

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-1151D
Date Received: 11/25/1988
Receipt No: C003581
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROCK CREEK LLC Phone: (714) 979-8300
C/O HARRY S RINKER MANAGER
PO BOX 7250
NEWPORT BEACH CA USA 92658

2. Date of Priority: 06/13/1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	17E	23	SW NE SE	BLAINE	
01N	17E	23	SW NE NE	BLAINE	
01N	17E	11	NE SE SW	BLAINE	
01N	17E	14	SE NE SW	BLAINE	
01N	17E	14	NE NE NW	BLAINE	
01N	17E	35	NE SE NW	BLAINE	

5. Description of diverting works:

EARTHERN DAMS DIVERT INTO GRAVITY DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	8.26	
STOCKWATER	1/01	12/31	0.23	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

*Chg of Ownership
Received
Feb 2008*

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	17E	14	NE	SW	IRRIGATION	23
			NW	SW	IRRIGATION	6
			SE	SW	IRRIGATION	2
			SW	SE	IRRIGATION	24
			NW	NE	IRRIGATION	13
			NE	NW	IRRIGATION	3
			SW	NW	IRRIGATION	6
			SE	NW	IRRIGATION	15
Section Acres						92
01N	17E	23	NE	NE	IRRIGATION	18
			NW	NE	IRRIGATION	11
			SE	NE	IRRIGATION	19
			NE	SE	IRRIGATION	19
			SW	SE	IRRIGATION	13
			SE	SE	IRRIGATION	25
Section Acres						105
01N	17E	26	NE	NE	IRRIGATION	27
			SW	NE	IRRIGATION	6
			SE	NE	IRRIGATION	19
			SE	SW	IRRIGATION	9
			NE	SE	IRRIGATION	4
			NW	SE	IRRIGATION	31
			SW	SE	IRRIGATION	28
Section Acres						124
01N	17E	35	NW	NE	IRRIGATION	16
			NE	NW	IRRIGATION	17
			SE	NW	IRRIGATION	19
			NE	SW	IRRIGATION	16
			SE	SW	IRRIGATION	13
			SW	SE	IRRIGATION	11
Section Acres						92
Total Acres						413

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

FOR 2/3 OF THE FLOW FROM 7 AM FRIDAY TO NOON SUNDAY OF EACH WEEK. PLACE OF USE FOR STOCKWATER IS THE SAME AS PLACE OF USE FOR IRRIGATED LANDS.

15. Basis of Claim: Decreed

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

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

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

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

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

OR

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

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

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DEC - 4 2006

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number: _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other: _____	_____	_____
TOTAL	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number: _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other: _____	_____	_____
TOTAL	_____	_____

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

Chas E. Brundage
Power Attorney

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

Received by: <u>AMB</u>		FOR OFFICE USE ONLY		Fee: <u>7600.00</u>	
Received by: <u>AMB</u>		Date: <u>11-30-06</u>	Date: <u>11-30-06</u>	Receipt No: <u>1082732</u>	
Processed by: _____ AJ		Date: _____	Date: _____	WR: _____ Date: _____	

SCANNED
DEC - 4 2006

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE A

COMMITMENT FOR TITLE INSURANCE

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

Case No. 16074

2. Policy or policies to be issued:

(a)

Amount \$ 1,300,000.00

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

☐ ALTA Residential Title Insurance Policy—1979

Proposed insured: HARRY S. RINKER

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

Amount \$ _____

Proposed insured: _____

(c)

Amount \$ _____

Proposed insured: _____

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

GREAT SOUTHWEST LIFE INSURANCE COMPANY, a Texas Corporation

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

SEE EXHIBIT "A" ATTACHED HERETO

Countersigned at Ketchum, Idaho

SAWTOOTH TITLE CO., INC.

BY: Cheryl [Signature]

Authorized Officer or Agent

Commitment No. BF765312

Schedule A—Page 1

Order No. 16074
Commitment No. BF765312

EXHIBIT "A"

PARCEL I

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

Section 14: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 15: E $\frac{1}{2}$ E $\frac{1}{2}$

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

Section 23: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 24: N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 25: W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{4}$

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

Section 27: E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$

Section 34: S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$

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

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

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

PARCEL II:

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

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

PARCEL III:

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

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

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

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

Section 12: N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

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

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

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

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

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

PARCEL IV:

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

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

Section 14: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$

Section 15: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

Section 21: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$

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

Section 23: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

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

Section 18: Lot 2

Guy Lode Patented Mining Claim - Lot No. 37

Lawyer Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE B—Section 2

Exceptions

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

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

CONTINUED

Exceptions numbered (none) are hereby omitted.

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

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

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NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B/2 cont'd.

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

(Affects Parcel III only)

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

(Affects Parcel IV only)

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

(Affects Parcel IV only)

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

(Affects Parcel IV only)

14. Reservation contained in Warranty Deed from George W. Stewart and Ella May Stewart, husband and wife, to Thomas W. Cloughton and Ila I. Cloughton, husband and wife, dated September 28, 1960, recorded February 6, 1968, as Instrument No. 129169, records of Blaine County, Idaho, reciting: "Reserving to the grantors an undivided one-half interest to the mineral rights appurtenant to the following described property: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14; NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14; SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, all in Township 1 North, Range 17 East of the Boise Meridian."

(Affects Parcel IV)

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

(Affects Parcel IV)

CONTINUED

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B/2 cont'd.

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

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

Section 14: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

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

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

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

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

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

Section 1: E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 35: E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

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

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

Section 6: Lot 7

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

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

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

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

Section 26: SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

Section 1: S $\frac{1}{2}$ SW $\frac{1}{4}$

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

Section 15: E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 14: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$

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

Section 25: N $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 35: W $\frac{1}{2}$ NW $\frac{1}{4}$

Section 34: S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$

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

CONTINUED

Schedule B/2 Sec 2 Page 3 No.

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NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B/2 cont'd.

Item 18, CONTINUED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONTINUED

Schedule B/Sec Page 4 No.

BF765312

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B/2 cont'd.

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

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

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

Section 18: Lot 2

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

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

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

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

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

COMMITMENT FOR TITLE INSURANCE

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

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

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

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

CONDITIONS AND STIPULATIONS

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

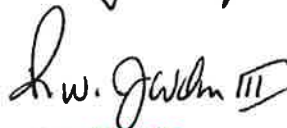
Lawyers Title Insurance Corporation

By:



President

Attest:



Secretary.



SCANNED

DEC - 4 2006

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

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

52916

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

Deed No. 1

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

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

"Described on attached EXHIBIT "A"

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

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

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

30341.0094.745472.1

SCANNED
DEC - 4 2006

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

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



Lloyd L. Betts
Lloyd L. Betts

Roberta S. Betts
Roberta S. Betts

STATE OF IDAHO)
) ss.
County of Blaine)

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

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

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

30341.0084.745472.1

SCANNED
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ORDER NO. 52916

EXHIBIT "A"

PARCEL I:

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

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

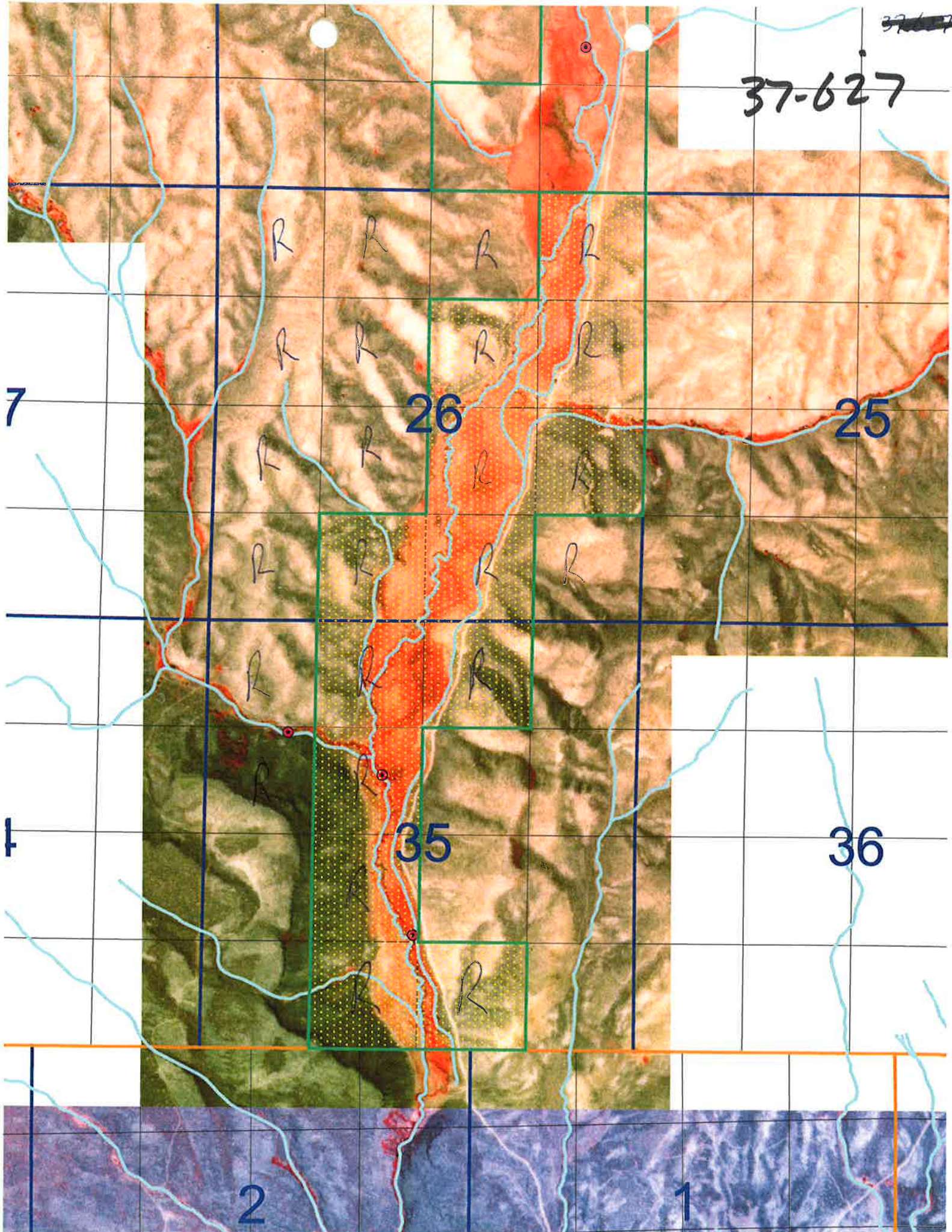
Thence S. 00°30'48" E. 2,643.25 feet to the E1/4 corner of said Sec 13; thence
S. 88°45'57" W. 2,630.50 feet to the C1/4 corner of said Sec 13; thence
N. 00°17'58" W. 2,644.64 feet to the N1/4 corner of said Sec 13; thence
N. 00°04'09" E. Along the West boundary of the SE1/4 of said Sec 12, T1S, R17E,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

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

~~37-627~~

37-627



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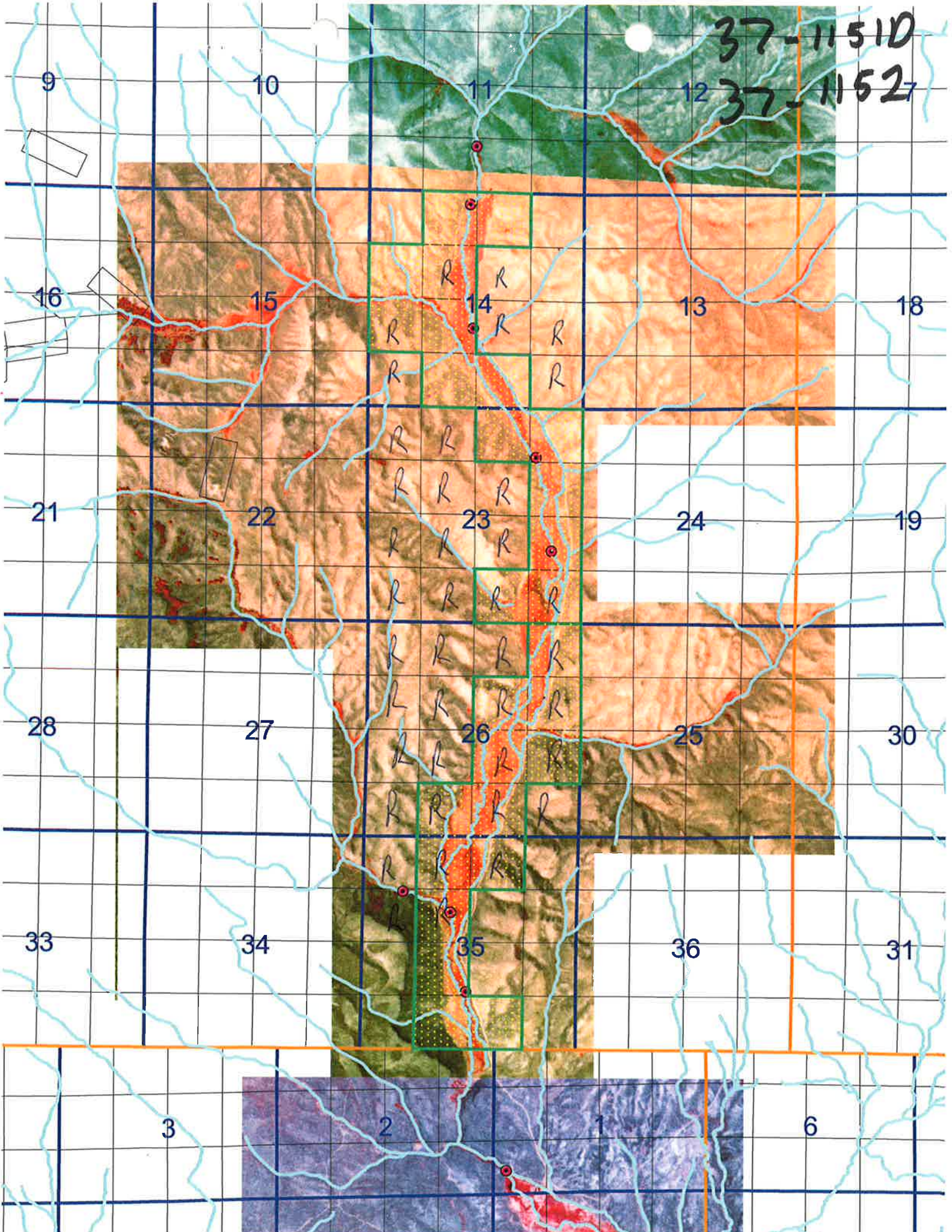
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NAME Δ

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-01151D
Date Received: 11/25/1988
Receipt No: C003581
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUN 13, 1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	17E	11	NE	SE	SW		BLAINE
		14	NE	NE	NW		BLAINE
			SE	NE	SW		BLAINE
		23	SW	NE	NE		BLAINE
			SW	NE	SE		BLAINE
		35	NE	SE	NW		BLAINE

5. Description of diverting works:
EARTHERN DAMS DIVERT INTO GRAVITY DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	8.260		
STOCKWATER	01/01	12/31	0.230		

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

8. Total consumptive use is 1032.5 Acre Feet Per Annum.

A37-01151D

Page 1

Date: 01/05/90

MICROFILMED

FEB 23 1993

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

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	17E	14	NW		NE		IRR	13.0
			NE		NW		IRR	3.0
			SW		NW		IRR	6.0
			SE		NW		IRR	15.0
			NE		SW		IRR	23.0
			NW		SW		IRR	6.0
			SE		SW		IRR	2.0
			SW		SE		IRR	24.0
							Section Acres	92.0
		23	NE		NE		IRR	18.0
			NW		NE		IRR	11.0
			SE		NE		IRR	19.0
			NE		SE		IRR	19.0
			SW		SE		IRR	13.0
			SE		SE		IRR	25.0
							Section Acres	105.0
		26	NE		NE		IRR	27.0
			SW		NE		IRR	6.0
			SE		NE		IRR	19.0
			SE		SW		IRR	9.0
			NE		SE		IRR	4.0
			NW		SE		IRR	31.0
			SW		SE		IRR	28.0
							Section Acres	124.0
		35	NW		NE		IRR	16.0
			NE		NW		IRR	17.0
			SE		NW		IRR	19.0
			NE		SW		IRR	16.0
			SE		SW		IRR	13.0
			SW		SE		IRR	11.0
							Section Acres	92.0
							Total Acres	413.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-01152A, 37-01152B

14. Remarks:
FOR 2/3 OF THE FLOW FROM 7 AM FRIDAY TO NOON SUNDAY OF EACH WEEK.
PLACE OF USE FOR STOCKWATER IS THE SAME AS PLACE OF USE FOR
IRRIGATED LANDS.

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

BROWN ET. AL.

Decree Plaintiff

vs

REARDON & CHAPMAN

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

COPY

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

2008 FEB 22 PM 2 04

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

In Re SRBA

Case No. 39576

Subcase No. 37-627, 37-1151D,
37-1152

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

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

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

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

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

Dated: 2/22/08


Signature of IDWR Representative

CERTIFICATE OF MAILING

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

1. Original to:

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

2. Copies to:

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

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

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

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

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



Signature of person or attorney mailing the form

02/20/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

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

02/20/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED 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

SOURCE: ROCK CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 7.000 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 NESESW Within BLAINE County
T01N R17E S14 NENENW Within BLAINE County
T01N R17E S14 SENESW Within BLAINE County
T01N R17E S23 SWNESE Within BLAINE County
T01N R17E S23 SWNESE Within BLAINE County
T01N R17E S35 NESENW 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	7.000 CFS
STOCKWATER	01/01 12/31	0.230 CFS

PLACE OF USE: IRRIGATION in BLAINE County

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

STOCKWATER in BLAINE County

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

350 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

02/20/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 22, 2008

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

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

Dear Counselor:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

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

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

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

RECEIVED

NOV 30 2000

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

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

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

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

OR

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

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

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number: _____		
<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other: _____	_____	_____
TOTAL	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number: _____		
<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other: _____	_____	_____
TOTAL	_____	_____

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

Chad E. Brundage
Power Attorney

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

		FOR OFFICE USE ONLY			
Received by: <u>AMB</u>	Date: <u>11-30-06</u>	Fee: <u>\$600.00</u>			
Received by: <u>AMB</u>	Date: <u>11-30-06</u>	Receipt No: <u>1082732</u>			
Processed by: _____ AJ	Date: _____	WR: _____	Date: _____		

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE A

COMMITMENT FOR TITLE INSURANCE

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

Case No. 16074

2. Policy or policies to be issued:

(a)

Amount \$ 1,300,000.00

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

☐ ALTA Residential Title Insurance Policy—1979

Proposed insured: HARRY S. RINKER

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

Amount \$ _____

Proposed insured:

(c)

Amount \$ _____

Proposed insured:

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

GREAT SOUTHWEST LIFE INSURANCE COMPANY, a Texas Corporation

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

SEE EXHIBIT "A" ATTACHED HERETO

Countersigned at Ketchum, Idaho

SAWTOOTH TITLE CO., INC.

BY: *Cheryl Stoddard*

Authorized Officer or Agent

Commitment No. BF765312

Schedule A—Page 1

Order No. 16074
Commitment No. BF765312

EXHIBIT "A"

PARCEL I

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

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

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

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

PARCEL II:

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

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

PARCEL III:

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

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

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

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

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

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

PARCEL IV:

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

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

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

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

National Headquarters
Richmond, Virginia

Requirements

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

- NOTE: We will require a copy of corporate resolution authorizing the sale and the execution and delivery of the deed.

- | <u>RECEIPT NO.</u> | <u>AMOUNT</u> |
|--------------------|-------------------|
| 13625 | \$ 103.66 |
| 13630 | 122.48 |
| 13631 | 193.96 |
| 13632 | 47.14 |
| 13633 | 871.64 |
| 13638 | 193.16 |
| 13623 | 56.56 |
| 13614 | 103.72 |
| 13615 | 179.00 |
| 13675 | 20.38 |
| 13674 | 82.04 |
| 14869 | 44.98 |
| 13622 | 37.70 |
| 13626 | 313.28 |
| 13704 | 10.52 |
| 15736 | 4.38 |
| <u>TOTAL</u> | <u>\$2,384.60</u> |

ORIGINAL

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE B—Section 2

Exceptions

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

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

CONTINUED

Exceptions numbered (none) are hereby omitted.

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

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

Schedule B—Section 2—Page 1—No.

BF765312

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B/2 cont'd.

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

(Affects Parcel III only)

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

(Affects Parcel IV only)

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

(Affects Parcel IV only)

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

(Affects Parcel IV only)

14. Reservation contained in Warranty Deed from George W. Stewart and Ella May Stewart, husband and wife, to Thomas W. Cloughton and Ila I. Cloughton, husband and wife, dated September 28, 1960, recorded February 6, 1968, as Instrument No. 129169, records of Blaine County, Idaho, reciting: "Reserving to the grantors an undivided one-half interest to the mineral rights appurtenant to the following described property: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14; NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14; SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, all in Township 1 North, Range 17 East of the Boise Meridian."

(Affects Parcel IV)

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

(Affects Parcel IV)

CONTINUED

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B/2 cont'd.

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

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

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

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

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

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

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

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

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

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

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

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

Section 6: Lot 7

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONTINUED

Schedule B/2 Sec 2 Page 3 No.

BF765312

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B/2 cont'd.

Item 18, CONTINUED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONTINUED

Schedule B/Sec Page 4 No.

BF765312

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B/2 cont'd.

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

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

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

Section 18: Lot 2

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

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

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

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

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

COMMITMENT FOR TITLE INSURANCE

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

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

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

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

CONDITIONS AND STIPULATIONS

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

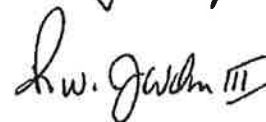
Lawyers Title Insurance Corporation

By:



President

Attest:



Secretary.



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

Instrument # 499432

HAILEY, BLAINE, IDAHO

2004-02-23

03:55:00

No. of Pages: 4

Recorded for : AMERITITLE

MARSHA RIEMANN

Fee: 12.00

Ex-Officio Recorder Deputy

Index to: WTYQCICORP DEED

BUB

52916

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

Deed No. 1

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

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

"Described on attached EXHIBIT "A"

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

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

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

30341.0094.745472.1

SCANNED

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

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



Lloyd L. Betts
Lloyd L. Betts

Roberta S. Betts
Roberta S. Betts

STATE OF IDAHO)
County of Blaine) ss.

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

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

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

30341.0094.745472.1

SCANNED

ORDER NO. 52916

EXHIBIT "A"

PARCEL I:

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

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

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

SCANNED

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

RECEIVED

DEC 28 1989

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

A37-01151D
combined

Department of Water Resources
Southern Region Office

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

[] Name and Address of
Former Claimant:

Great Southwest Life Insurance Company

P.O. Box 53330

Houston, TX 77052

[] New Claimant(s):

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

[] New Mailing Address:

P.O. Box 7250

Newport Beach, CA 92658-7250

New Telephone Number: (714) 979-8300

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

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

[] Attach proof of ownership

Describe proof attached: Recorded Warranty Deed

[] Signature of New Claimant(s):

August H. Reiter, III

Gail L. Reiter

Date:

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

MICROFILMED
FEB 23 1993



SAWTOOTH TITLE CO. INC.

RECEIVED

DEC 28 1989

Department of Water Resources
Southern Region Office

December 27, 1989

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

Gentlemen:

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

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

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

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

Very truly yours,

SAWTOOTH TITLE CO., INC.


Anita Moseley

Encls.

RECEIVED

DEC 28 1989

Department of Water Resources
Southern Region Office

COPY

CORPORATION WARRANTY DEED

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

W I T N E S S E T H :

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

SUBJECT TO:

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

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FEB 23 1993

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

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

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

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

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

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

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FEB 23 1993

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

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

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

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

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

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

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

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



GREAT SOUTHWEST LIFE INSURANCE
COMPANY

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

ATTEST:

John B. Rogers
Asst. Secretary

STATE OF TEXAS)
) ss.
County of HARRIS)

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

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



June B. Rogan
Notary Public for Texas
Residing at Houston, Texas
My commission expires 9/28, 1993

MICROFILMED

FEB 23 1993

Order No. 16074
Commitment No. BF765312

EXHIBIT "A"

PARCEL I

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

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

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

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

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

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

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

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

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

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

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

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

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

PARCEL II:

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

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

PARCEL III:

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

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

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

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

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

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

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

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

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

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

PARCEL IV:

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

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

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

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

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

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

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

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

Section 18: Lot 2

Guy Lode Patented Mining Claim - Lot No. 37

MICROFILMED

FEB 23 1993

EXHIBIT "A"

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

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

313243

BLAINE CO. REQUEST
OF Sawtooth Title Co., Inc.

Neck

'89 NOV 29 PM 1 15

MARY GREEN, CLERK CH

FEES \$ / 8.00

MICROFILMED

FEB 23 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-01151D
Date Received: 11-18-88
Receipt No: 0003581
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUN 13, 1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	17E	11	NE	SE	SW		BLAINE
		14	NE	NE	NW		BLAINE
			SE	NE	SW		BLAINE
		23	SW	NE	NE		BLAINE
			SW	NE	SE		BLAINE
		35	NE	SE	NW		BLAINE

5. Description of diverting works:
EARTHEN DAMS DIVERT INTO GRAVITY DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	8.260		
STOCKWATER	01/01	12/31	0.230		

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

8. Total consumptive use is 1032.5 Acre Feet Per Annum.

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

A37-01151D

Page 1

Date: 11/10/88

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	17E	14	NW		NE		IRR	13.0
			NE		NW		IRR	3.0
			SW		NW		IRR	6.0
			SE		NW		IRR	15.0
			NE		SW		IRR	23.0
			NW		SW		IRR	6.0
			SE		SW		IRR	2.0
			SW		SE		IRR	24.0
			Section Acres					92.0
		23	NE		NE		IRR	18.0
			NW		NE		IRR	11.0
			SE		NE		IRR	19.0
			NE		SE		IRR	19.0
			SW		SE		IRR	13.0
			SE		SE		IRR	25.0
			Section Acres					105.0
		26	NE		NE		IRR	27.0
			SW		NE		IRR	6.0
			SE		NE		IRR	19.0
			SE		SW		IRR	9.0
			NE		SE		IRR	4.0
			NW		SE		IRR	31.0
			SW		SE		IRR	28.0
			Section Acres					124.0
		35	NW		NE		IRR	16.0
			NE		NW		IRR	17.0
			SE		NW		IRR	19.0
			NE		SW		IRR	16.0
			SE		SW		IRR	13.0
			SW		SE		IRR	11.0
			Section Acres					92.0
			Total Acres					413.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-01152A, 37-01152B

A37-01151D

Page

2

Date: 11/10/88

MICROFILMED
FEB 23 1993

14. Remarks:

FOR 2/3 OF THE FLOW FROM 7 AM FRIDAY TO NOON SUNDAY OF EACH WEEK.
PLACE OF USE FOR STOCKWATER IS THE SAME AS PLACE OF USE FOR
IRRIGATED LANDS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BROWN ET. AL.

Decree Plaintiff

vs

REARDON & CHAPMAN

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

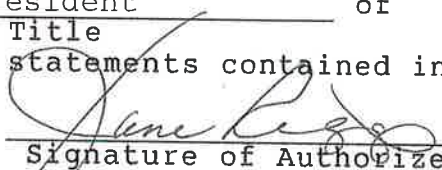
For Organizations:

I do solemnly swear or affirm that I am _____ Vice President _____ of
_____ Title

Great Southwest Life Ins. Co., that I have signed the foregoing
Organization

document in the space below as _____ Vice President _____ of
_____ Title

Great Southwest Life Ins. Co. and that the statements contained in the
Organization
foregoing document are true and correct.


Signature of Authorized Agent
GREAT SOUTHWEST LIFE INSURANCE CO.
Vice President
Title and Organization

November 15, 1988

Date

State of TEXAS)
County of HARRIS) SS.

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

Seal

James B. Logan
Notary Public

Residing at Houston, Texas

My Commission Expires 2/28/89

PRODUCED BY THE UNITED STATES
CONTROL BY
COMPILED FROM AERIAL PHOTOGRAPHS TAKEN BY

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Great Southwest Life Ins. CLAIM IDENT. NO. A37-011510

DATE RECEIVED 11-18-88 CK # 084775 AMOUNT \$ 588

1. Is the name and address complete with zip code? YES NO
2. Is a priority date entered? YES NO

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

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

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

Claim checked by: CF

MICROFILMED

FEB 23 1993

Comments: _____

Date Received

State of Idaho
Department of Water Resources

RECEIVED

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

OCT 17 1988

Hand Delivered

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

GREAT SOUTHWEST LIFE INSURANCE COMPANY

Name of Claimant

c/o Hawley Troxell Ennis & Hawley
P.O. Box 1617

P.O. Box 53330

Post Office Address

Boise, Idaho 83701

Houston, Texas 77052

City, State, Zip Code

Blaine County, Idaho

County(s) where Place of Use is located

October 26, 1988

Date Claim Originally Due

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

Identify water right(s) for which extension is requested

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

By: Richard F. Goodson

Signature

Richard F. Goodson
Attorney in Fact

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

granted denied

and the filing deadline extended to Nov 25, 1988.

Signed this 18 day of October, 1988.

Re-considered with additional

information on 10/19/88.

Director, or his designated agent

DAVID B. SHAW

MICROFILMED

FEB 23 1993

request approved on 10/19/88.

11/05/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED 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

SOURCE: ROCK CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: ~~7-00~~ 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 ~~NE~~-SESW Within BLAINE County
T01N R17E S14 ~~NE~~-NENW Within BLAINE County
T01N R17E S14 ~~SE~~-NESW Within BLAINE County
T01N R17E S14 NWSE Within BLAINE County
T01N R17E S23 ~~SW~~-NENE Within BLAINE County
T01N R17E S23 ~~SW~~-NESE Within BLAINE County
T01N R17E S26 SWNE Within BLAINE County
T01N R17E S26 SENE Within BLAINE County
T01N R17E S35 ~~NE~~-SENW Within BLAINE County

KRC

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	~~7-00~~ <u>3.000</u> CFS
STOCKWATER	~~01/01-04/15~~ <u>12/31-10/31</u>	0.230 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R17E S14	NWNE	~~0~~ <u>2.40</u>	T01N R17E S14	SWNE	~~2.10~~ <u>00</u>
T01N R17E S14	NENW	~~0-00~~ <u>5.20</u>	T01N R17E S14	SENE	~~10~~ <u>17.00</u>
T01N R17E S14	NESW	~~19~~ <u>16.00</u>	T01N R17E S14	SESW	~~6-30~~ <u>0.90</u>
T01N R17E S14	NWSE	~~1-10~~ <u>0.80</u>	T01N R17E S14	SWSE	~~21~~ <u>15.00</u>
T01N R17E S23	NENE	~~14~~ <u>12.00</u>	T01N R17E S23	NWNE	~~11~~ <u>4.60</u>
T01N R17E S23	SENE	~~15~~ <u>14.00</u>	T01N R17E S23	NESE	~~25~~ <u>24.00</u>
T01N R17E S23	NWSE	0.30	T01N R17E S23	SWSE	~~11-0~~ <u>8.40</u>
T01N R17E S23	SESE	~~25~~ <u>23.00</u>	T01N R17E S26	NENE	~~19~~ <u>16.00</u>
T01N R17E S26	NWNE	~~4.00~~ <u>-00</u>	T01N R17E S26	SWNE	~~13~~ <u>8.30</u>
T01N R17E S26	SENE	~~11~~ <u>10.00</u>	T01N R17E S26	NESW	~~0.30~~ <u>-70</u>
T01N R17E S26	SESW	~~14~~ <u>13.00</u>	~~T01N R17E S26~~	~~NESE~~	~~0.30~~
T01N R17E S26	NWSE	~~33~~ <u>31.00</u>			
T01N R17E S26	SWSE	~~22~~ <u>21.00</u>	T01N R17E S35	NWNE	~~8.70~~ <u>0-60</u>
T01N R17E S35	SWNE	~~0.40~~ <u>-50</u>	T01N R17E S35	NENW	~~20~~ <u>19.00</u>
T01N R17E S35	SENW	~~10~~ <u>11.00</u>			

STOCKWATER in BLAINE County

T01N R17E S14	NWNE	T01N R17E S14	SWNE
T01N R17E S14	NENW	T01N R17E S14	<u>SENW</u>
T01N R17E S14	NESW	T01N R17E S14	SESW
T01N R17E S14	NWSE	T01N R17E S14	SWSE
T01N R17E S23	NENE	T01N R17E S23	NWNE
T01N R17E S23	SENE	T01N R17E S23	NESE
T01N R17E S23	NWSE	T01N R17E S23	SWSE
T01N R17E S23	SESE	T01N R17E S26	NENE
T01N R17E S26	NWNE	T01N R17E S26	SWNE
T01N R17E S26	SENE	T01N R17E S26	NESW
T01N R17E S26	SESW	~~T01N R17E S26~~	~~NESE~~
T01N R17E S26	NWSE		
T01N R17E S26	SWSE	T01N R17E S35	NWNE
T01N R17E S35	SWNE	T01N R17E S35	NENW
T01N R17E S35	SENW		

350-293.4 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

11/05/2010

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

SF-5

RIGHT NUMBER: 37-1151D

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

VERIFIED BY KKC
11-5-2010

SOURCE: ROCK CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: ~~7.00~~ 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 NE-SESW Within BLAINE County
T01N R17E S14 NE-NENW Within BLAINE County
T01N R17E S14 SE-NESW Within BLAINE County
T01N R17E S14 NWSE Within BLAINE County
T01N R17E S23 SW-NENE Within BLAINE County
T01N R17E S23 SW-NESE Within BLAINE County
T01N R17E S26 SWNE Within BLAINE County
T01N R17E S26 SENE Within BLAINE County
T01N R17E S35 NE-SESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	~~7.00~~ 3.000 CFS
STOCKWATER	~~01/01-04/15~~ 12/31-10/31	0.230 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R17E S14	NWNE	8 7.40	T01N R17E S14	SWNE	2.10 00
T01N R17E S14	NENW	8.00 5.20	T01N R17E S14	SENE	18 17.00
T01N R17E S14	NESW	19 16.00	T01N R17E S14	SESW	6.30 0.90
T01N R17E S14	NWSE	1.10 0.80	T01N R17E S14	SWSE	21 15.00
T01N R17E S23	NENE	14 12.00	T01N R17E S23	NWNE	11 4.60
T01N R17E S23	SENE	15 14.00	T01N R17E S23	NESE	25 24.00
T01N R17E S23	NWSE	0.30	T01N R17E S23	SWSE	11.0 8.40
T01N R17E S23	SESE	25 23.00	T01N R17E S26	NENE	19 16.00
T01N R17E S26	NWNE	4.00 4.80	T01N R17E S26	SWNE	13 8.30
T01N R17E S26	SENE	11 10.00	T01N R17E S26	NESW	0.30 7.70
T01N R17E S26	SESW	14 13.00	~~T01N R17E S26~~	~~NESE~~	~~0.30~~
T01N R17E S26	NWSE	33 31.00			
T01N R17E S26	SWSE	22 21.00	T01N R17E S35	NWNE	8.70 7.60
T01N R17E S35	SWNE	0.40 7.50	T01N R17E S35	NENW	20 19.00
T01N R17E S35	SENE	18 11.00			

stri ke out KKC

STOCKWATER in BLAINE County

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

350-293.4 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

04/05/2010

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

VERIFIED BY KKC
4-5-10

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	SENE	11.00			

STOCKWATER in BLAINE County

T01N R17E S14	NWNE	T01N R17E S14	SWNE
T01N R17E S14	NENW	T01N R17E S14	SENE
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	SENE		

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

RECEIVED
MAY 24 2007
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 37-1151D

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Harry S. Rinker

Address: P.O. Box 7250

Newport Beach, CA 92658

Daytime Phone: (714) 979-8300

Name & Address of Attorney, if any:

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

Name: Harry S. Rinker

Address: P.O. Box 7250

Newport Beach, CA 92658

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

1. ☒ **Name and Address**
Should be: Harry S. Rinker at address above
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: As decreed (combined rights - entire flow of stream)
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 361.2 acres (see narrative for justification)
10. ☐ **I object because:**
☐ This water right Should not exist.

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

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

F. VERIFICATION (must be completed)

State of California)
County of Orange)ss.

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

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

[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 21, 2007



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

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Harry S. Rinker

Address: P.O. Box 7250

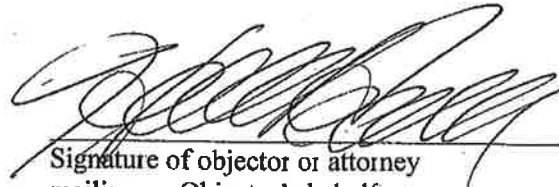
Newport Beach, CA 92658

3. Copies to:

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

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

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


Signature of objector or attorney
mailing on Objector's behalf

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

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

Claimant: Harry S. Rinker

Prepared by Brockway Engineering, PLLC

Right No. 37-627

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

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

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

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

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

Right No. 37-1150

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

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

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

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

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

Right No. 37-1151D

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

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

Sub Tot = 127.2

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

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

Right No. 37-4192

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

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

General objection pertaining to all water rights

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

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

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

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

10/06/2006

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

RIGHT NUMBER: 37-1151D
NAME AND ADDRESS: GAIL L REITER
PO BOX 7250
NEWPORT BEACH CA 92658
AUGUST K REITER III
PO BOX 7250
NEWPORT BEACH CA 92658

SOURCE: ROCK CREEK TRIBUTARY: BIG WOOD RIVER
QUANTITY: 7.000 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 NESESW Within BLAINE County
T01N R17E S14 NENENW Within BLAINE County
T01N R17E S14 SENESW Within BLAINE County
T01N R17E S23 SWNESE Within BLAINE County
T01N R17E S23 SWNESE Within BLAINE County
T01N R17E S35 NESESW 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	7.000 CFS
STOCKWATER	01/01 12/31	0.230 CFS

PLACE OF USE:

IRRIGATION Within BLAINE County

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

STOCKWATER Within 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

10/06/2006

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

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

350 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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



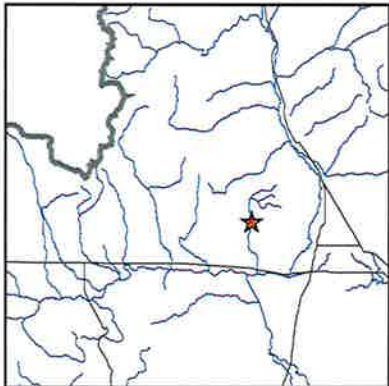
Idaho Department of Water Resources

SRBA Recommendation:

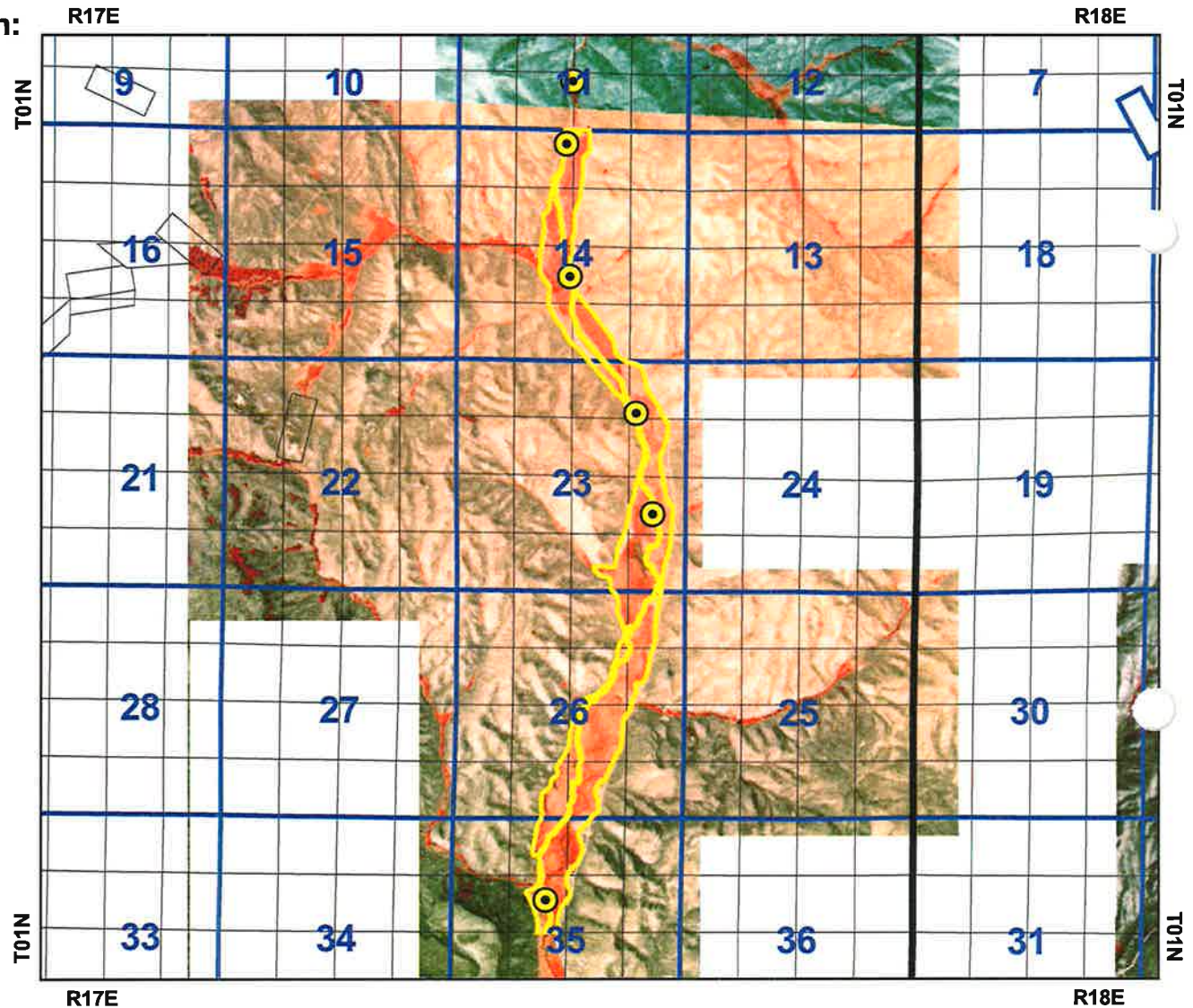
37-1151D

Legend

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



Blaine County
IDWR Basin 37



0 0.25 0.5 Miles



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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1151A

WATER RIGHT NUMBER: 37-1151A

Owner Type Name and Address
 Current Owner ELMER BROWN

, ZZ

Priority Date: 06/13/1899

Basis: Decreed

Status: Active

Source Tributary
 ROCK CREEK BIG WOOD RIVER

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

Total Diversion:Location of Point(s) of Diversion

ROCK CREEK

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	17E	26					X				X			X					
01N	17E	35		X			X			X									

DOMESTIC same as IRRIGATIONConditions of Approval:

1. RT. FOR 1/3 OF FLOW FROM 7 AM FRI. TO NOON SUNDAY OF EACH WEEK.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1151C

WATER RIGHT NUMBER: 37-1151C

Owner TypeName and Address

Current Owner

ANDREW MC MONIGLE

, ZZ

Priority Date: 06/13/1899

Basis: Decreed

Status: Active

Source

Tributary

ROCK CREEK

BIG WOOD RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

DOMESTIC

/ to /

IRRIGATION

/ to /

Total Diversion:

Location of Point(s) of Diversion

ROCK CREEK

Place of Use

IRRIGATION

Tw	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
01N	17E	14		X			X			X									
01N	17E	15			X					X	X					X			

DOMESTIC same as IRRIGATION

Conditions of Approval:

1. RT. FOR 1/3 OF FLOW FROM 7 AM FRI. TO NOON SUNDAY OF EACH WEEK.

Remarks:

Comments: