claim B Sources ^{22501 Rec done}
*22502 Rec done

South System

37-1150 Rock Cr Rec 4-6-10 V-2
37-4192 Rock Cr, Little R Cr ^{orig - disallow} Rec done 6-7-10
*37-22465 Excess Flow ^{Gate Claim} Rec done 6-7-10

12-21-09

Rinker Rock Creek B37 - Part 2

North System

37-1151D P/u. $\approx 287.4ac$ @ .02cfs/Ac
37-627 Smidt Cr. Aprox 80ac
37-1152 Rock Cr
37-22398 Rock Cr - Filling ^{BY} Right

General Issues:

1. Need to establish acre limits per right/system.
 2. Reconfirm Rec rate.
 3. Review Brockway Hubble Analysis (original) to make sure it can be deconstructed to satisfy one or more of the irrigation systems. That analysis will NOT work for the north system.
- Just received new Hubble 12-22-09.

Need to do an indepth review of conveyance loss assignments per right See e-mail dated

12-23-09 10:11 AM. RE: Rinker Rockcreek & tributary rights (37-4192, 37-22398, & 37-22264 and others yet to be numbered).

Need Separate Stream
Rmk on all
Claims

12-21-09

Rinker Rockcreek B37 - Part. 2.

Scanned
12-23-09

Southern System

37- 1150

37- 4192

ADR due Dec 31, 2009

37- 22465. late claim hearing 1-19-2010

37-4192 amended to include R Cr & L. R Cr as sources
2.5 ac in Sec 12 is the only acreage ^{also} covered
by Rock Creek. Claimed at 0.035 cfs/Ac. No supporting
documentation ATT (for excess flows).
includes a P/D in Sec 12 NWSE, not found.

37-22465 - Pending late claim for excess flows
from R. Cr claimed rate/ac on its face 0.035 cfs/ac
not addressing overlap issues.

Middle System R. Cr & Guy Cr

37-1212 Guy Cr Source P/U $\approx$ 25.2 ac (2008 V-2 shape)

37-22264 Guy Cr " (B/U) P/U = 5.3 ac

37- 1151B Rock Cr. source P/U $\approx$ 15 ac (2008 shape)
Rock Creek irr is East of Rock Creek only
Guy creek irr is West of Rock Creek only.

37- 22465 Claims Both Sources & Comb. P/U from both Sources
excess flows wanted 0.033 cfs/Ac. on face.

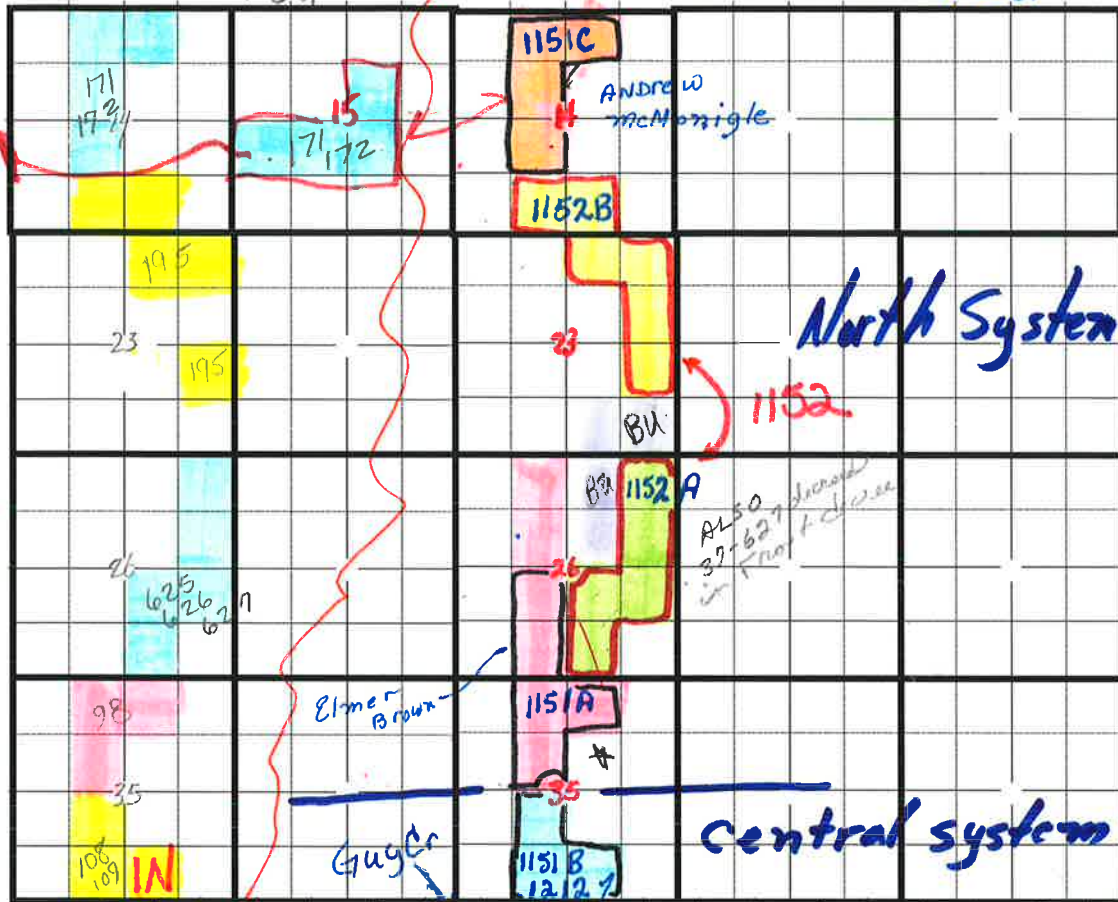
Position: Cannot stack sources as the
systems & P/D's and POU. acreages are independent
of each other.

excess flows to
be based upon
earlier analysis.

Frost Dec POU

Decreed P/u.

15



37-1152
-1151D

37-1212
-672
1151B

37-1150
-4192

17E 18E

Diversion Rate analysis

37-1151D combines 37-1151A & 37-1151C

A I Claim associated Frost

Settlement
thru ADR
SF-5

37-1151C	37-171	1.00 cb	
	-172	0.80 cb	
37-1151A	37-98	<u>1.20 cb</u>	Brockway #
	total	3.00 cb	3.00 cb

37-1152 combines 37-1152A & 37-1152B

Settlement

ADR SF-5

37-1152A	37-625	1.20 cb	Smidt Cr
	37-626	0.60 cb	37-627 all of Stream
37-1152B	37-195	<u>1.20 cb</u>	Brockway
		3.00 cb	3.00 cb

37-1151B (Rock Creek)

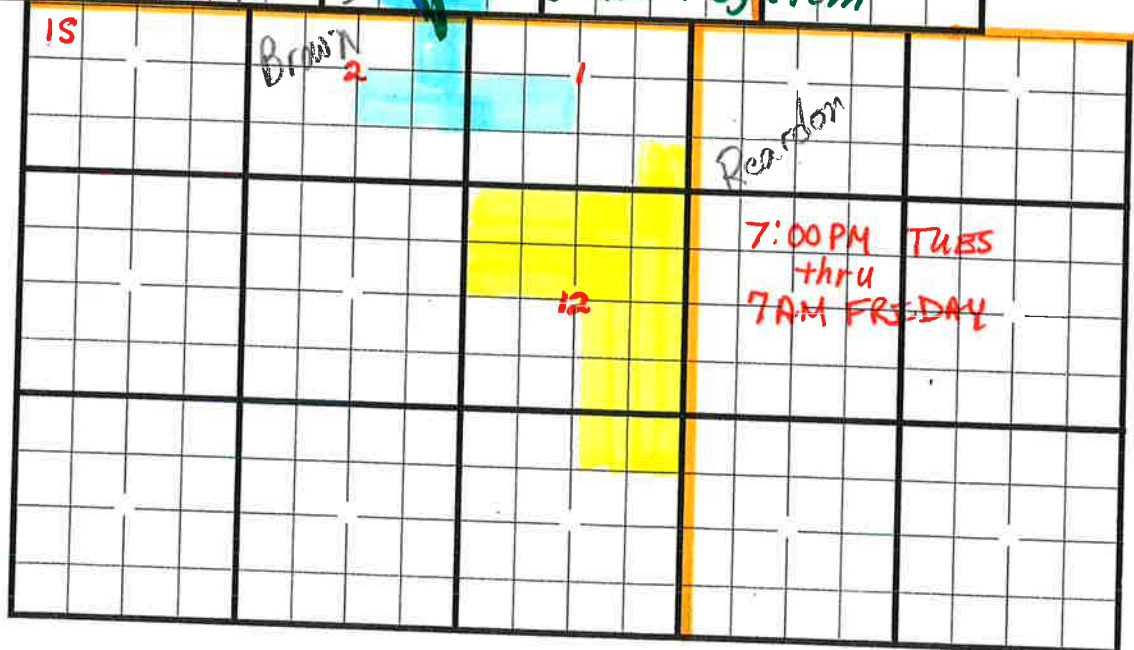
ADR

37-1212 SFS (Guy Creek)

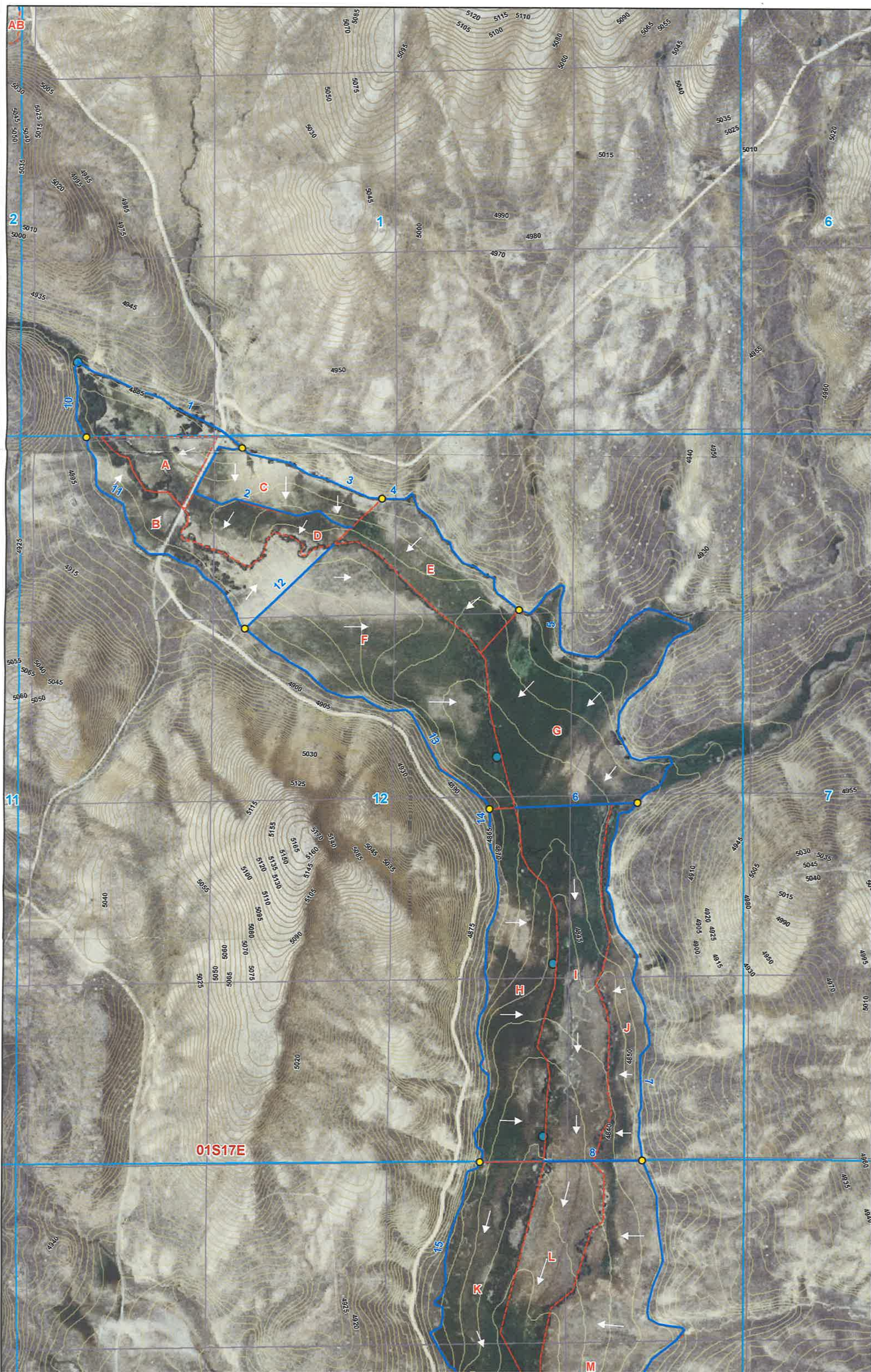
SF-5

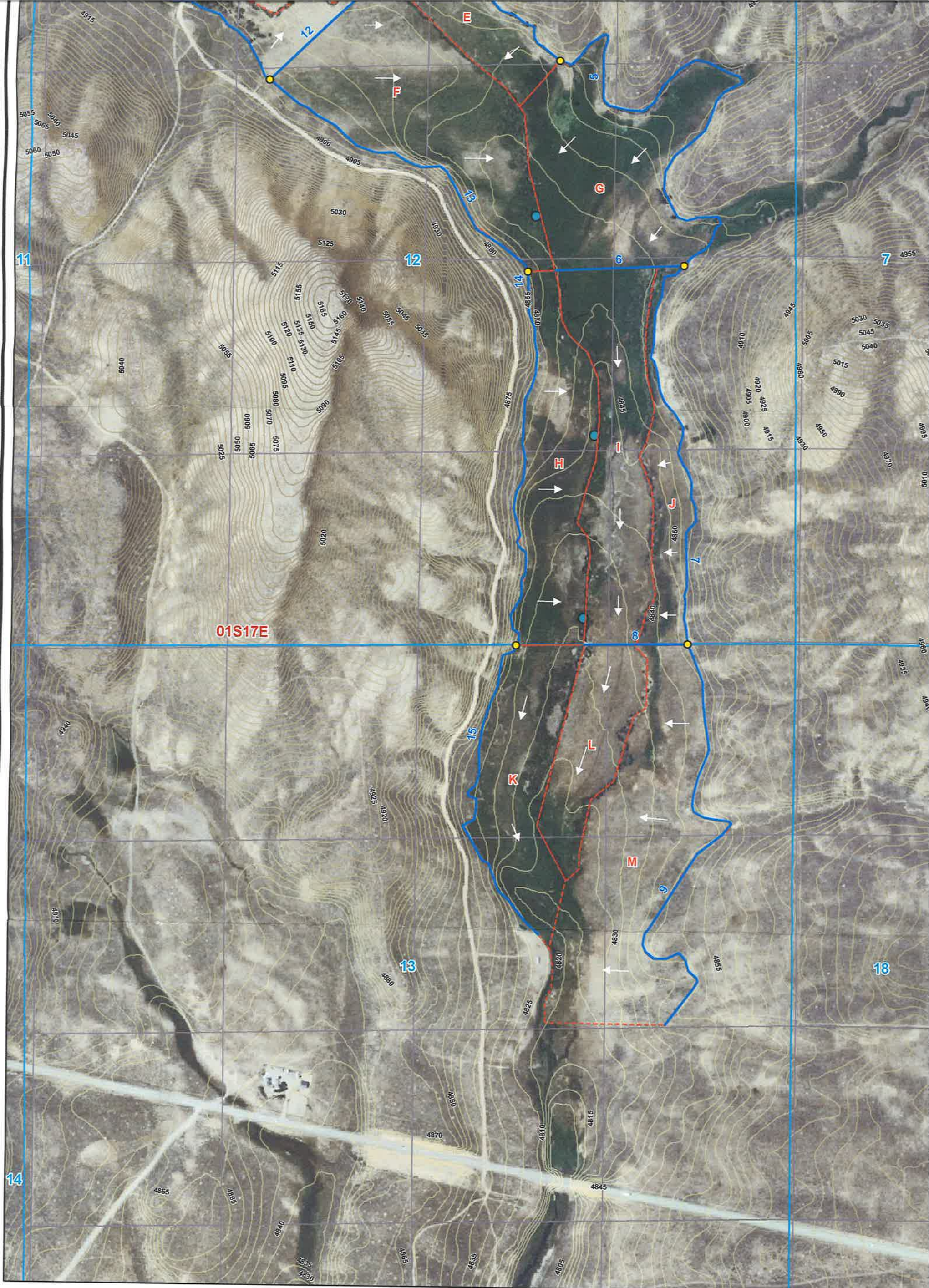
37-108	0.20 cb	Brockway	.20 cb
37-109	1.00 cb	"	1.00 cb

Brown Vs. Reardon decree
highlighted per rotation day. 3 groups.



SOUTH MAP





0 250 500 Feet

1 inch equals 600 feet

BROCKWAY ENGINEERING, PLLC.
ALR - FEB. 26, 2008

RINKER - ROCK CREEK EXCESS FLOW ANALYSIS

SOUTH MAP

NAIP 2006 AERIAL

Legend

- Ditch
- Irrigation Water
- Fields
- Junction
- Recommended
- Sections lines





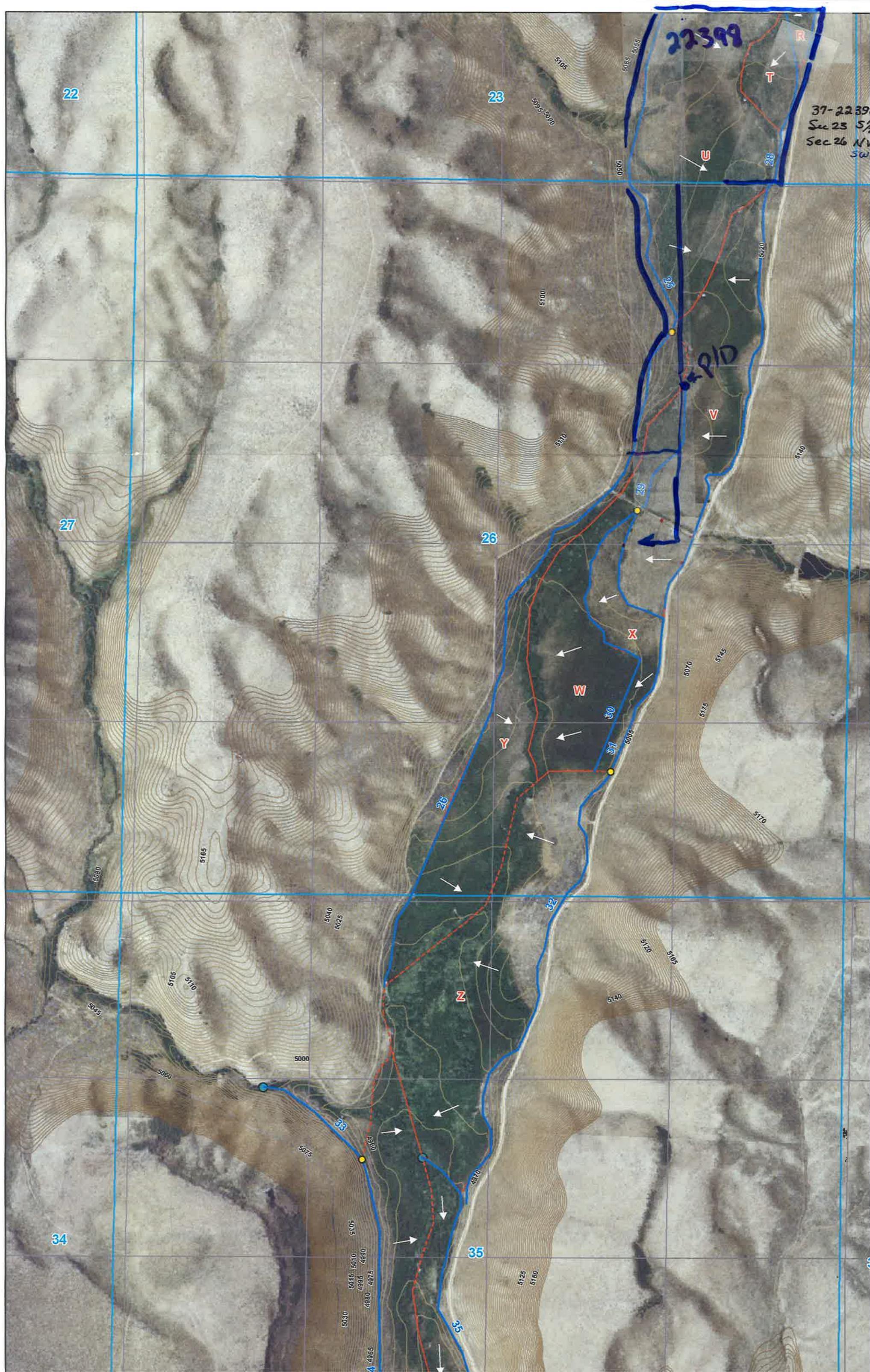
P/D added
BWL PM Recom
SFS

0 300 600 Feet
1 inch equals 600 feet

RINKER - ROCK CREEK EXCESS FLOW ANALYSIS
NORTH MAP
NAIP 2006 AERIAL

BROCKWAY ENGINEERING, PLLC.
ALR - FEB. 26, 2008

- Legend
- Ditch
 - Irrigation W
 - Fields
 - Junction
 - Recommen
 - Sections lin





- Legend**
- Ditch
 - Irrigation Water
 - Fields
 - Junction
 - Recommended
 - Sections_line

0 250 500 Feet
1 inch equals 600 feet

**RINKER - ROCK CREEK EXCESS FLOW ANALYSIS
MIDDLE MAP
NAIP 2006 AERIAL**

Pinker Rock Creek

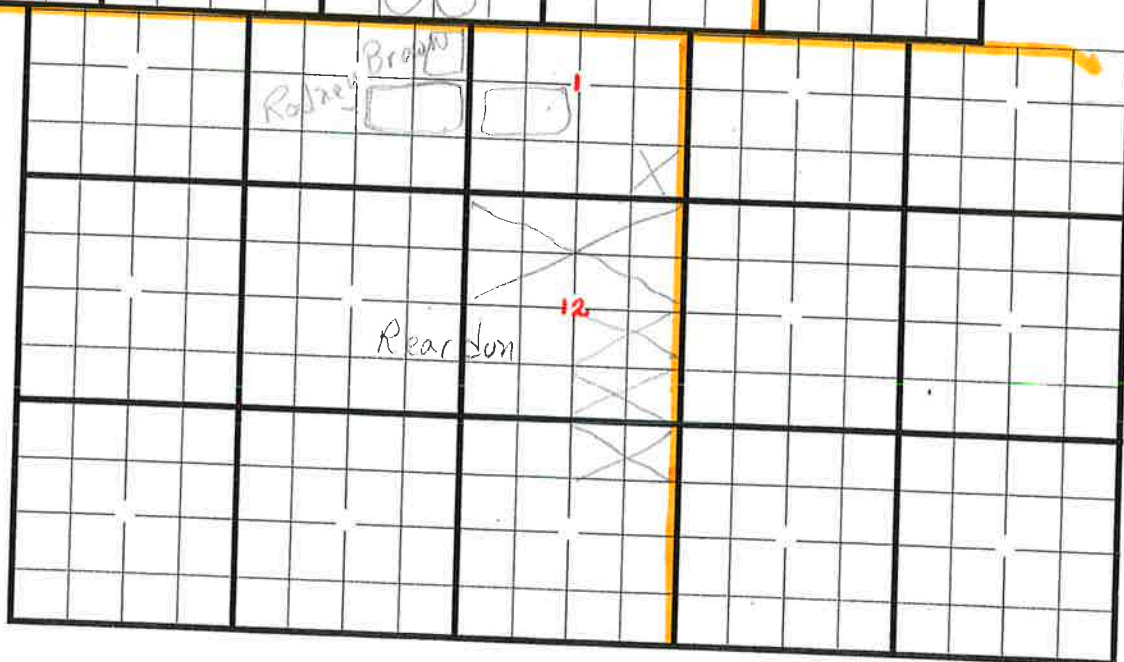
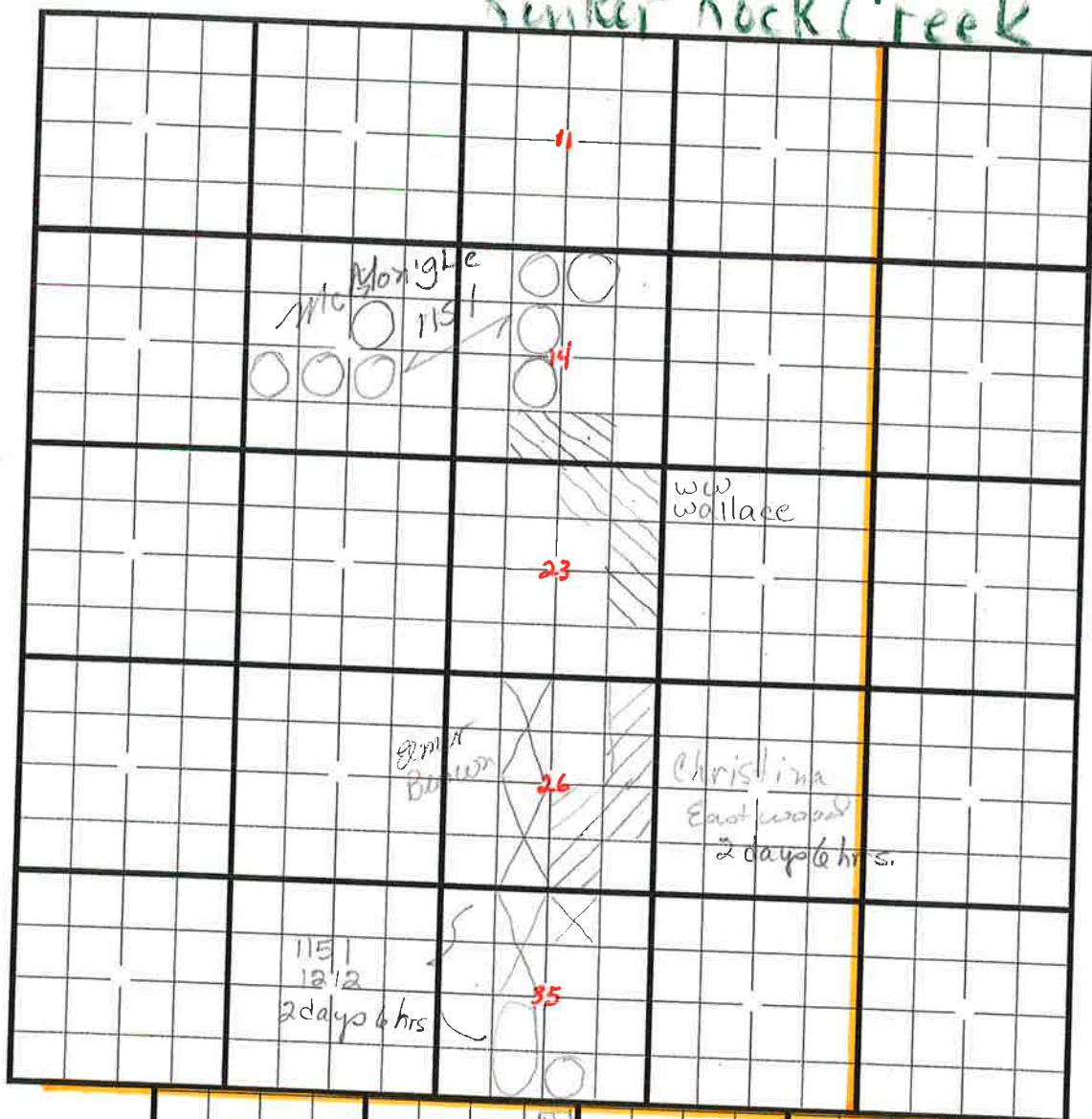


Figure 1

POU breakdown by 40-acre tract to determine claim acre limits for the north system and 37-1151B

T01N R17E S14	NWNE	7.40	T01N R17E S14	SWNE	2.10
T01N R17E S14	NENW	5.20	T01N R17E S14	SENW	17.00
T01N R17E S14	NESW	16.00	T01N R17E S14	SESW	0.90
T01N R17E S14	NWSE	0.80	T01N R17E S14	SWSE	15.00
T01N R17E S23	NENE	12.00	T01N R17E S23	NWNE	4.60
T01N R17E S23	SENE	14.00	T01N R17E S23	NESE	24.00
T01N R17E S23	NWSE	0.30	T01N R17E S23	SWSE	8.40
T01N R17E S23	SESE	23.00	T01N R17E S26	NENE	16.00
T01N R17E S26	NWNE	4.00	T01N R17E S26	SWNE	8.30
T01N R17E S26	SENE	10.00	T01N R17E S26	NESW	0.30
T01N R17E S26	SESW	13.00	T01N R17E S26	NWSE	31.00
T01N R17E S26	SWSE	21.00	T01N R17E S35	NWNE	8.70
T01N R17E S35	SWNE	0.40	T01N R17E S35	NENW	19.00
T01N R17E S35	SENW	11.00	T01N R17E S35	NESW	6.70
T01N R17E S35	SESW	0.90	T01N R17E S35	SWSE	4.20
T01S R17E S02 Lot 1	SENE	3.20			

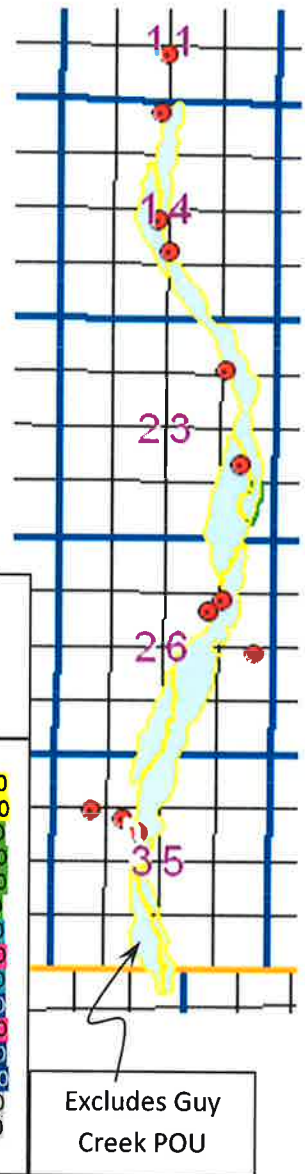


Table 1 Compiled from Brockway Engineering revised excess flow analysis dated 12-8-2009

The Brockway system general analysis found;

North area	excess flow rate	Middle area	excess flow rate	South area	excess flow rate
Fields N-Z	0.0396 cfs/ac	Fields AA-AB	0.0416 cfs/ac	Fields A-M	0.0396 cfs/ac

Seepage loss per mile as calculated by Brockway Engineering = 0.40 cfs/mile

NORTH SYSTEM

The north system is covered by two claims filed against the various decreed rights (37-1151D and 37-1152) associated with the PPU and one beneficial use claim (37-22398) for irrigated ground that was not a part of the historically decreed POU. An excess flow claim 37-22464 (which overlaps 37-1151D and 37-1152) is included in this system. 37-627 decreed from Smidt Creek now called Smith Creek overlaps the southern portion of the north system. That right is being recommended at 1 inch per acre for the found POU. Brockway Engineering submitted an excess flow and conveyance loss analysis dated February 2008 (08 analysis) and revised December 2009 (09 revision). Using the 08 analysis and mapping identification I am recognizing the Rock Creek system North area as fields N thru Z and the ditching system numbered 16 through 32. The combined total for the ditch system is 7.67 miles.

37-22398 is a beneficial use claim for ground irrigated but not included within any decreed POU. The claim was filed to include excess flow analysis and conveyance losses. Per the 09 revision page 1 the ditch run used to determine conveyance losses was determined to be 0.738 miles long. The distance appears to be based upon ditch segments directly associated with the actual claimed 40-acre tracts. While this does not necessarily address a proportionate share for conveyance losses in the north ditch system it is likely generally representative of that amount applicable to this right. Therefore I am basing the calculations on that distance.

NORTH SYSTEM	RATE	REC ACRES	
37-1151D	3.00	100.9	
37-1152	3.00	148.8	
	total	249.7	
37-22398	2.03	43.7	b/u
TOTALS	8.03	293.4	
37-22464	6.66	249.7	Excess flow
37-627	1.62	80.8	Smith Creek

Acres from Figure 1 data

NORTH SYSTEM	
37-1151D 100.9 ac	1151A 52.4 ac
37-1152 148.8 ac	1151C 48.5 ac
37-22398 43.7 ac	1152A 78.0 ac
	1152B 70.8 ac

Total 293.4 ac overall PPU
 22464 249.7 ac excess flow
 37-627 Smith Cr right

Revised analysis 12-17-09 North system excluding POU for B/U claim 37-22398	Brockway Data		Department Data	
Acres	252.8	ac	249.7	ac
Total ditch length serving fields	6.768	Miles	6.93	Miles
On-field diversion req	10.01	cfs	9.89	cfs
Seepage loss	2.71	cfs	2.77	cfs
Total diversion requirement	12.72	cfs	12.66	cfs
Less amount decreed	6.00	cfs	6.00	cfs
Diversion rate justified for B/U	6.72	cfs	6.66	cfs
37-22398 Found acres = 43.7 * 0.396 cfs/ac = 1.73 cfs Conveyance loss = .738 mi * 0.40 cfs/mi = 0.30 cfs Total = 2.03 cfs				
37-1151D decreed for 3.00 cfs 37-1152 decreed for 3.00 cfs				

MIDDLE SYSTEM

The middle system basically lies within the south ½ of Sec 35 and slightly into Sec 2. Two Guy Creek claims (one a beneficial use claim) were filed for field AA. Conveyance losses for the Guy Creek system are based upon the associated ditch reach numbers 33 and 34. Rock Creek right 37-1151B is associated with field AB. Guy Creek is used west of Rock Creek and Rock Creek is used on the east side. The Guy Creek and Rock Creek systems do not overlap.

The beneficial use claim against Guy Creek includes excess flows but no conveyance losses as the POU is at the POD location.

Excess flow and conveyance losses claim 37-22463 was filed to cover both fields AA and AB. As they are independent systems I split the right into 37-22501 for Rock Creek and 37-22592 for Guy Creek.

37-22246 Guy Creek Beneficial use claim. Claimed at 0.53 cfs for 8.5 acres.

5.3 ac * 0.0416 = 0.22 cfs No conveyance losses associated with the delivery system. This is a standalone right.

MIDDLE SYSTEM			
37-1151B	0.20	15.0	Rock Creek
37-22501	0.49	15.0	
total	0.69	15.0	
37-1212	1.00	25.2	Guy Creek
37-22502	0.83	25.2	
total	1.83	25.2	
37-22264	0.22	5.3	BU Claim

MIDDLE SYSTEM

1151B 15.0 ac Rock Creek
37-1212 Guy Creek (acres not shown in color coded listing below.)

37-22246 Guy Cr (B/U claim)

37-22463 **excess flow** 37-22501 Rock Cr
37-22502 Guy Cr

37-22463 split analysis 1.32 cfs on 40.2 acres claimed

1.32 cfs – 1.19 cfs = 0.13 cfs

The rate per acre for the found acreage for the two decreed rights are disproportionate. Therefore the diversion rate split is based upon the excess flow/ conveyance loss calculations associated with each system. As the claimed rate exceeded the calculated requirements the remainder was split proportionately.

37-22501 15.0/40.2 * 0.13 cfs = 0.048 ≈ 0.05 cfs

37-22502 25.2/40.2 * 0.13 cfs = 0.081 ≈ 0.08 cfs

SEE TABLE BELOW FOR EXCESS FLOW CALCULATIONS

37-22501 claim split rate = 0.74 cfs + 0.05 cfs = 0.79 cfs (Rock Creek)

37-22502 claim split rate = 0.45 cfs + 0.08 cfs = 0.53 cfs (Guy Creek)

37-1151B 37-22501 Rock Creek

Found 15 ac, decreed rate = 0.20 cfs

Excess flow requirements

15.0 cfs * 0.0416 cfs/ac = 0.624 cfs

Conveyance losses for ditch 35 = 0.79 mi
@ 0.40 cfs/mile = 0.316 cfs

Total requirement

Excess flow = 0.62 cfs

Conv Losses = 0.32 cfs

Sub total = 0.94 cfs

Less decree rate = 0.20 cfs

RATE FOR 37-22501 = 0.74 cfs

37-1212 37-22502 Guy Creek

Found 25.2 acres decree rate = 1.00 cfs

Excess flow requirements

25.2 cfs * 0.0416 cfs/ac = 1.05 cfs

Conveyance losses for ditches 33 and 34
One mile long. = 0.40 cfs

Total requirement

Excess flow = 1.05 cfs

Conv Losses = 0.40 cfs

Sub total = 1.45 cfs

Less decree rate = 1.00 cfs

RATE FOR 37-22502 = 0.45 cfs

SOUTH SYSTEM

The third system is associated with the Southern system which is physically separate from the north and middle systems. This covers fields A through M and ditch reaches 1 through 15 as identified in the 08 analysis. 37-1150 was decreed to this property and 37-4192 was filed for acres outside of the decreed POU. Both Rock Creek and Little Rock Creek are the claimed sources for this right. An excess flow claim 37-22465 was filed and is associated with 37-1150.

The Brockway system general analysis found;

SOUTH SYSTEM			
37-1150	5.20	217.8	
37-4192	1.55	32.5	
37-22465	5.36	217.8	

SOUTH SYSTEM (acres not shown in color coded listing in figure 1)

Rock Creek

37-1150 217.8 ac

37-22465 excess flow 217.8 ac

Rock Creek and Little Rock Creek

37-4192 32.5 ac

PPU 249.8 ac

There is a mathematical difference when comparing the total of the POU acre limits for 37-4192 and 37-1150 against the recommended PPU. This is a rounding issue primarily associated with Sec 12 SENE.

The claim acres were calculated independently but recognized in the PPU as combined acreage.

$$\begin{array}{rcl}
 217.8 * .0396 & = & 8.62 \text{ cfs} \\
 \text{Ditch length} = 4.856 * .40 & = & 1.94 \text{ cfs} \\
 & \text{Sub total} & 10.56 \text{ cfs} \\
 37-1150 \text{ rate} & = & 5.20 \text{ cfs} \\
 \text{Balance assoc with 37-22465} & = & 5.36 \text{ cfs}
 \end{array}$$

37-4192 flow rate calculation

$$\begin{array}{rcl}
 32.5 \text{ ac} * 0.0396 \text{ cfs/ac} & = & 1.29 \text{ cfs} \\
 \text{Ditch length} = 0.655 * .40 & = & 0.26 \text{ cfs} \\
 & \text{Sub total} & 1.55 \text{ cfs}
 \end{array}$$

*changed entries
8-8-10 KRC*

*37-4192
Little Rock Cr PPU*

2.5



Technical Memorandum

DATE: December 18, 2009
TO: Rob Williams
CC: Harry Rinker
FROM: Charles G. Brockway, Ph.D., P.E.
SUBJECT: Revised excess flow analysis for Rock Creek beneficial use claims – Harry Rinker

A. Background

All of the water rights on Rock Creek and its tributaries are owned by Harry Rinker or entities controlled by Mr. Rinker. The baseline rights were decreed in Frost, and re-decreed in Brown vs. Reardon. In addition, beneficial use claims have been submitted to cover areas inadvertently omitted from either decree, and to provide for additional diversion rate up to the maximum duty of water justifiable based on irrigation practices on the property. Toward this end, an excess flow analysis was performed in support of the claims. The report resulting from this analysis is dated February 25, 2008 and was submitted to the Idaho Department of Water Resources on or about that date.

A site inspection of the diversion systems and irrigated lands was made on August 14, 2008 with Kelly Christensen, agent for the Department. In the course of this visit, it was noted that several modifications to the excess flow analysis were warranted to more correctly reflect actual irrigation practices (historic and current irrigation practices are essentially the same). These modifications chiefly involved adjustments to run lengths, direction of gravity flow, and field slopes. In addition, the areas of the fields were adjusted slightly to bring them in line with the final recommendations on the water rights. A revised excess flow analysis was prepared based on this better data and is described herein.

B. Field Data

Field numbering and ditch numbering described in the February 25, 2008 report was unchanged. The methodology and assumptions were also unchanged, with the following exception: on Fields AA and AB, the extremely short run lengths resulted in unreasonably low irrigation efficiencies when the normal furrow flow lower limit of 3 gpm was used. Therefore, for these fields only, the furrow flow was reduced to 2 gpm.

Modified run lengths and slope for each field are shown in Table 1. Changes from the original study are denoted in bold. Generally, changes resulted in shorter run lengths, which will tend to increase the irrigation efficiency, and steeper slopes, which will tend to decrease the efficiency.

**TABLE 3. RINKER - ROCK CREEK RIGHTS
REVISED EXCESS FLOW ANALYSIS
CGB 12/17/09**

On-field per-acre diversion rates

	CFS/ac	Inches/ac
North area (Fields N - Z)	0.0396	1.98
Middle area (Fields AA - AB)	0.0416	2.08
South area (Fields A - M)	0.0396	1.98

Worstell seepage loss in ditches

Top width	4.0 feet
Seepage loss coefficient	1.5
Seepage loss per mile	0.40 cfs/mile

North area beneficial use claim overlay (unnumbered as of 12/17/09)

N

37-22464

Acres	252.8 acres
Total ditch length serving fields	6.768 miles
On-field diversion requirement (North area)	10.01 cfs
Seepage loss	2.71 cfs
Total diversion requirement	12.72 cfs
Less amount decreed in Frost (37-1151D, 37-1152)	6.00 cfs
Diversion rate justified for beneficial use claim	6.72 cfs

Handwritten notes:
North area 7.67 mi
data 6.77
0.90
ditch # 28
9.89 cfs
2171
12.60
6.00
6.60 cfs

Beneficial use claim 37-22398 (north areas not covered by Frost)

N

Acres	43.9 acres
Total ditch length serving fields	0.738 miles
On-field diversion requirement (North area)	1.74 cfs
Seepage loss	0.30 cfs
Total diversion requirement	2.03 cfs
Less amount decreed in Frost	0.00 cfs
Diversion rate justified for beneficial use claim	2.03 cfs

Handwritten notes:
KKC
43.7
** 0.0396*
1.73 cfs
.30
2.03
738
** .4 = 295*
ditch 28 = 690 mi
Bounding differences

Beneficial use claim 37-22264 (Guy Creek area not covered by Frost)

M

37-

Acres	5.3 acres
Total ditch length serving fields	0 miles
On-field diversion requirement (Middle area)	0.22 cfs
Seepage loss	0.00 cfs
Total diversion requirement	0.22 cfs
Less amount decreed in Frost	0.00 cfs
Diversion rate justified for beneficial use claim	0.22 cfs

Handwritten notes:
KKC
5.3
-0-
calc @ 0.0416 cfs/ac

TABLE 3, CONTINUED.

Middle area beneficial use claim overlay (unnumbered as of 12/17/09)

37-22463
enlargement
need split
middle

1 mi to Guy Cr
798 to Rock Creek

Acres	40.2 acres	Guy	RCW	
Total ditch length serving fields	1.798 miles	25.2	15	40.2
On-field diversion requirement (Middle area)	1.67 cfs	1.00	.79	1.79
Seepage loss	0.72 cfs	1.00	.59	
Total diversion requirement	2.39 cfs	.40	.32	
Less amount decreed in Frost (37-1151B, 37-1212)	1.20 cfs	1.40	.91	
		-1.00	.20	
		.40	.71 cfs	
Diversion rate justified for beneficial use claim	1.19 cfs			

Math error? 4.54

South area beneficial use claim overlay (unnumbered as of 12/17/09)

37-22465

total ditch = 5.4 mi
loss #8 .14
5.26

South Sys #5
Rate/ac = 0.396

diff. 5.41

Acres	217.5 acres		
Total ditch length serving fields	4.856 miles		
On-field diversion requirement (South area)	8.61 cfs		4.856
Seepage loss	1.94 cfs		.655
Total diversion requirement	10.56 cfs		5.511
Less amount decreed in Frost (37-1151B, 37-1212)	5.20 cfs		
Diversion rate justified for beneficial use claim	5.36 cfs		

Beneficial use claim 37-4192 (extreme south area not covered by Frost)

ditch 6 .17 mi
7 .54 mi
71

#8
not a ditch

orig analysis
canal distance 5.4 mi
.65 mi
4.75 mi

Acres	32.9 acres		
Total ditch length serving fields	0.655 miles		
On-field diversion requirement (South area)	1.30 cfs		
Seepage loss	0.26 cfs		
Total diversion requirement	1.56 cfs		
Less amount decreed in Frost	0.00 cfs		
Diversion rate justified for beneficial use claim	1.56 cfs		

SUMMARY

Seepage loss
2.71
.30 cfs
.72 cfs
1.94 cfs
.26 cfs
5.93

Beneficial use claims total	17.09 cfs
Frost Decree total	12.40 cfs
TOTAL	29.49 cfs

Total area	592.6 acres
On-field	23.56 cfs
Seepage	5.93 cfs
Total	29.49 cfs

Table 1. Field data, adjustments shown in bold.

Field	Acres	Field ID	Avg Run Length (ft)	Avg Slope in Direction of Run
A	5.6	A	410	0.036
B	13.5	B	330	0.03
C	9.0	C	335	0.04
D	7.7	D	230	0.017
E	9.8	E	295	0.048
F	37.3	F	765	0.017
G	33.4	G	375	0.030
H	24.4	H	400	0.034
I	26.5	I	470	0.033
J	11.1	J	173	0.06
K	21.8	K	460	0.037
L	14.2	L	480	0.017
M	40.7	M	698	0.029
N	26.5	N	400	0.071
O	27.0	O	760	0.036
P	18.9	P	450	0.021
Q	27.2	Q	550	0.036
R	16.3	R	365	0.02
S	16.9	S	510	0.042
T	5.2	T	305	0.013
U	37.8	U	645	0.028
V	29.4	V	432	0.025
W	25.5	W	577	0.0099
X	9.0	X	310	0.029
Y	30.6	Y	300	0.021
Z	46.9	Z	535	0.029
AA	33.8	AA	290	0.040
AB	14.7	AB	235	0.067

.025

.009

.009

.011

.024

.012

.036 long Run cks out

.013

.008 cks out

C. Ditch Losses

Ditch seepage loss was calculated in the same manner as described in the original report, using a top width of 4.0 feet and a Worstall seepage coefficient of 1.5 ft/day. Minor changes were made in ditch lengths to reflect the findings of the field investigation.

D. Diversion Requirement for each Beneficial Use Right

Peak on-field irrigation requirements calculated using the revised data are shown in Table 2. These values are on-field requirements and do not include seepage losses.

Table 2. Peak on-field irrigation requirement.

Area	Cfs/acre	Inches/acre
North area (Fields N - Z)	0.0396	1.98
Middle area (Fields AA - AB)	0.0416	2.08
South area (Fields A - M)	0.0396	1.98

The maximum justifiable diversion requirement for the irrigated area covered by each claim in question was calculated as the sum of the on-field requirement and the ditch seepage loss. The on-field requirement was computed by applying the appropriate value from Table 2 to the recommended acreage. The seepage loss was found by applying the Worstall seepage loss of 0.40 cfs/mile to the appropriate length of ditches serving each area described by the water right in question. In the case of 37-22264 (the Guy Creek beneficial use right), this length was zero because the entire ditch is already needed to serve downstream lands and therefore the seepage loss is reflected on other rights.

After the actual diversion requirement for the irrigated lands under each claim was found, the flow rate decreed in Frost, if any, was subtracted. The result is the diversion rate which should be authorized by the beneficial use right. There is no decreed flow rate for the area covered by claims 37-22398, 37-22264, and 37-4192, since these claims cover areas which were not decreed in Frost, i.e. the entire diversion requirement should be borne by these rights.

The calculations described above and the results of the calculations are shown on Table 3. The modifications to the excess flow analysis resulted in slightly higher irrigation efficiency on the north and south areas, but about the same efficiency on the middle area, as compared to the original study. Overall, the total irrigation requirement is estimated to be 29.5 cfs, with 12.4 cfs of this amount covered by the Frost Decree, leaving 17.1 cfs that can be justified for the beneficial use rights.

E. Discussion

This analysis is believed to be reasonable based on the best available estimates of field characteristics and soil characteristics, and utilizing methodology acceptable to the Department. Ditch loss estimates are believed to be as accurate as can be made given the current site conditions. The ditch loss is 20 percent of the total diversion, which is not unreasonable for a system with 14 miles of small ditches. Looking at the entire project, the overall on-field requirement is 1.99 miners inches per acre, and the overall total requirement is 2.49 miners inches per acre. These peak irrigation requirements are reasonable and are in line with other water rights in the Big Wood drainage, certainly for the case of gravity irrigation on a topographically challenging project such as Rock Creek.

The analysis of average monthly discharge and frequency characteristics provided in the original report indicates that the discharge in Rock Creek in July is expected to exceed the total water requirement of 29.5 cfs in at least 10% of the years. Therefore, this rate is an amount that can reasonably be supplied by the stream.

The analyses described above indicate that the calculated diversion rates are reasonable and have been justified using accepted scientific principles. Therefore it is recommended that the Department prepare recommendations for each water right reflecting the diversion rates set forth on Table 3.



Williams, Meservy & Lothspeich, LLP
Attorneys at Law

RECEIVED

OCT 13 2009

DEPARTMENT OF
WATER RESOURCES



153 East Main
Post Office Box 168
Jerome, Idaho 83338-0168

ROBERT E. WILLIAMS
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EUGENE D. FREDERICKSEN - RETIRED

October 9, 2009

Christopher M. Bromley
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0098

RE: Water Right Nos. 37-627; 37-1150; 37-1151B; 37-1151D; 37-1152; and 37-1212

Dear Chris:

Enclosed for your review and execution please find SF5s filed by Charles Brockway, Jr., on behalf of Harry Rinker, who is the manager of Rock Creek, LLC, and a Trustee of the Rinker Revocable Trust. A copy of the Power of Attorney is attached to each SF5. Please let me know if there are any issues with the SF5s after your review.

Very truly yours,

WILLIAMS MESERVY & LOTHSPICH, LLP



ROBERT E. WILLIAMS

REW/mmb
C: Client
Charles G. Brockway, Jr.
Encl.
\\Server\share\data\Rinker Harry\Rock Creek, LLC\Bromley - AG 09 October 9th.doc

**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: 37-627

)

)

STANDARD FORM 5

)

Case No. 39576

)

**STIPULATED ELEMENTS OF A WATER
RIGHT**

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

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

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

CLAIMANT/OBJECTOR:

OBJECTOR:

Harry Rindan, by 10/9/09
Charles C. Bruckman, Agent in Fact
Date

Date

IDWR CONCURRENCE

Date

Date

IDAHO DEPARTMENT OF WATER RESOURCES
STIPULATED ELEMENTS OF A WATER RIGHT ACQUIRED UNDER STATE LAW

Right Number: 37-00627

Name and Address: ROCK CREEK LLC
C/O HARRY S RINKER MANAGER
PO BOX 7250
NEWPORT BEACH, CA 92658

Source: SMITH CREEK Tributary: ROCK CREEK

Quantity: 1.62 CFS

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

Priority Date: 06-01-1891

Diversion Point: T01N R17E S26 NENESE Within Blaine County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-15 TO 10-31	1.62 CFS
	Stockwater	01-01 TO 12-31	0.23 CFS

Place of Use:	Irrigation	Within Blaine County
	T01N R17E S26	SWNE 3.6 NWSE 27.9
		SWSE 17.4
	S35	NWNE 8.7 SWNE 0.4
		NENW 12.3 SENW 10.8
	81.1 Acres Total	

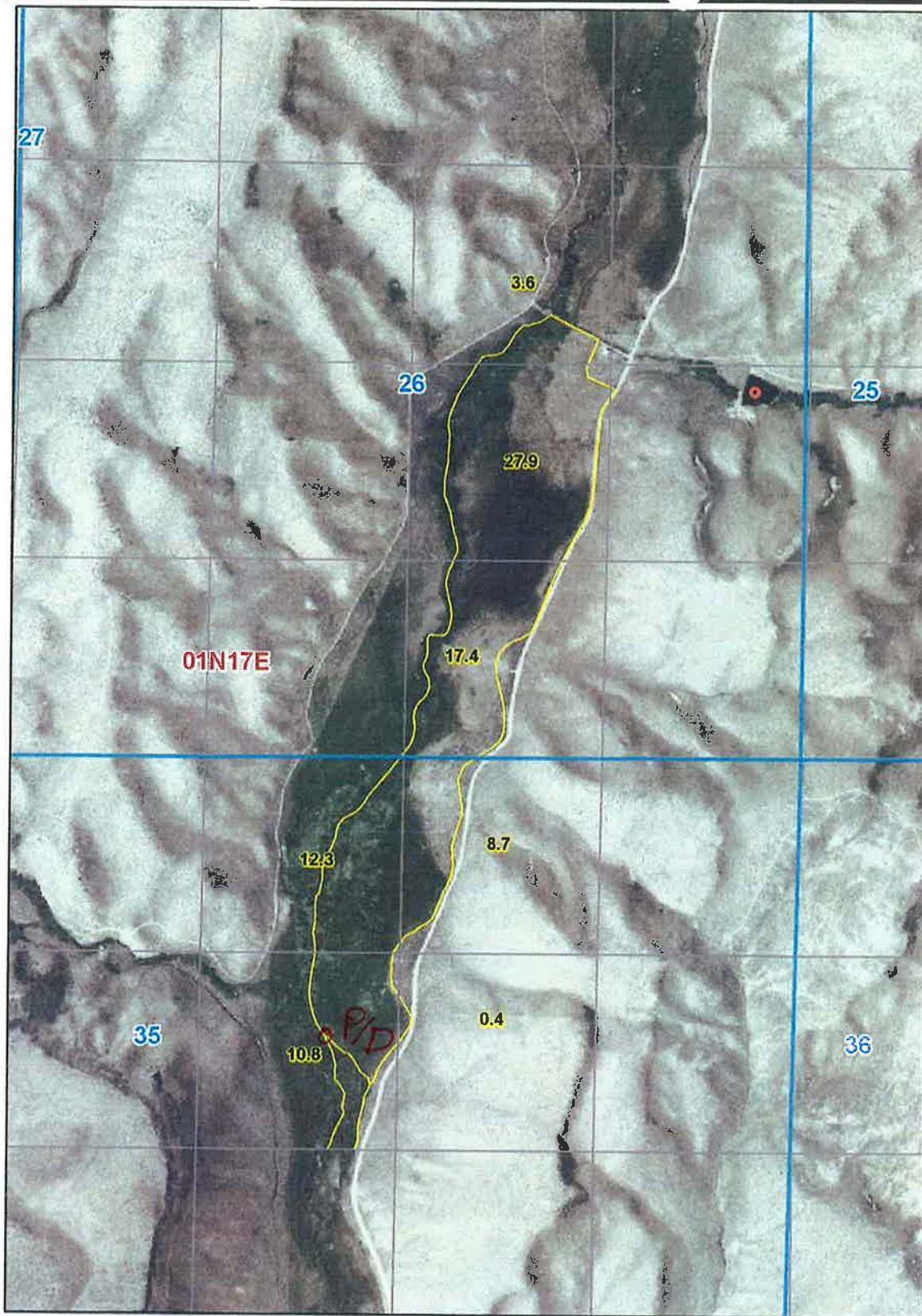
Stockwater	Within Blaine County
T01N R17E S26	SWNE NWSE
	SWSE
	NWSE SWSE
S35	NWNE SWNE
	NENW SENW

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

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

CB



**RINKER - ROCK CREEK
37-627 SF-5 STIPULATION MAP
NAIP 2006 AERIAL**

LEGEND

- 37-627_POU = 81.1 ACRES
- Sections_lines
- t01n17e
- P/D 37-627 POD

BROCKWAY ENGINEERING, PLLC.
ALR - SEPT 29, 2008



CB

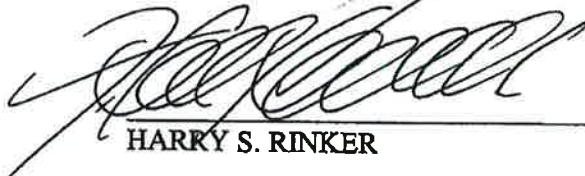
SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

THAT I, **HARRY S. RINKER**, do hereby make, constitute and appoint **CHARLES E. BROCKWAY** and **CHARLES G. BROCKWAY**, of 2016 N. Washington St., Suite 4, Twin Falls, ID 83301, jointly or severally, my true and lawful attorneys for me, in my name, place and stead, and on my behalf, with full power and authority to execute any and all documents on my behalf as fully and effectually to all intents and purposes as I could do in my own proper person, with full power of substitution, hereby ratifying and confirming all that my said attorney in fact shall lawfully do, or cause to be done, by virtue of the authority herein granted and necessary or useful to carry into effect any or all of the following acts, deeds and things:

1. To execute on my behalf notices of claim, motions, or other pleadings to be filed with the Idaho Department of Water Resources, including filings, in Case No. 39576 or an of its subcases, now pending in the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, commonly referred to as the Snake River Basin Adjudication. My attorney shall also have the power to execute on my behalf any Application for appropriation of a water right, transfer of a water right or other similar documents affecting any water right which I now have an ownership interest in, or may hereafter acquire, or which water right is owned, in whole or in part, by a trust, corporation, limited liability company or other business entity of which I am a trustee, officer, member or owner.
2. This instrument is to be construed and interpreted as a special power of attorney, limited to the enumeration of the specific terms, items, acts, rights or powers herein granted. This power of attorney shall remain in effect until it is revoked by me in writing.
3. This power of attorney shall not be affected by my disability.

IN WITNESS WHEREOF, I have hereunto set my hand at Costa Mesa,
CALIF, this 6 day of October, 2009.


HARRY S. RINKER

CB

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On Oct 6, 2009 before me, Maria F Dimaricut

personally appeared Harry S. Rinker

Here Insert Name and Title of the Officer

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Special Power of Attorney

Document Date: 10/6/09 Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____



Signer Is Representing: _____

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____



Signer Is Representing: _____

3

**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>37-1152</u>
	)	
	)	STANDARD FORM 5
	)	
Case No. 39576	)	STIPULATED ELEMENTS OF A WATER
	)	RIGHT

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

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

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

CLAIMANT/OBJECTOR:

OBJECTOR:

Harry Pinker, by 10/9/09
Charles C. Buehler, Agent in Fact

Date

Date

IDWR CONCURRENCE

Date

Date

IDAHO DEPARTMENT OF WATER RESOURCES
STIPULATED ELEMENTS OF A WATER RIGHT ACQUIRED UNDER STATE LAW

Right Number: 37-01152

Name and Address: ROCK CREEK LLC
C/O HARRY S RINKER MANAGER
PO BOX 7250
NEWPORT BEACH, CA 92658

Source: ROCK CREEK Tributary: BIG WOOD RIVER

Quantity: 3.00 CFS

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

Priority Date: 06-13-1899

Diversión Point:	T01N R17E S11 S14 S23 S26 S35	✓ NESESW Within Blaine County ✓ NENENW 77/66 2 NENESW 77/66 5 SWNWSE 77/66 4 SWNESE SWNESE NWSENE NESWNE NESENW
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Purpose and Period of Use:	Purpose of Use Irrigation Stockwater	Period of Use 04-15 TO 10-31 01-01 TO 12-31	Quantity 3.00 CFS 0.23 CFS
-------------------------------	--	---	----------------------------------

Place of Use:	Irrigation T01N R17E S14 S23 S26 S35 252.8 Acres Total	Within Blaine County NWNE 7.4 NENW 5.2 NESW 16.1 NWSE 0.8 NENE 11.6 SENE 15.8 NWSE 0.3 NENE 16.3 NESW 0.3 NWSE 31.4 NWNE 8.7 NENW 18.7	SWNE 2.2 SENE 16.5 SESW 0.9 SWSE 14.9 NWNE 4.6 NESE 25.7 SENE 10.2 SESW 12.7 SWSE 21.3 SWNE 0.4 SENE 10.8
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Stockwater T01N R17E S14	Within Blaine County NWNE NENW NESW	SWNE SENE SESW
-----------------------------	--	----------------------

03

	NWSE	SWSE
S23	NENE	NWNE
	SENE	NESE
	NWSE	
S26	NENE	SENE
	NESW	SESW
	NWSE	SWSE
S35	NWNE	SWNE
	NENW	SENW

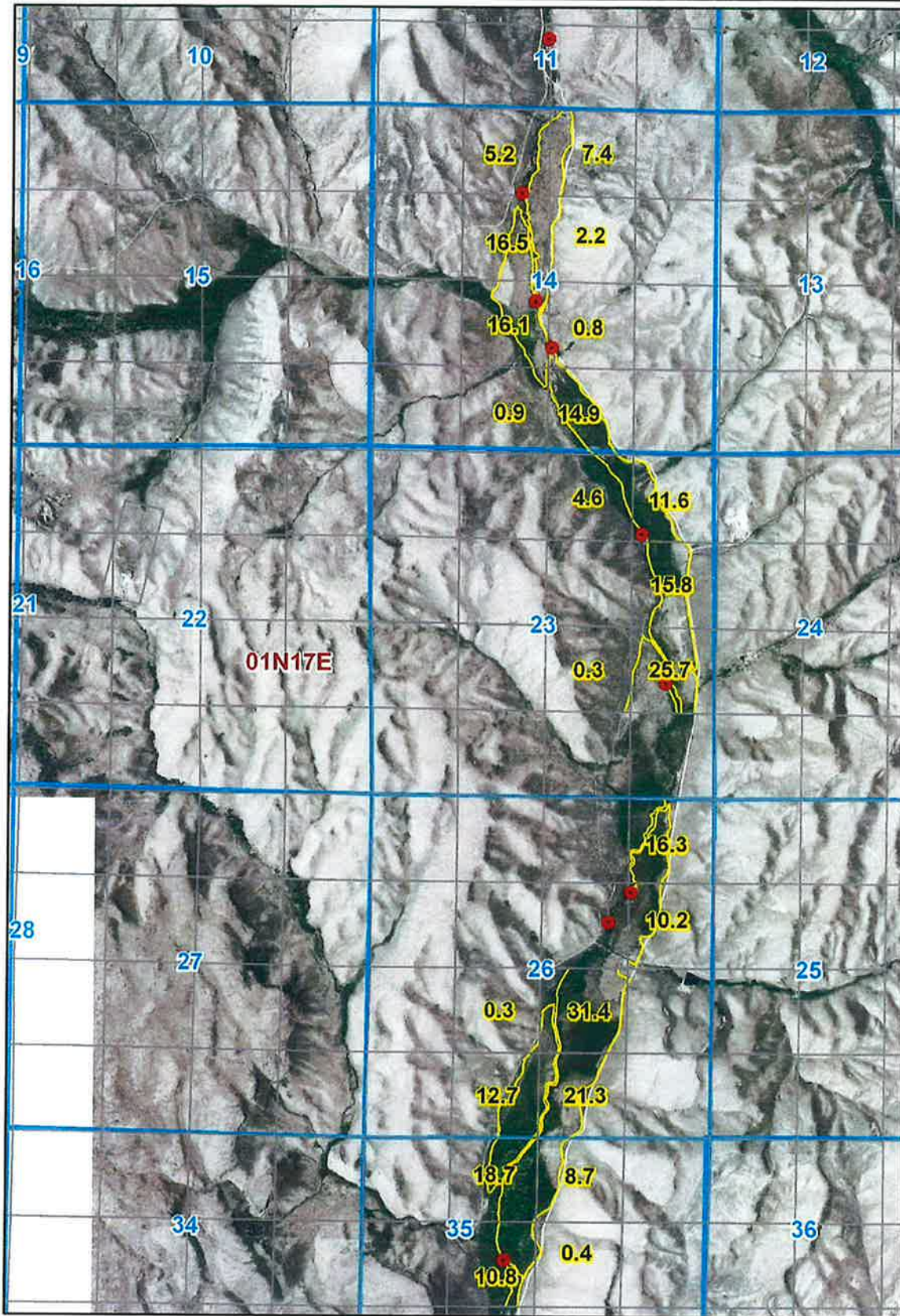
Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

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

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

CB



RINKER - ROCK CREEK
37-1151D & 37-1152 SF-5 STIPULATION
NAIP 2006 AERIAL

- LEGEND**
- Sections_lines
 - 37-1151D_&_37-1152_POU= 252.8 AC.
 - 37-1151D_&_1152_POD

BROCKWAY ENGINEERING, PLLC.
 ALR - SEPT 29, 2008

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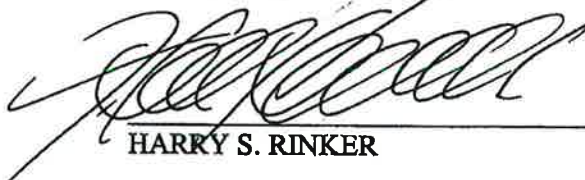
SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

THAT I, **HARRY S. RINKER**, do hereby make, constitute and appoint **CHARLES E. BROCKWAY and CHARLES G. BROCKWAY**, of 2016 N. Washington St., Suite 4, Twin Falls, ID 83301, jointly or severally, my true and lawful attorneys for me, in my name, place and stead, and on my behalf, with full power and authority to execute any and all documents on my behalf as fully and effectually to all intents and purposes as I could do in my own proper person, with full power of substitution, hereby ratifying and confirming all that my said attorney in fact shall lawfully do, or cause to be done, by virtue of the authority herein granted and necessary or useful to carry into effect any or all of the following acts, deeds and things:

1. To execute on my behalf notices of claim, motions, or other pleadings to be filed with the Idaho Department of Water Resources, including filings, in Case No. 39576 or an of its subcases, now pending in the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, commonly referred to as the Snake River Basin Adjudication. My attorney shall also have the power to execute on my behalf any Application for appropriation of a water right, transfer of a water right or other similar documents affecting any water right which I now have an ownership interest in, or may hereafter acquire, or which water right is owned, in whole or in part, by a trust, corporation, limited liability company or other business entity of which I am a trustee, officer, member or owner.
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3. This power of attorney shall not be affected by my disability.

IN WITNESS WHEREOF, I have hereunto set my hand at Costa Mesa,
CALIF, this 6 day of October, 2009.


HARRY S. RINKER

CB

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Orange

On

Oct 6, 2009

before me,

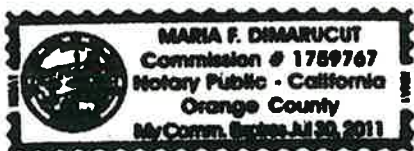
Maria F Dimarucut

Here Insert Name and Title of the Officer

personally appeared

Harry S. Rinker

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Special Power of Attorney

Document Date:

10/6/09

Number of Pages:

1

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:

- ☐ Individual
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer Is Representing:

Signer's Name:

- ☐ Individual
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

CR

**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>37-1151D</u>
	)	
	)	STANDARD FORM 5
	)	
Case No. 39576	)	STIPULATED ELEMENTS OF A WATER
_____	)	RIGHT

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

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

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

CLAIMANT/OBJECTOR:

OBJECTOR:

Harry Pinter by 10/9/09
Charles C. Pinter, Agent in Fact Date

_____ Date

IDWR CONCURRENCE

_____ Date

_____ Date

IDAH0 DEPARTMENT OF WATER RESOURCES
STIPULATED ELEMENTS OF A WATER RIGHT ACQUIRED UNDER STATE LAW

Right Number: 37-01151D

Name and Address: ROCK CREEK LLC
C/O HARRY S RINKER MANAGER
PO BOX 7250
NEWPORT BEACH, CA 92658

Source: ROCK CREEK Tributary: BIG WOOD RIVER

Quantity: 3.00 CFS

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

Priority Date: 06-13-1899

Diversion Point:	T01N R17E S11	NESESW Within Blaine County
	S14	NENENW
		NENESW
		SWNWSE
	S23	SWNENE
		SWNESE
	S26	NWSENE
		NESWNE
	S35	NESENW

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-15 TO 10-31	3.00 CFS
	Stockwater	01-01 TO 12-31	0.23 CFS

Place of Use: Irrigation Within Blaine County

T01N R17E S14	NWNE 7.4 ✓	SWNE 2.2 ✓
	NENW 5.2 ✓	SENE 16.5 ✓
	NESW 16.1 ✓	SESW 0.9 ✓
	NWSE 0.8 ✓	SWSE 14.9 ✓
S23	NENE 11.6 ✓	NWNE 4.6 ✓
	SENE 15.8 ✓	NESE 25.7 ✓
	NWSE 0.3 ✓	
S26	NENE 16.3 ✓	SENE 10.2 ✓
	NESW 0.3 ✓	SESW 12.7 ✓
	NWSE 31.4 ✓	SWSE 21.3 ✓
S35	NWNE 8.7 ✓	SWNE 0.4 ✓
	NENW 18.7 ✓	SENE 10.8 ✓

252.8 Acres Total

Stockwater

T01N R17E S14	NWNE	SWNE
	NENW	SENE
	NESW	SESW

	NWSE	SWSE
S23	NENE	NWNE
	SENE	NESE
	NWSE	
S26	NENE	SENE
	NESW	SESW
	NWSE	SWSE
S35	NWNE	SWNE
	NENW	SENW

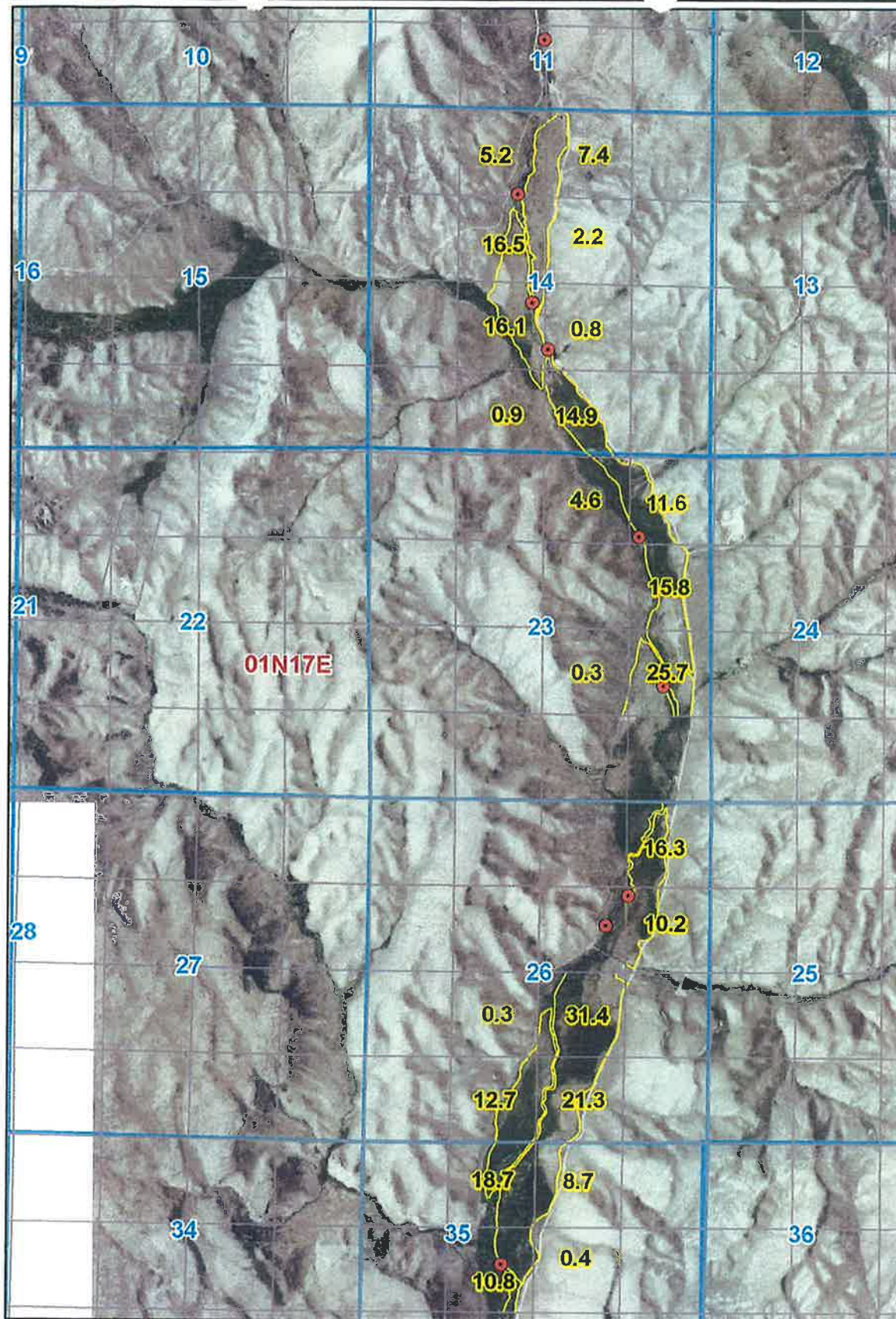
Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

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

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

0.3



RINKER - ROCK CREEK
37-1151D & 37-1152 SF-5 STIPULATION
NAIP 2006 AERIAL

LEGEND

- Sections_lines
- 37-1151D_ & _37-1152_FOU= 252.8 AC.
- 37-1151D_ & _1152_FOD

BROCKWAY ENGINEERING, PLLC.
 ALR - SEPT 29, 2008

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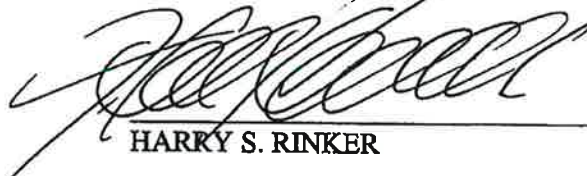
SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

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1. To execute on my behalf notices of claim, motions, or other pleadings to be filed with the Idaho Department of Water Resources, including filings, in Case No. 39576 or an of its subcases, now pending in the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, commonly referred to as the Snake River Basin Adjudication. My attorney shall also have the power to execute on my behalf any Application for appropriation of a water right, transfer of a water right or other similar documents affecting any water right which I now have an ownership interest in, or may hereafter acquire, or which water right is owned, in whole or in part, by a trust, corporation, limited liability company or other business entity of which I am a trustee, officer, member or owner.
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3. This power of attorney shall not be affected by my disability.

IN WITNESS WHEREOF, I have hereunto set my hand at Costa Mesa,
CALIF, this 6 day of October, 2009.


HARRY S. RINKER

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange }

On Oct 6, 2009

Date

before me,

Maria F Dimarucut

Here Insert Name and Title of the Officer

personally appeared Harry S. Rinker

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Special Power of Attorney

Document Date: 10/6/09

Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
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Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

CB

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: 37-1151B

)

STANDARD FORM 5

)

Case No. 39576

)

STIPULATED ELEMENTS OF A WATER
RIGHT

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

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

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

CLAIMANT/OBJECTOR:

OBJECTOR:

Henry P. ... 10/9/09
Date

Charles L. ... Agent in Fact

Date

IDWR CONCURRENCE

Date

Date

IDAHO DEPARTMENT OF WATER RESOURCES
STIPULATED ELEMENTS OF A WATER RIGHT ACQUIRED UNDER STATE LAW

Right Number: 37-01151B

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: 0.20 CFS

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

Priority Date: 06-13-1899

Diversion Point: T01N R17E S35 NESENW Within Blaine County

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-15 TO 10-31	0.20 CFS

Place of Use:

	Irrigation	Within Blaine County
T01N R17E S35	NESW 6.7	SESW 0.9
	SWSE 4.2	
T01S R17E S02	NENE 3.2	

15.0 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

IDAHO DEPARTMENT OF WATER RESOURCES
STIPULATED ELEMENTS OF A WATER RIGHT ACQUIRED UNDER STATE LAW

Right Number: 37-01151B
Name and Address: HARRY S. & DIANE J. RINKER REVOCABLE TRUST
PO BOX 7250
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Source: ROCK CREEK Tributary: BIG WOOD RIVER
Quantity: 0.20 CFS

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

Priority Date: 06-13-1899

Diversion Point: T01N R17E S35 NESENW Within Blaine County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-15 TO 10-31	0.20 CFS

Place of Use:	Irrigation	Within Blaine County
	T01N R17E S35	NESW 13.0 6.3 SWSE 4.9 .7 T01S R17E S02 NENE 5.6 2.4

40.2 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

*only irrigates! EAST of rockcreek
≈ 15 ac*

*superceded
12-23-09*

CB

IDAHO DEPARTMENT OF WATER RESOURCES
STIPULATED ELEMENTS OF A WATER RIGHT ACQUIRED UNDER STATE LAW

Right Number: 37-01151B

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Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-15 TO 10-31	0.20 CFS

Place of Use:

Irrigation	Within Blaine County
T01N R17E S35	NESW 6.7 SWSE 4.2 NENE 3.2
T01S R17E S02	SESW 0.9

15.0 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

*updated version
12-23-09*

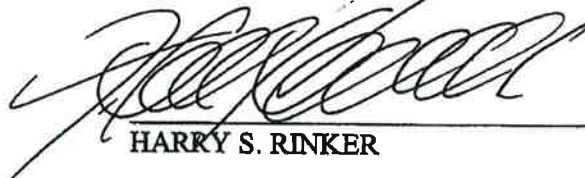
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HARRY S. RINKER

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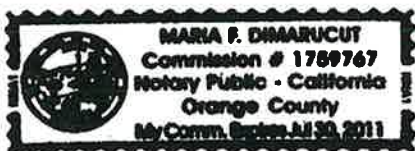
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

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personally appeared Harry S. Rinker



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

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Description of Attached Document

Title or Type of Document:

Special Power of Attorney

Document Date:

10/6/09

Number of Pages:

1

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:

- ☐ Individual
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer Is Representing:

Signer's Name:

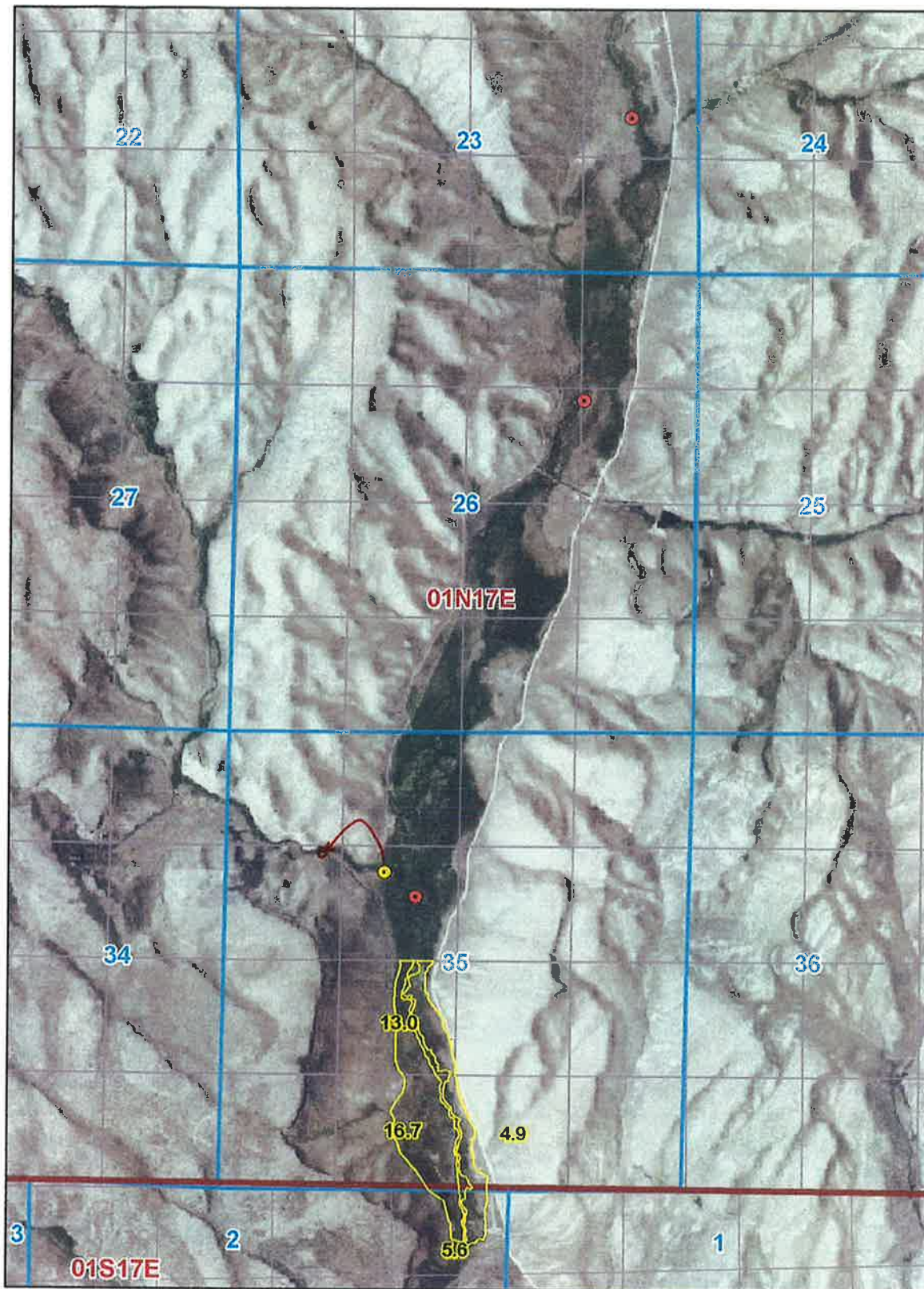
- ☐ Individual
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER
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RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

CB



**RINKER - ROCK CREEK
37-1151B & 37-1212 SF-5 STIPULATION
NAIP 2006 AERIAL**

LEGEND

- 37-1212 & 37-1151B POU = 40.2 ACRES
- Sections_lines
- 01N17E
- POD 37-1212
- 37-1151B_POD

BROCKWAY ENGINEERING, PLLC.
ALR - SEPT 29, 2008

*Supersceded
12-23-09*

OB

**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: 37-1212

)

)

STANDARD FORM 5

)

Case No. 39576

)

**STIPULATED ELEMENTS OF A WATER
RIGHT**

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

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

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

CLAIMANT/OBJECTOR:

OBJECTOR:

Harry Pinter, by 10/9/09
Charles C. Brooking, Agent in Fact

Date

Date

IDWR CONCURRENCE

Date

Date

IDAHO DEPARTMENT OF WATER RESOURCES
STIPULATED ELEMENTS OF A WATER RIGHT ACQUIRED UNDER STATE LAW

Right Number: 37-01212

Name and Address: HARRY S. & DIANE J. RINKER REVOCABLE TRUST
PO BOX 7250
NEWPORT BEACH, CA 92658

Source: GUY CREEK Tributary: ROCK CREEK

Quantity: 1.00 CFS

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

Priority Date: 06-13-1899

Diversion Point: T01N R17E S35 NESWNW Within Blaine County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-15 TO 10-31	1.00 CFS

Place of Use:	Irrigation	Within Blaine County
T01N R17E S35	NESW 6.3 6.3	SESW 15.8 15.8
	SWSE 0.7 0.7	
T01S R17E S02	NENE (Lot 1) 2.4 2.4	

25.2 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

updated
Version
12-23-09

IDAHO DEPARTMENT OF WATER RESOURCES
STIPULATED ELEMENTS OF A WATER RIGHT ACQUIRED UNDER STATE LAW

Right Number: 37-01212

Name and Address: HARRY S. & DIANE J. RINKER REVOCABLE TRUST
PO BOX 7250
NEWPORT BEACH, CA 92658

Source: GUY CREEK Tributary: ROCK CREEK

Quantity: 1.00 CFS

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

Priority Date: 06-13-1899

Diversion Point: T01N R17E S35 NESWNW Within Blaine County

Purpose and

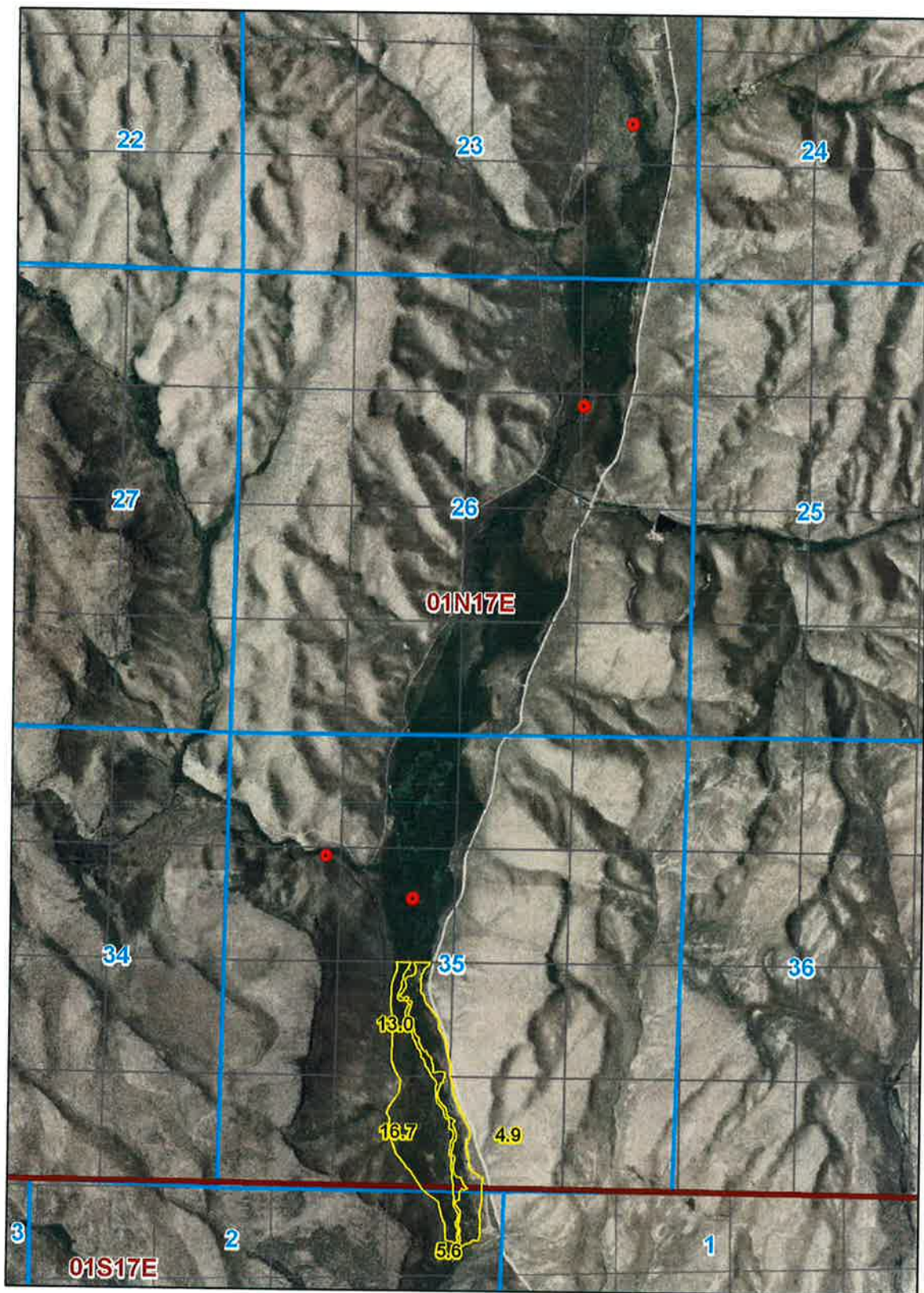
Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-15 TO 10-31	1.00 CFS

Place of Use:	Irrigation	Within Blaine County
	T01N R17E S35	NESW 6.3 SESW 15.8
		SWSE 0.7
	T01S R17E S02	NENE (Lot 1) 2.4

25.2 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

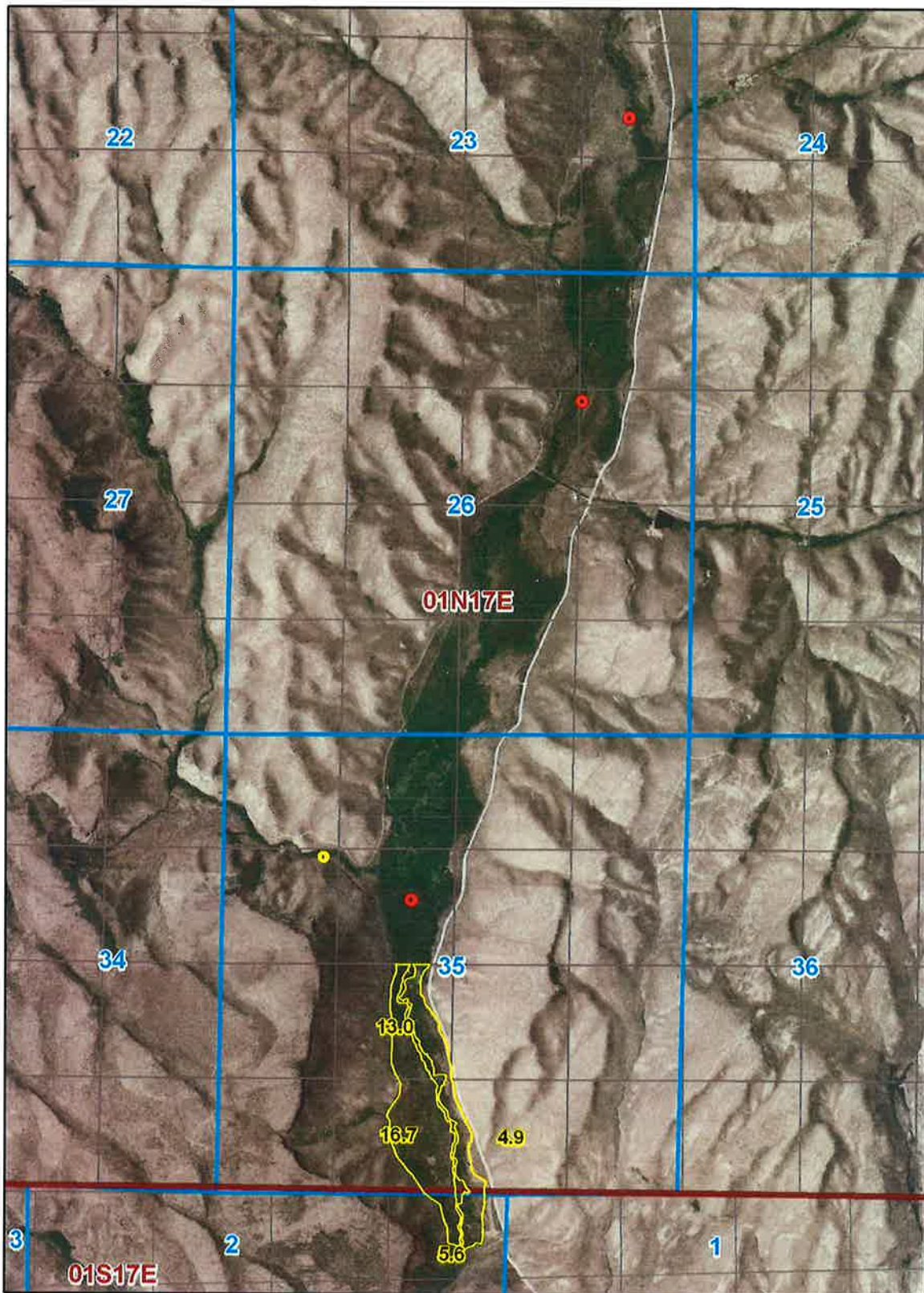


RINKER - ROCK CREEK
BENEFICAL USE CLAIM FOR ADDITIONAL DIVERSION RATE - MIDDLE AREA
NAIP 2006 AERIAL

BROCKWAY ENGINEERING, PLLC.
 ALR - SEPT 29, 2009

MIDDLE AREA POU = 40.2 ACRES 01n17e
 Sections_lines Points of diversion





RINKER - ROCK CREEK
37-1151B & 37-1212 SF-5 STIPULATION
NAIP 2006 AERIAL

LEGEND

- 37-1212 & 37-1151B POU = 40.2 ACRES
- Sections_lines
- 01N17E
- POD 37-1212
- 37-1151B_POD



BROCKWAY ENGINEERING, PLLC.
 ALR - SEPT 29, 2009

*update
 Version
 12-23-09*

IDAHO DEPARTMENT OF WATER RESOURCES
STIPULATED ELEMENTS OF A WATER RIGHT ACQUIRED UNDER STATE LAW

Right Number: 37-01212

Name and Address: HARRY S. & DIANE J. RINKER REVOCABLE TRUST
PO BOX 7250
NEWPORT BEACH, CA 92658

Source: GUY CREEK Tributary: ROCK CREEK

Quantity: 1.00 CFS

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

Priority Date: 06-13-1899

Diversion Point: T01N R17E S35 *OK wrong on map* NESWNE Within Blaine County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-15 TO 10-31	1.00 CFS

Place of Use:	Irrigation	Within Blaine County
T01N R17E S35	NESW 13.0	SESW 16.7
	SWSE 4.9	
T01S R17E S02	NENE (Lot 1) 5.6	

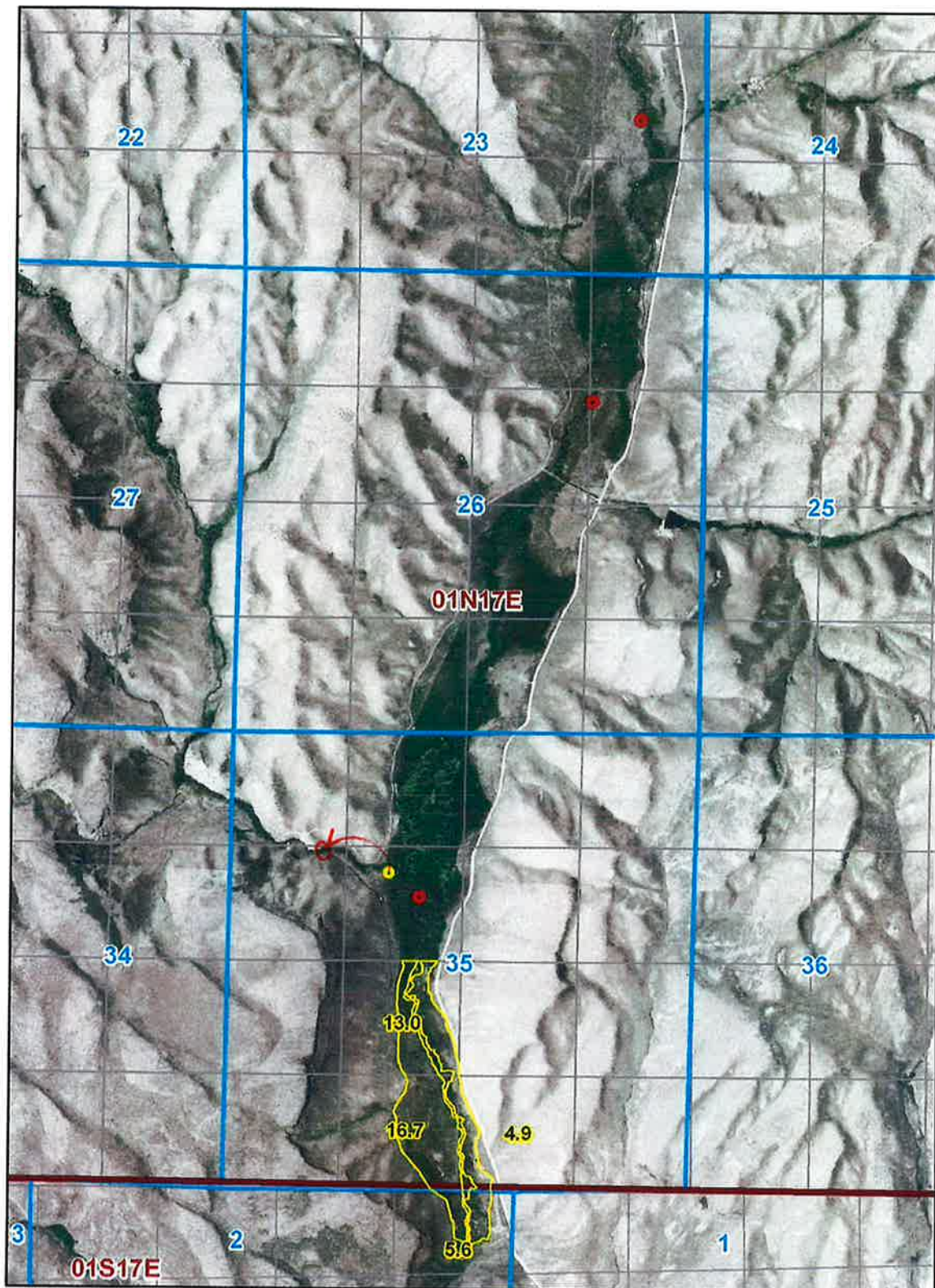
40.2 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

*Irrigates ground West of Rock Creek only
Approx 25 ac*

*Superceeded
12-23-09*



RINKER - ROCK CREEK
37-1151B & 37-1212 SF-5 STIPULATION
NAIP 2006 AERIAL

LEGEND

- 37-1212 & 37-1151B POU = 40.2 ACRES
- Sections_lines
- 01N17e
- POD 37-1212
- 37-1151B_POD

BROCKWAY ENGINEERING, PLLC.
 ALR - SEPT 29, 2008

*Supervised
 12.23.09*

N

CB

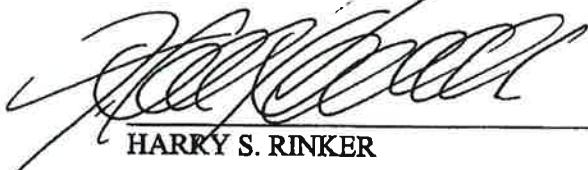
SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

THAT I, **HARRY S. RINKER**, do hereby make, constitute and appoint **CHARLES E. BROCKWAY and CHARLES G. BROCKWAY**, of 2016 N. Washington St., Suite 4, Twin Falls, ID 83301, jointly or severally, my true and lawful attorneys for me, in my name, place and stead, and on my behalf, with full power and authority to execute any and all documents on my behalf as fully and effectually to all intents and purposes as I could do in my own proper person, with full power of substitution, hereby ratifying and confirming all that my said attorney in fact shall lawfully do, or cause to be done, by virtue of the authority herein granted and necessary or useful to carry into effect any or all of the following acts, deeds and things:

1. To execute on my behalf notices of claim, motions, or other pleadings to be filed with the Idaho Department of Water Resources, including filings, in Case No. 39576 or any of its subcases, now pending in the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, commonly referred to as the Snake River Basin Adjudication. My attorney shall also have the power to execute on my behalf any Application for appropriation of a water right, transfer of a water right or other similar documents affecting any water right which I now have an ownership interest in, or may hereafter acquire, or which water right is owned, in whole or in part, by a trust, corporation, limited liability company or other business entity of which I am a trustee, officer, member or owner.
2. This instrument is to be construed and interpreted as a special power of attorney, limited to the enumeration of the specific terms, items, acts, rights or powers herein granted. This power of attorney shall remain in effect until it is revoked by me in writing.
3. This power of attorney shall not be affected by my disability.

IN WITNESS WHEREOF, I have hereunto set my hand at Costa Mesa,
CALIF, this 6 day of October, 2009.


HARRY S. RINKER

CR

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Orange

On Oct 6, 2009 before me,

Maria F Dimaricut

Here Insert Name and Title of the Officer

personally appeared

Harry S. Rinker

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Special Power of Attorney

Document Date:

10/6/09

Number of Pages:

1

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:

- ☐ Individual
- ☐ Corporate Officer — Title(s):
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other:

Signer Is Representing:

Signer's Name:

- ☐ Individual
- ☐ Corporate Officer — Title(s):
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

CB

**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: 37-1150
	)	
	)	STANDARD FORM 5
	)	
Case No. 39576	)	STIPULATED ELEMENTS OF A WATER RIGHT
_____	)	

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

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

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

CLAIMANT/OBJECTOR:

OBJECTOR:

<i>Harry Fowler, by</i> _____ <i>Charles L. Brackney, Agent in Trust</i> _____ Date	_____ Date
---	---------------

IDWR CONCURRENCE

_____	_____
Date	Date

IDAHO DEPARTMENT OF WATER RESOURCES
STIPULATED ELEMENTS OF A WATER RIGHT ACQUIRED UNDER STATE LAW

Right Number: 37-01150

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: 5.20 CFS

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

Priority Date: 06-13-1899

Diversion Point: T01S R17E S01 SWSWSW Within Blaine County
12 NENWSE
SESWSE

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-15 TO 10-31	5.20 CFS

Place of Use:	Irrigation	Within Blaine County	
	T01S R17E S12	NWNE 7.8	SWNE 34.1
		SENE 14.0	NENW 30.3
		NWNW 14.7	SENE 10.8
		NESE 10.5	NWSE 16.5
		SWSE 18.0	SESE 15.5
	S13	NENE 20.0	NWNE 25.3

217.5 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

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

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

THAT I, **HARRY S. RINKER**, do hereby make, constitute and appoint **CHARLES E. BROCKWAY** and **CHARLES G. BROCKWAY**, of 2016 N. Washington St., Suite 4, Twin Falls, ID 83301, jointly or severally, my true and lawful attorneys for me, in my name, place and stead, and on my behalf, with full power and authority to execute any and all documents on my behalf as fully and effectually to all intents and purposes as I could do in my own proper person, with full power of substitution, hereby ratifying and confirming all that my said attorney in fact shall lawfully do, or cause to be done, by virtue of the authority herein granted and necessary or useful to carry into effect any or all of the following acts, deeds and things:

1. To execute on my behalf notices of claim, motions, or other pleadings to be filed with the Idaho Department of Water Resources, including filings, in Case No. 39576 or any of its subcases, now pending in the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, commonly referred to as the Snake River Basin Adjudication. My attorney shall also have the power to execute on my behalf any Application for appropriation of a water right, transfer of a water right or other similar documents affecting any water right which I now have an ownership interest in, or may hereafter acquire, or which water right is owned, in whole or in part, by a trust, corporation, limited liability company or other business entity of which I am a trustee, officer, member or owner.
2. This instrument is to be construed and interpreted as a special power of attorney, limited to the enumeration of the specific terms, items, acts, rights or powers herein granted. This power of attorney shall remain in effect until it is revoked by me in writing.
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IN WITNESS WHEREOF, I have hereunto set my hand at Costa Mesa,
CALIF, this 6 day of October, 2009.


HARRY S. RINKER

CB

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Orange

On

Oct 6, 2009

before me,

Maria F Dimarucut

Here Insert Name and Title of the Officer

personally appeared

Harry S. Rinker

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer Is Representing:

Signer's Name:

- ☐ Individual
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

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Top of thumb here

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OF SIGNER
Top of thumb here

CB