

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 37-2632
Date Received: 8/8/2002 9
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RINKER CO Phone: (714)979-8300
PO BOX 7250
NEWPORT BEACH CA USA 92658

2. Date of Priority: 03/29/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
03N	18E	18	SW	NE		BLAINE	
03N	18E	18	NW	SE		BLAINE	
03N	18E	18	NE	SE		BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	1.94	339.5
RECREATION STORAGE	1/01	12/31		142
FIRE PROTECTION STORAGE	1/01	12/31		142
AESTHETIC STORAGE	1/01	12/31		142
DIVERSION TO STORAGE	1/01	12/31	2.3	

7. Total Quantity Appropriated is:
2.3 C.F.S. and/or 402.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	7	SE	SW	IRRIGATION	8.4
					Section Acres	8.4
03N	18E	18	NW	NE	RECREATION STORAGE	
			SW	NE	RECREATION STORAGE	
			NE	SE	RECREATION STORAGE	
			NW	SE	RECREATION STORAGE	
			NE	NE	IRRIGATION	13.8
			NW	NE	IRRIGATION	22.2
			SW	NE	IRRIGATION	17.9
			SE	NE	IRRIGATION	9.2
			NE	NW	IRRIGATION	4.2
			SE	NW	IRRIGATION	1.5
			NE	SE	IRRIGATION	9.9
			NW	SE	IRRIGATION	9.4
			SW	SE	IRRIGATION	0.3
			SE	SE	IRRIGATION	0.2
					Section Acres	88.6
					Total Acres	97

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED TO REFLECT APPROVED TRANSFERS #S 4825 AND 5423. SEE TRANSFER APPROVALS FOR CONDITIONS, LIMITS AND REMARKS. DJ, 8/8/2002

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.

The total instantaneous diversion of water from all points of diversion under Right 37-02632 shall not exceed 2.30 cfs, nor total combined annual volume of 402.5 af.

Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

The first year that water is diverted to aesthetic, recreation and fire protection storage uses approved under Transfer 4825, the irrigation use under this right shall be limited to 74.5 acres, 1.49 cfs and 260.5 afa.

The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 63.0 afa associated with the 18.0 acres no longer irrigated.

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 79.0 af, irrigation the following year shall be reduced by 1.0 acre for every 3.5 af required to increase the volume to 79.0 af.

Use of water under Right 37-02627C may be affected by an agreement between the protestant of Transfer 4825 and the right holder.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

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

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

15. Basis of Claim: License

A37-02632

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND ^{SW}

FILE A37-02632
A37-14258

RE: ESTIMATE RECOMMENDATION

DATE 11-10-92 (#1)

other rights: 36-00153
36-00154

NAME OF PARTY

GARY SLETTE

(734-0700)

On 10-5-92 Gary called me and asked for a rough recommendation for the water right claims A37-2632 and its expansion part A37-14258. The rights are for the Golden Eagle or Greenhorn Ranch.

Based on my initial review this day, here is how I would recommend these rights.

A37-02632: appears the acres licensed are still under irrigation. Place of Use appears to be a permissible place of use with other water rights. This right has a combined use with other rights but the basic licensed amounts, 2.3 cfs on 115 Acres will probably be allowed.

A37-14258: This claim is a presumption expansion of the above license. The affidavit by Glenn B. Gould identifies an increase in the flow diverted, the measurement in 1964 for license exam shows 4.04 cfs diverted and the pump HP claimed has doubled since the license full exam. All this indicates the claim is not qualified for the presumption expansion due to the increase in diversion amount.

MICROFILMED
FEB 23 1993

* No LAWFUL APPROPRIATION SHOWN FOR A37-14258.

* EXPANSION CLAIMED UNDER 36-8268 in 1986; protested in 1991.

A37-02632

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND sc FILE A37-2632
A37-14258
RE: REVIEW OF CLAIMS - ROUGH DRAFT A37-14257

DATE 11-10-92 #2

NAME OF PARTY

GARY SLETTE

(734-0700)

I called and spoke to Gary Slette. (he called back)

I related the initial impression I found in reviewing the files as described in #1 memo. He mentioned the statutory use right developed for the water difference between the license and the well diversion ($4.04 - 2.3 = 1.74$)
He claimed the use was developed prior to the mandatory permit date and therefore the expansion claim is valid. cts

I told him I have no knowledge or files for this constitutional use right. He said he filed it with Bob Nowell and he will try to find the documents to show that.

I said I will try to do a POD query (AJQ5) and locate the claim file.

> A37-14257 1.74 cts

** I then explained to Mr. Slette - this is a very informal review of these rights; it does not guarantee the final recommendation to be made. I have the right to change this recommendation at any point up until the Director's Report is filed. Only after that time is the recommendation final. I described a similar situation in Basin 36 (Reese) where a claim was a valid recommendation up until 2 weeks prior to the Report when we found evidence to Disallow the Claim.

I mention this to advise your parties of the unreliability of a "recommendation" at this time in Basin 37.

I will not be held responsible for other business transactions based on the information I am providing.

RECEIVED
FEB 2 3 1993

FILE REVIEW
CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND *sc*

FILE A37-02632

RE: ROUGH DRAFT REVIEW (cont'd)

A37-14257
A37-14258

DATE 11-10-92

#3

NAME OF PARTY

GARY SLETTE

(734-0700)

[I found the file Gary refers to as the Skutumpah water right. The priority date is for May 1, 1961 but NO proof of priority is attached. I reviewed the affidavits filed & submitted for A37-14258 and found no support for the claim A37-14257.

I reviewed the license microfiche file for 36-2632 and found the permit for 8 cfs. Therefore the limiting factor at the time of exam in 8-12-64 was the amount of acres being irrigated. As illustrated by the examiner's map, only 115 acres were being irrigated in the requested & permitted place of use.

∴ Appears disallow of both A37-14257 and A37-14258 based on no ~~the~~ lawful appropriation shown.]

→ Called Gary Slette & he returned the call.

I informed him of the above review. He asked if there was any way to show the excess flow required for the system in use at the time of the licensing. I explained we are limited to what has been verified by the license and I do not know of any way to prove an excess flow condition after the license is issued. I mentioned the issue should have been raised at the time of licensing. It appears any new water right developed there is after the permit date and requires an application for permit.

RECORDED
FEB 23 1993

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2632

WATER RIGHT NUMBER: 37-2632

<u>Owner Type</u>	<u>Name and Address</u>
Trustee	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300
Original Owner	GLENN DALE RANCHES INC 1844 E 4300 N BUHL, ID 83316 (208)543-4131
Current Owner	RINKER CO PO BOX 7250 NEWPORT BEACH, CA 92658 (714)979-8300

Priority Date: 03/29/1960

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION STORAGE	1/01 to 12/31		142.00 AF
AESTHETIC STORAGE	1/01 to 12/31		142.00 AF
DIVERSION TO STORAGE	1/01 to 12/31	2.300 CFS	
IRRIGATION	4/15 to 10/15	1.940 CFS	339.50 AF
FIRE PROTECTION STORAGE	1/01 to 12/31		142.00 AF
	<u>Total Diversion:</u>	2.300 CFS	402.50 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 18, Twp 03N, Rge 18E, B.M.
BLAINE County		
GROUND WATER	NW1/4SE1/4	Sec. 18, Twp 03N, Rge 18E, B.M.
BLAINE County		
GROUND WATER	NE1/4SE1/4	Sec. 18, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

RECREATION STORAGE

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2632

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	7												8.4					8.4
03N	18E	18	13.8	22.2	17.9	9.2	4.2			1.5					9.9	9.4	.3	.2	88.6

Total Acres: 97

Conditions of Approval:

- ✓ 1. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
2. ~~T06~~ Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- ✓ 3. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- ✓ 4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ✓ 5. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. & DISTRICT.
- ✓ 6. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- ✓ 7. 079 This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
- ✓ 8. ~~243~~ The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.
 - ✓ The total instantaneous diversion of water from all points of diversion under Right 37-02632 shall not exceed 2.30 cfs, nor total combined annual volume of 402.5 af.
 - ✓ Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.
 - ✓ Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
 - ✓ The first year that water is diverted to aesthetic, recreation and fire protection storage uses approved under Transfer 4825, the irrigation use under this right shall be limited to 74.5 acres, 1.49 cfs and 260.5 afa.
 - ✓ The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 63.0 afa associated with the 18.0 acres no longer irrigated.
 - ✓ At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 79.0 af, irrigation the following year shall be reduced by 1.0 acre for every 3.5 af required to increase the volume to 79.0 af.
Use of water under Right 37-02627C may be affected by an agreement between the protestant of Transfer 4825 and the right holder.
- ✓ 9. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 5423
WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
37-02632/37-30028/37-30030

This is to certify that: **RINKER COMPANY**
PO BOX 7250
NEWPORT BEACH CA 926587250

NOV 26 1999

Department of Water Resources
Boise, Idaho

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-00154C :			
IRRIGATION	04/15 to 10/15	2.85 CFS	498.4 AF
RECREATION	01/01 to 12/31	6.00 CFS	257.6 AF
AESTHETIC	01/01 to 12/31	6.00 CFS	257.6 AF
Priority: 12/13/1887			
		8.85 CFS	756.0 AF
Right No. 37-00364G :			
IRRIGATION	04/15 to 10/15	0.24 CFS	56.0 AF
Priority: 05/01/1887			
Right No. 37-02627C :			
IRRIGATION	04/15 to 10/15	0.79 CFS	137.6 AF
RECREATION STORAGE	01/01 to 12/31		144.0 AF
FIRE PROTECTION ST	01/01 to 12/31		144.0 AF
AESTHETIC STORAGE	01/01 to 12/31		144.0 AF
DIVERSION TO STORA	01/01 to 12/31	1.15 CFS	46.0 AF
Priority: 12/09/1959			
		1.15 CFS	183.6 AF
Right No. 37-02627D :			
IRRIGATION	04/15 to 10/15	0.10 CFS	17.5 AF
Priority: 12/09/1959			
Right No. 37-02632 :			
IRRIGATION	04/15 to 10/15	1.94 CFS	339.5 AF
RECREATION STORAGE	01/01 to 12/31		142.0 AF
FIRE PROTECTION ST	01/01 to 12/31		142.0 AF
AESTHETIC STORAGE	01/01 to 12/31		142.0 AF
DIVERSION TO STORA	01/01 to 12/31	2.30 CFS	
Priority: 03/29/1960			
		2.30 CFS	402.5 AF

TRANSFER NO. 5423
 WATER RIGHT NO(S) . 37-00154C/37-00364G/37-02627C/37-02627D
 37-02632/37-30028/37-30030

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-30028 :			
IRRIGATION	04/15 to 10/15	0.08 CFS	15.4 AF
Priority: 03/24/1883			
Right No. 37-30030 :			
IRRIGATION	04/15 to 10/15	0.36 CFS	84.0 AF
Priority: 03/24/1883			

WATER RIGHT NO. 37-00154C

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 18, Township 03N, Range 18E
 SENW , Sec. 32, Township 03N, Range 18E
 BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 18E 7	SESW 12.2	SWSE 8.2	SESE 2.6	23.0
18	NENE 15.9	NWNE 25.7	SWNE 24.1	
	SENE 13.5	NENW 12.9	SENW 2.1-	
	NESE 12.6	NWSE 11.9	SWSE 0.4	
	SESE 0.3			119.4

Total number of acres irrigated: 142.4

PLACE OF USE: RECREATION

TWN RGE SEC
 03N 18E 32 SENW

PLACE OF USE: AESTHETIC, same as RECREATION useCONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

TRANSFER NO. 5423
WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
37-02632/37-30028/37-30030

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.
8. The total instantaneous diversion of water from all points of diversion under Right 37-00154C shall not exceed 8.85 cfs, nor total combined annual volume of 756.0 af.
9. That portion of Right No. 37-00154C for recreation and aesthetics moved to Purdum Slough is subordinated to all other rights in the slough to prevent injury.
10. The right holder shall install and maintain a diversion monitoring system to measure the diverted volume on a monthly basis from both diversions identified above. Monthly volumes and the total annual diversion will be reported to the Department and the watermaster.
11. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.
12. Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
13. Irrigation of 5.0 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627D for irrigation of 5.0 acres in Ohio Gulch, and irrigation of 18.4 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627C to provide for storage uses in the pond system.

WATER RIGHT NO. 37-00364G

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 18, Township 03N, Range 18E
BLAINE County

TRANSFER NO. 5423
 WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
 37-02632/37-30028/37-30030

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	7	SWSE	16.0		16.0
Total number of acres irrigated:						16.0

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.
9. Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
10. Use of water under Right 37-00364G may be affected by an agreement between the protestant of Transfer 4824 and the right holder.

WATER RIGHT NO. 37-02627CSOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 18, Township 03N, Range 18E
 NESE , Sec. 18, Township 03N, Range 18E
 NWSE , Sec. 18, Township 03N, Range 18E
 BLAINE County

TRANSFER NO. 5423
 WATER RIGHT NO(S) . 37-00154C/37-00364G/37-02627C/37-02627D
 37-02632/37-30028/37-30030

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	7	SESW 3.8	SWSE 24.2	SESE 2.6	30.6
	18		NENW 8.7			8.7
Total number of acres irrigated:						39.3

PLACE OF USE: RECREATION STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
03N	18E	7	SESW	NWSE	SWSE
			SESE		
	18		NENE	NWNE	NENW

PLACE OF USE: FIRE PROTECTION STORAGE & AESTHETIC STORAGE, same as RECREATION STORAGE

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. The right holder shall maintain a totalizing measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.
9. The total instantaneous diversion of water from all points of diversion under Right 37-02627C shall not exceed 1.15 cfs, nor total combined annual volume of 183.6 af.
10. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.

TRANSFER NO. 5423
 WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
 37-02632/37-30028/37-30030

11. The first year that water is diverted to recreation, fire protection and aesthetic storage uses as authorized under Transfer 5423, the irrigation use within Golden Eagle Subdivision II shall be limited to 23.1 total acres of the 80.7 acres allowed.
12. At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 98.0 af, irrigation the following year shall be reduced by 1.0 acre for every 2.5 af required to increase the volume to 98.0 af.
13. Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
14. Use of water under Right 37-02627C may be affected by an agreement between the protestant of Transfer 5045 and the right holder.
15. The Director maintains jurisdiction of Transfer 5045 up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion located in the SWNE, S18, T03N, R18E.

WATER RIGHT NO. 37-02627D

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESW, Sec. 16, Township 03N, Range 18E
 BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	16	NESW 3.0	NWSW 1.0	SWSW 2.0	16.0
			SESW 10.0			
Total number of acres irrigated:						* 16.0

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

TRANSFER NO. 5423
 WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
 37-02632/37-30028/37-30030

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 8. Right 37-02627D is limited to the irrigation of 5.0 acres within the place of use described above in a single irrigation season.
9. Five irrigated acres under Right 37-00154C will no longer be irrigated to mitigate use of Right 37-02627D as a primary groundwater right.
10. For regulation purposes Right 37-02627D shall be considered junior to all existing rights in the vicinity of the transferred point of diversion located in the NESW, S16, T03N, R18E at the time Transfer 5423 is approved.
11. Use of water under Right 37-02627D may be affected by an agreement between the protestant of Transfer 5045 and the right holder.

WATER RIGHT NO. 37-02632

SOURCE
 GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE, Sec. 18, Township 03N, Range 18E
 NESE, Sec. 18, Township 03N, Range 18E
 NWSE, Sec. 18, Township 03N, Range 18E
 BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	7	SESW 8.4			8.4
		18	NENE 13.8	NWNE 22.2	SWNE 17.9	
			SENE 9.2	NENW 4.2	SENE 1.5	
			NESE 9.9	NWSE 9.4	SWSE 0.3	
			SESE 0.2			88.6
Total number of acres irrigated:						97.0

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

03N 18E 18	NWNE	SWNE	NESE
	NWSE		

PLACE OF USE: FIRE PROTECTION STORAGE & AESTHETIC STORAGE, same as RECREATION STORAGE

TRANSFER NO. 5423
WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
37-02632/37-30028/37-30030

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.
10. The total instantaneous diversion of water from all points of diversion under Right 37-02632 shall not exceed 2.30 cfs, nor total combined annual volume of 402.5 af.
11. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.
12. Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
13. The first year that water is diverted to aesthetic, recreation and fire protection storage uses approved under Transfer 4825, the irrigation use under this right shall be limited to 74.5 acres, 1.49 cfs and 260.5 afa.

TRANSFER NO. 5423
 WATER RIGHT NO(S) . 37-00154C/37-00364G/37-02627C/37-02627D
 37-02632/37-30028/37-30030

14. The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 63.0 afa associated with the 18.0 acres no longer irrigated.
15. At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 79.0 af, irrigation the following year shall be reduced by 1.0 acre for every 3.5 af required to increase the volume to 79.0 af.
16. Use of water under Right 37-02627C may be affected by an agreement between the protestant of Transfer 4825 and the right holder.

WATER RIGHT NO. 37-30028

SOURCE
 BIG WOOD RIVER

TRIBUTARY OF
 MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 18, Township 03N, Range 18E
 BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	7	SES	4.4		4.4
Total number of acres irrigated:						4.4

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

TRANSFER NO. 5423
 WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
 37-02632/37-30028/37-30030

8. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.
9. Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
10. Use of water under Right 37-30028 may be affected by an agreement between the protestant of Transfer 4826 and the right holder.

WATER RIGHT NO. 37-30030

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 18, Township 03N, Range 18E
 BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	7	NESW 15.3	NWSE 8.2	SESE 0.5	24.0
Total number of acres irrigated:						24.0

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

TRANSFER NO. 5423
WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
37-02632/37-30028/37-30030

8. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.
9. Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
10. Use of water under Right 37-30030 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

Transfer 5423 is approved as described above and subject to the conditions of approval listed under each right.

Dated this 19th day of November, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 37-00154C, 37-00364G, 37-02627B , 37-02632, 37-30028 & 37-30030

FROM: Pam Skaggs/State Office *PS*

SUBJECT: Transfer 5423

DATE: September 23, 1999

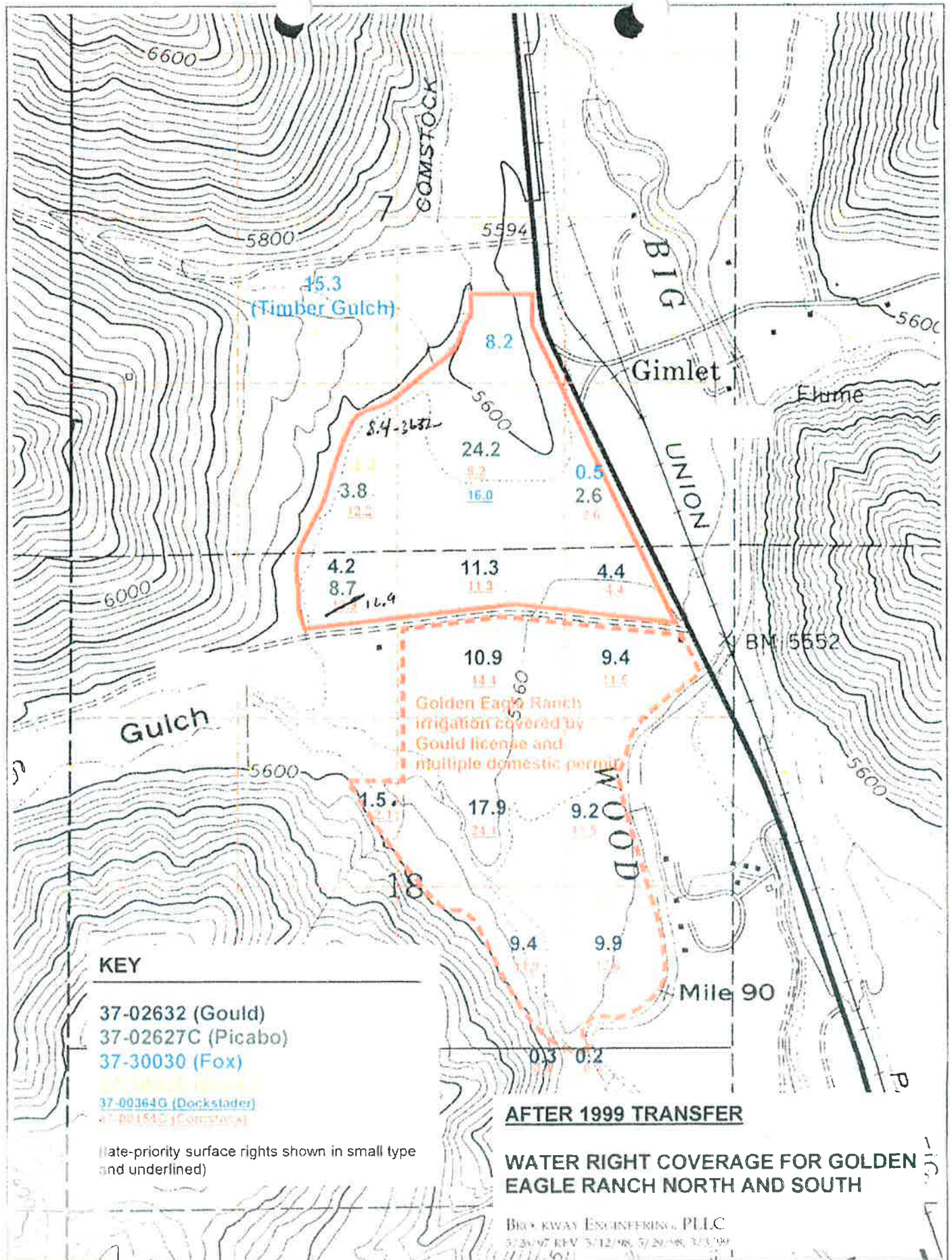
Transfer 5423 reflects the development of subdivision including a system of recreation, fire protection and aesthetic ponds. Previous Transfers 4823-4827 were approved for the initial development of Golden Eagle Subdivision Phase I. These rights have all been identified as part of the continued expansion of the subdivision as Golden Eagle Subdivision Phase II. (See Allen Merritt's Memo of 07-12-99 for a more detailed explanation of the transfer and region recommendations.)

The primary change is to use a portion of groundwater Right 37-02627B to provide water for a new pond system. Portions of surface water Right 37-000154C are used as mitigation for the primary use of the groundwater for the ponds (37-02627C) and 5 acres irrigation proposed in Ohio Gulch (37-02627D). The storage location was included under Right 37-02632 that had been previously authorized and the place of use slightly modified under Right 37-30030. A combined right limit of these rights was corrected through this transfer limiting the combined irrigation use to a 186.8 total acres.

The transfer also acknowledges reduction of irrigation in Golden Eagle Subdivision Phase II by 3.5 acres while water is diverted under Permit 37-08888 that provides for a temporary tree nursery while the subdivision is being constructed. The application is being processed simultaneously with the transfer and is conditioned to reflect the reduction of irrigated acres under these rights.

Recommended conditions included watermaster control, measuring devices & lockable controlling works, supplemental groundwater (where appropriate), irrigation overlap, combined right limits, mitigation requirements, pond requirements to compensate for initial filling & any additional annual losses, drilling permit requirement (37-02627D), existing conditions and standard transfer conditions.

MICROFILMED
SEP 28 1999



1000.0
1000.0
1000.0

T# 5423

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: A37-02632
Date Received: 7/13/1988
Receipt No: S000903
Received By: B. V. H.

*C Change of
Owner*

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

1. Name: RINKER CO. 714-979-8300
Address: P.O. BOX 7250
NEWPORT BEACH, CA 92658-7250

2. Date of Priority: MAR 29, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	18E	18	NE	SW	NE		BLAINE

5. Description of diverting works:
100 H.P. PUMP DELIVERING TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.300		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 345.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	18E	18	NE	NE		IRR	22.0
			SW	NE		IRR	32.0
			SW	NE		DOMEST	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	18	SE	NE		IRR	18.0
			NE	NW		IRR	12.0
			NE	SE		IRR	16.0
			NW	SE		IRR	15.0

Section Acres 115.0

Total Acres 115.0

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:
37-0153, 37-0154

14. Remarks:

SEE APPLIC. 37-8268 PENDING FOR EXPANSION OF THIS SAME SYSTEM.
THE 12 ACRES IRRIGATED IN THE NENW S18 IS NORTH OF THE GREENHORN
ROAD. THE LAND SOUTH OF THE ROAD (FORMERLY THE GOULD PARTNERSHIP)
IS NOW OWNED BY THE RINKER CO.

ADJ CLAIM A37-14258 IS AN EXPANSION OF THIS CLAIM PURSUANT
TO IDAHO CODE 42-1416(2)

15. Basis of Claim: LICENSE

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: _____

MICROFILMED
FEB 23 1993

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
Organization document in the space below as _____ of
_____ Title
_____ and that the statements contained in the
Organization foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

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 _____

MICROFILMED
FEB 23 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 7/1/1985

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A37-02632

☐ Name and Address of Former Owner/Claimant(s)(Seller): G.B. Gould Family Partnership

RT 4 Box 117

BUHL, Idaho 83316

☐ New Owner/Claimant (Purchaser): RINKER Co.

☐ New Mailing Address: P.O. Box 7250
Newport Beach, CA 92658

☐ New Telephone Number: (714) 979-8300

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): Harry Rinker, by Mary Lett Date 8/5/91
his attorney-in-fact Date _____

☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

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:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED
FEB 23 1992

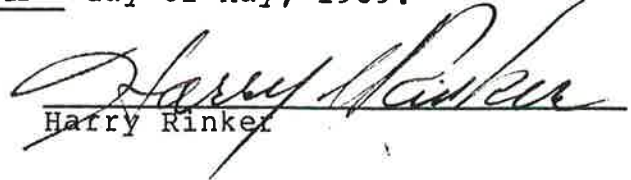
LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

Harry Rinker hereby nominates and appoints Gary D. Slette of Nelson, Rosholt, Robertson, Tolman & Tucker, P. O. Box 1906, Twin Falls, ID 83303, as attorney-in-fact with full authority to act for and on behalf of Harry Rinker to execute any and all documents required or necessary to apply for and obtain water rights for my property located in Blaine County.

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

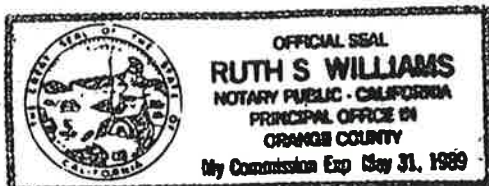
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 22nd day of May, 1989.


Harry Rinker

STATE OF California)
) ss.
County of Orange)

On this 22nd day of May, 1989, before me, a Notary Public, in and for said County and State, personally appeared Harry Rinker, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



1526m


NOTARY PUBLIC FOR CALIFORNIA
Residing at: Santa Ana, Ca
My commission expires: 5/31/89

RECORDED
INDEXED
FEB 23 1993

WARRANTY DEED

For Value Received GLENN B. GOULD FAMILY PARTNERSHIP, a partnership composed of Glenn B. Gould, Oleta Gould, Steve G. Gould, Jana L. Gould, Glenn C. Gould Trust-Glenn B. Gould Family and Ruth M. Gould Trust-Glenn B. Gould Family,

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto HARRY S. RINKER

Whose Address is: P.O. Box 7250 Newport Beach, Calif. 92663

Hereinafter called the grantee, the following described premises, in Blaine County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO.

264447
Sawtooth Title Co., Inc.
BLAINE CO.
REQUEST OF
85 JUL 8 PM 3 32
MARIE LEE CLARK
FEE \$ 80 DEPUTY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantor and to the Grantor's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 5, 1985.

GRANTOR: GLENN B. GOULD
OLETA GOULD
STEVE G. GOULD
JANA L. GOULD

GRANTOR: GLENN C. GOULD TRUST-GLENN B. GOULD
RUTH M. GOULD TRUST-GLENN B. GOULD

STATE OF IDAHO, COUNTY OF

On this 1st day of July, 1985, before me, a notary public in and for said State, personally appeared GLENN B. GOULD, known to me to be a partner of GLENN B. GOULD FAMILY PARTNERSHIP

whose name is
subscribed to the within instrument, and acknowledged to me that said partnership executed the same.

A. F. LeMay, Jr.
Notary Public
Residing at Twin Falls, Idaho
Comm. Expires 4/1/91

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at minutes past o'clock PM,
on day of ,
19 , in my office, and duly recorded in Book
of Deeds at page

Ex-Officio Recorder

By Deputy.

From \$
Mail fee

INSTRUMENT No.

MICROFILMED
FEB 23 1993

STATE OF: Idaho)
County of: Twin Falls) ss.

On July 15, 1985, before me, a Notary Public in and for said State, personally appeared Glenn B. Gould, known to me to be the Trustee of GLENN C. GOULD TRUST-GLENN B. GOULD FAMILY, a partner of GLENN B. GOULD FAMILY PARTNERSHIP, whose name is subscribed to the foregoing instrument and acknowledged to me that said partnership executed the same.

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

.....H.F. P. Moore.....
Notary Public for: Idaho
Residing at: Twin Falls

STATE OF: Idaho)
County of: Twin Falls) ss.

On July 15, 1985, before me, a Notary Public in and for said State, personally appeared Glenn B. Gould, known to me to be the Trustee of RUTH M. GOULD TRUST-GLENN B. GOULD FAMILY, a partner of GLENN B. GOULD FAMILY PARTNERSHIP, whose name is subscribed to the foregoing instrument and acknowledged to me that said partnership executed the same.

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

.....H.F. P. Moore.....
Notary Public for: Idaho
Residing at: Twin Falls

MICROFILMED
FEB 23 1993

PURCHASE \$840,000.00

Township 3 North, Range 18 East, Boise Meridian, Blaine County, Idaho

Section 7:

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

W $\frac{1}{2}$ SW $\frac{1}{4}$ West of Stock Driveway right of way, EXCEPT property platted as Valley View Subdivision, according to the official plat thereof recorded in Book 6 of Plats, page 5, Records of Blaine County, Idaho;

SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying West of Stock Driveway right of way.

Section 18:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPT therefrom the following described parcel:

A parcel of land within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 3 North, Range 18 East, Boise Meridian, Blaine County, Idaho, and more particularly described as follows:

COMMENCING at a brass cap marked W $\frac{1}{2}$ Cor., Sec. 18, T3N, R18E, said brass cap being N. 88°15'32" E., 1,835.55 feet from a brass cap marked as the Northwest corner of said Section 18;

THENCE S. 0°12'13" W., 629.73 feet to the TRUE POINT OF BEGINNING, said point being on the center line of the Greenhorn Road;

THENCE S. 0°12'13" W., 1,317.01 feet;

THENCE N. 82°43'56" E., 1,347.92 feet;

THENCE N. 0°50'37" E., 1,267.66 feet to a point on the East boundary of the Greenhorn P.U.D. Subdivision and the center line of the Greenhorn Road;

THENCE 491.42 feet along a curve to the right with a central angle of 11°54'08", a radius of 2,365.64 feet, and a long chord of 490.34 feet that bears N. 76°46'52" E., said curve being the center line of the Greenhorn Road;

THENCE N. 82°43'56" E., 852.41 feet along the center line of the Greenhorn Road to the TRUE POINT OF BEGINNING.

NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying North of the centerline of said Greenhorn Road, EXCEPT a parcel of land within the NE $\frac{1}{4}$ of Section 18, Township 3 North, Range 18 East, Boise Meridian, Blaine County, Idaho, and more particularly described as follows:

COMMENCING at a brass cap marking the W $\frac{1}{2}$ corner of said Section 18 which is S. 88°14'36" W., 2,628.08 feet from the Northeast corner of said Section 18;

THENCE S. 63°24'37" E., 1,194.89 feet to the POINT OF BEGINNING;

THENCE N. 5°13'32" E., 105.00 feet;

THENCE S. 84°46'28" E., 207.43 feet;

THENCE S. 5°13'32" W., 104.68 feet to a point on the North boundary of the Greenhorn Road easement;

THENCE 20.71 feet along a curve to the right with a central angle of 1°44'39", a radius of 680.31 feet, and a long chord of 20.71 feet that bears N. 85°38'55" W., and said curve being the north boundary of the Greenhorn Road easement;

THENCE N. 84°46'28" W., 186.72 feet along the North boundary of the Greenhorn Road easement to the POINT OF BEGINNING.

NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying North of the centerline of said Greenhorn Road and West of the Stock Driveway right of way.

EXHIBIT "A"

MICROFILMED
FEB 23 1993

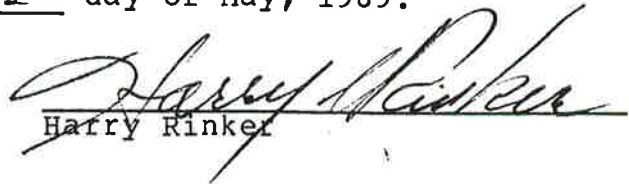
LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

Harry Rinker hereby nominates and appoints Gary D. Slette of Nelson, Rosholt, Robertson, Tolman & Tucker, P. O. Box 1906, Twin Falls, ID 83303, as attorney-in-fact with full authority to act for and on behalf of Harry Rinker to execute any and all documents required or necessary to apply for and obtain water rights for my property located in Blaine County.

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

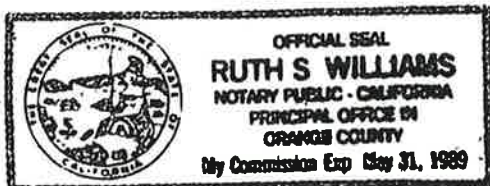
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 22nd day of May, 1989.


Harry Rinker

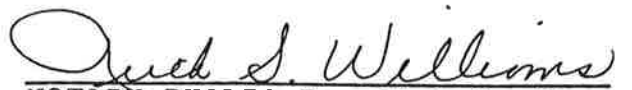
STATE OF California)
) ss.
County of Orange)

On this 22nd day of May, 1989, before me, a Notary Public, in and for said County and State, personally appeared Harry Rinker, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



1526m


NOTARY PUBLIC FOR CALIFORNIA
Residing at: Santa Ana, Ca
My commission expires: 5/31/89

NOT FILMED
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: A37-02632
Date Received: 7/08/1988
Receipt No: 5000903
Received By: Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GLENN B. GOULD FAMILY PARTNERSHIP 208-543-6256
Address: RT. 4 BOX 117
BUHL, ID 83316

AND/OR

Name: RINKER CO. 714-979-8300
Address: P.O. BOX 7250
NEWPORT BEACH, CA 926587250

2. Date of Priority: MAR 29, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	18	NE	SW	NE		BLAINE

5. Description of diverting works:
100 H.P. PUMP DELIVERING TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.300		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 345.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE

COPY

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FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	18	NE	NE		IRR	22.0
			SW	NE		IRR	32.0
			SW	NE		DOMEST	
			SE	NE		IRR	18.0
			NE	NW		IRR	12.0
			NE	SE		IRR	16.0
			NW	SE		IRR	15.0
						Section Acres	115.0
						Total Acres	115.0

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:
37-0153, 37-0154

14. Remarks:

SEE APPLIC. 37-8268 PENDING FOR EXPANSION OF THIS SAME SYSTEM.
THE 12 ACRES IRRIGATED IN THE NENW S18 IS NORTH OF THE GREENHORN
ROAD. THE LAND SOUTH OF THE ROAD OWNED BY THE GOULD PARTNERSHIP
IS PRESENTLY MANAGED BY RINKER CO. WITH AN OPTION TO BUY.

15. Basis of Claim: LICENSE

CCPY

MICROFILMED
FEB 23 1993

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

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

For Organizations:

I do solemnly swear or affirm that I am a partner of _____
Title

Henn B. Gould Family Partnership, that I have signed the foregoing
Organization

document in the space below as a partner of _____
Title

Henn B. Gould Family Partnership and that the statements contained in the
Organization
foregoing document are true and correct.

Henn B. Gould
Signature of Authorized Agent

Henn B. Gould Family Partnership
Title and Organization

July 13, 1988
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of July 19 88

Jul D Merritt
Notary Public

Seal

Residing at Kimberly, Id

My Commission Expires 6/30/94
3 Date: 07/08/88

A37-02632

Page

COPY

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FEB 23 1993

A37-02632

37-02632

Map From License
EXAM FILE



Subdivisions

5

Area

115 acres

Allow

⊙

2.30 CFS or 115 inches

total measurement

4.04 CFS

COPY

MICROFILMED
FEB 23 1993

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

28570

COPY

DICTIONARY
TWIN FALLS, IDAHO
FILED
200 FEB 6 PM 12 03

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. 37-153A, 37-154C,
) 37-364D, 37-2627C, 37-2632,
) 37-14260A, 37-20749, 37-22060
)
)

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING
)

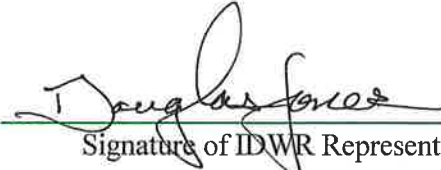
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

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: 1/22/08


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/6, 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

Golden Eagle Ranch Homeowners Assn Inc
c/o Sun Country Management
PO Box 1932
Ketchum ID 83340

Albert Barker
Barker Rosholt & Simpson
PO Box 2139
Boise ID 83701

Brian Ballard
Hawley Troxell Ennis & Hawley
PO Box 1617
Boise ID 83701-1617

Scott Campbell
Moffatt Thomas Barrett Rock & Fields
PO Box 829
Boise ID 83701

Rinker Co
Wood River Properties
PO Box 7250
Newport Beach CA 92658

Glenn B Gould Family Partnership
1876 E 4300 N
Buhl ID 83316

James P Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340

Craig Hobdey
PO Box 176
Gooding ID 83330



Signature of person or attorney mailing the form

01/15/2008

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

RIGHT NUMBER: 37-153A

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: GREENHORN CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 4.740 CFS

PRIORITY DATE: 09/01/1885

POINT OF
DIVERSION:

T03N R18E S18 SWSWNE Within BLAINE County
T03N R18E S18 NESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	4.740 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S18	NENE	12.00	T03N R18E S18	NWNE	20.00
T03N R18E S18	SWNE	32.00	T03N R18E S18	SENE	18.00
T03N R18E S18	NESE	16.00	T03N R18E S18	NWSE	15.00

113 ACRES TOTAL

Right Nos. 37-153A, 37-154C, 37-2627C and 37-2632 are limited to the
irrigation of a combined total of 142.4 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

01/15/2008

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

RIGHT NUMBER: 37-154C

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 8.850 CFS
756.00 AFY

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

The total instantaneous diversion of water from all points of diversion under Right 37-00154C shall not exceed 8.85 cfs, nor total combined annual volume of 756.0 af.

PRIORITY DATE: 12/13/1887

POINT OF
DIVERSION:

T03N R18E S18 NENE Within BLAINE County
T03N R18E S32 SENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	6.000 CFS 257.60 AFY
AESTHETIC	01/01 12/31	6.000 CFS 257.60 AFY
IRRIGATION	04/15 10/31	2.850 CFS 498.40 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07	SESW	12.20	T03N R18E S07	SWSE	8.20
T03N R18E S07	SESE	2.60	T03N R18E S18	NENE	15.90
T03N R18E S18	NWNE	25.70	T03N R18E S18	SWNE	24.10
T03N R18E S18	SENE	13.50	T03N R18E S18	NENW	12.90
T03N R18E S18	SENW	2.10	T03N R18E S18	NESE	12.60
T03N R18E S18	NWSE	11.90	T03N R18E S18	SWSE	0.40
T03N R18E S18	SESE	0.30			

RECREATION in BLAINE County

T03N R18E S32 SENW

AESTHETIC in BLAINE County

T03N R18E S32 SENW

142.4 ACRES TOTAL

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

Irrigation of 5.0 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627D for irrigation of 5.0 acres in Ohio Gulch, and irrigation of 18.4 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627C to provide for storage uses in the pond system.

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

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

The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of the transfer approval.

Approval of transfer no. 5423 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.

The right holder shall install and maintain a diversion monitoring system to measure the diverted volume on a monthly basis from both diversions identified above. Monthly volumes and the total annual diversion will be reported to the Department and the watermaster.

Failure of the right holder to comply with the conditions of transfer no. 5423 is cause for the Director to rescind approval of the transfer.

That portion of Right No. 37-00154C for recreation and aesthetics moved to Purdum Slough is subordinated to all other rights in the slough to prevent injury.

01/15/2008

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

RIGHT NUMBER: 37-364D

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.240 CFS
56.00 AFY

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

PRIORITY DATE: 05/01/1887

POINT OF
DIVERSION:

T03N R18E S18 NENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.240 CFS 56.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S07 SWSE 16.00

16 ACRES TOTAL

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

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

Failure of the right holder to comply with the conditions of transfer no. 5423 is cause for the Director to rescind approval of the transfer.

Use of water under Right 37-00364D may be affected by an agreement between the protestant of Transfer 4824 and the right holder.

Approval of transfer no. 5423 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of the transfer approval.

01/15/2008

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

RIGHT NUMBER: 37-2627C

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.150 CFS
183.60 AFY

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 98.0 af, irrigation the following year shall be reduced by 1.0 acre for every 2.5 af required to increase the volume to 98.0 af.

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

The total instantaneous diversion of water from all points of diversion under Right 37-02627C shall not exceed 1.15 cfs, nor total combined annual volume of 183.6 af.

PRIORITY DATE: 12/09/1959

POINT OF
DIVERSION:

T03N R18E S18 SWNE Within BLAINE County
T03N R18E S18 NESE Within BLAINE County
T03N R18E S18 NWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION STORAGE	01/01 12/31	144.00 AFY
IRRIGATION	04/15 10/31	0.790 CFS 137.60 AFY
DIVERSION TO STORAGE	01/01 12/31	1.150 CFS 46.00 AFY
AESTHETIC STORAGE	01/01 12/31	144.00 AFY
RECREATION STORAGE	01/01 12/31	144.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S07	SESW	3.80	T03N R18E S07	SWSE	24.20
T03N R18E S07	SESE	2.60	T03N R18E S18	NENW	8.70

RECREATION STORAGE in BLAINE County

T03N R18E S07	SESW	T03N R18E S07	NWSE
T03N R18E S07	SWSE	T03N R18E S07	SESE
T03N R18E S18	NENE	T03N R18E S18	NWNE
T03N R18E S18	NENW		

FIRE PROTECTION STORAGE in BLAINE County

T03N R18E S07	SESW	T03N R18E S07	NWSE
T03N R18E S07	SWSE	T03N R18E S07	SESE
T03N R18E S18	NENE	T03N R18E S18	NWNE
T03N R18E S18	NENW		

AESTHETIC STORAGE in BLAINE County

T03N R18E S07	SESW	T03N R18E S07	NWSE
T03N R18E S07	SWSE	T03N R18E S07	SESE
T03N R18E S18	NENE	T03N R18E S18	NWNE
T03N R18E S18	NENW		

39.3 ACRES TOTAL

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

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

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

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.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of the transfer approval.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

The right holder shall maintain a totalizing measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.

Failure of the right holder to comply with the conditions of transfer no. 5423 is cause for the Director to rescind approval of the transfer.

The first year that water is diverted to recreation, fire protection and aesthetic storage uses as authorized under Transfer 5423, the irrigation use within Golden Eagle Subdivision II shall be limited to 23.1 total acres of the 80.7 acres allowed.

The Director maintains jurisdiction of Transfer 5045 up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion located in the SWNE, S18, T03N, R18E.

Use of water under Right 37-02627C may be affected by an agreement between the protestant of Transfer 5045 and the right holder.

01/15/2008

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

RIGHT NUMBER: 37-2632

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.300 CFS
402.50 AFY

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 79.0 af, irrigation the following year shall be reduced by 1.0 acre for every 3.5 af required to increase the volume to 79.0 af.

The total instantaneous diversion of water from all points of diversion under Right 37-02632 shall not exceed 2.30 cfs, nor total combined annual volume of 402.5 af.

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

The first year that water is diverted to aesthetic, recreation and fire protection storage uses approved under Transfer 4825, the irrigation use under this right shall be limited to 1.49 cfs and 260.5 afa.

PRIORITY DATE: 03/29/1960

POINT OF
DIVERSION:

T03N R18E S18 SWNE Within BLAINE County
T03N R18E S18 NESE Within BLAINE County
T03N R18E S18 NWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	2.300 CFS
AESTHETIC STORAGE	01/01 12/31	142.00 AFY
RECREATION STORAGE	01/01 12/31	142.00 AFY
IRRIGATION	04/15 10/31	1.940 CFS 339.50 AFY
FIRE PROTECTION STORAGE	01/01 12/31	142.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S07	SESW	8.40	T03N R18E S18	NENE	13.80
T03N R18E S18	NWNE	22.20	T03N R18E S18	SWNE	17.90
T03N R18E S18	SENE	9.20	T03N R18E S18	NENW	4.20
T03N R18E S18	SENW	1.50	T03N R18E S18	NESE	9.90
T03N R18E S18	NWSE	9.40	T03N R18E S18	SWSE	0.30
T03N R18E S18	SESE	0.20			

RECREATION STORAGE in BLAINE County

T03N R18E S18	NWNE	T03N R18E S18	SWNE
T03N R18E S18	NESE	T03N R18E S18	NWSE

FIRE PROTECTION STORAGE in BLAINE County

T03N R18E S18	NWNE	T03N R18E S18	SWNE
T03N R18E S18	NESE	T03N R18E S18	NWSE

AESTHETIC STORAGE in BLAINE County

T03N R18E S18	NWNE	T03N R18E S18	SWNE
T03N R18E S18	NESE	T03N R18E S18	NWSE

97 ACRES TOTAL

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

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 right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of the transfer approval.

Approval of transfer no. 5423 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Failure of the right holder to comply with the conditions of transfer no. 5423 is cause for the Director to rescind approval of the transfer.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point in a manner that will provide the watermaster suitable control of the diversions.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 63.0 afa associated with the 18.0 acres no longer irrigated.

01/15/2008

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

RIGHT NUMBER: 37-14260A

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.080 CFS
15.40 AFY

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

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S18 NENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.080 CFS 15.40 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07 SESW 4.40

4.4 ACRES TOTAL

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Approval of transfer no. 5423 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Use of water under Right 37-30028 may be affected by an agreement between the protestant of Transfer 4826 and the right holder.

Failure of the right holder to comply with the conditions of transfer no. 5423 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of this approval.

01/15/2008

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

RIGHT NUMBER: 37-20749

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.020 CFS
3.50 AFY

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S18 SENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.020 CFS 3.50 AFY

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

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07 SESW 1.00

1 ACRES TOTAL

Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 , 37-20748, and 37-20749 when combined shall not exceed the irrigation of 186.8 acres; 14.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Place of use is located within Lot 2, Blk. 1, Golden Eagle Ranch #2 Subdivision.

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

Use of water under Right 37-20749 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

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

01/15/2008

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

RIGHT NUMBER: 37-22060

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.127 CFS
30.40 AFY

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

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S18 SENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.127 CFS 30.40 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07	NWSE 8.20	T03N R18E S07	SESE	0.50
---------------	-----------	---------------	------	------

8.7 ACRES TOTAL

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749, 37-22060, 37-22061, 37-22062 and 37-22063 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

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

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

Use of water under Rights 37-22060, 37-22061, 37-22062 and 37-22063 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

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

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This right is a split from former right 37-20750.

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



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

February 6, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

GOLDEN EAGLE RANCH HOMEOWNERS ASSN INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

RE: SRBA Claim(s) 37-153A, 37-154C, 37-364D, 37-2627C,
37-2632, 37-14260A, 37-20749, 37-22060

Dear Claimants:

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: Brian Ballard
Rinker Co. & Wood River Properties
James P. Speck
Albert Barker
Scott Campbell
Glenn B. Gould Family Partnership
Craig Hobdey

RECEIVED

DEC 28 2007

DEPARTMENT OF
WATER RESOURCES

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
Adj 37-154C			Adj 37-2632		
Adj 37-364D			Adj 37-153A		
37-14260A			LLC 37-8854		
37-20749			Partial 37-8881		
37-22060					
37-2627C					

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) or claim(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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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 OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) The Rinker Company
Wood River Properties, Inc.
Golden Eagle LLC
4. New Owner/Claimant(s) Golden Eagle Ranch Homeowners Association, Inc.
Name Connector (Check one): ☐ and ☐ or, ☐ and/or
- New Mailing Address c/o Sun Country Management, P.O. Box 1932
- City, State and ZIP Code Ketchum, ID 83340
- New Telephone Number (208) 726-3858 Email: sunco1007@cox-internet.com

SCANNED

JAN 06 2008

5. Date you acquired the property 1/2/97 and 10/2/07 (see attached)
6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if necessary). If your quantity of water is greater than a 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s) By: Golden Eagle Ranch Homeowners Association, Inc.
Timothy Harris, Pres. (title if applicable)
 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by [Signature]
 Received by [Signature]
 Processed by AJ

Date 12-31-07
 Date 12-31-07
 Date _____

Receipt Amt \$50.00
 Receipt No C085605
 WR _____ Date _____

SCANNED

JAN 08 2008

Recording Requested By and
When Recorded Return to:
Brian L. Ballard
Hawley Troxell Ennis & Hawley LLP
P.O. Box 1617
Boise, Idaho 83701

Instrument # 552048

HAILEY, BLAINE, IDAHO
2007-10-02 04:15:00 No. of Pages: 3
Recorded for : HAWLEY, TROXELL, ENNIS
JOLYNN DRAGE Fee: 9.00
Ex-Officio Recorder Deputy
Index to: CORRECTION DEED

ympp

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

CORRECTION AND QUITCLAIM DEED AND ASSIGNMENT

FOR VALUE RECEIVED, **THE RINKER COMPANY**, a California corporation, **WOOD RIVER PROPERTIES, INC.**, a California corporation, and **GOLDEN EAGLE LLC**, a California limited liability company (collectively, "**GRANTORS**"), do hereby assign, transfer, release and forever quitclaim unto **GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC.**, an Idaho nonprofit corporation ("**GRANTEE**"), whose address is c/o Sun Country Management, P.O. Box 1932, Ketchum, Idaho 83340, all right, title and interest Grantors may have, if any, in and to the following described water rights, identified by the following water right numbers:

#37-154C
#37-364D
#37-14260A
#37-20749
#37-22060
#37-2627C
#37-2632
#37-153A
#37-8854
#37-8881

Said water rights are conveyed without warranty or representation by Grantors, as the same may be a part of the Water System located within **GOLDEN EAGLE RANCH SUBDIVISION**, according to the Official Plat thereof, recorded on the January 2, 1997, as Instrument No. 397902, Official Records, Blaine County, Idaho and **GOLDEN EAGLE RANCH II SUBDIVISION**, according to the Official Plat thereof, recorded on the February 1, 2001, as Instrument No. 447435, Official Records, Blaine County, Idaho.

This Correction and Quitclaim Deed and Assignment is made to correct the ownership records of the Idaho Department of Water Resources and to clarify ownership of the above described water rights, pursuant to that certain **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GOLDEN EAGLE RANCH SUBDIVISION**, recorded January 2, 1997, as Instrument No. 397903, Official Records, Blaine County, Idaho ("**Master Declaration**"), and that certain **SUPPLEMENTAL DECLARATION OF ANNEXATION TO GOLDEN EAGLE RANCH SUBDIVISION AND SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GOLDEN EAGLE RANCH II SUBDIVISION AND ACKNOWLEDGEMENT AND CONSENT**, recorded January 31, 2001, as Instrument No. 447431, Official Records, Blaine County, Idaho ("**Supplemental Declaration**"), as such Master Declaration and Supplemental Declaration have been amended. This Correction and Quitclaim Deed and Assignment is made pursuant to Article 8 (Water System) of the Master Declaration, in particular Section 8.1 thereof, which provides, among other things,

that all water rights related to the Water System shall be owned only by the Association, and not individual Owners

Executed this 6th day of September, 2007.

THE RINKER COMPANY,
a California corporation

By: [Signature]
Harry S. Rinker, President

WOOD RIVER PROPERTIES, INC.
a California corporation

By: [Signature]
Harry S. Rinker, President

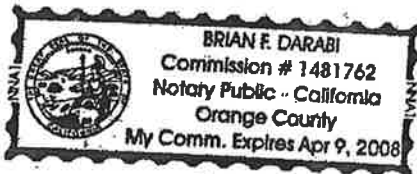
GOLDEN EAGLE LLC,
a California limited liability company

By: Wood River Properties, Inc.,
a California corporation, Member
By: [Signature]
Harry S. Rinker, President

State of California }
County of Orange } ss

On this 6th day of September 2007, before me, the undersigned, personally appeared HARRY S. RINKER, known or identified to me to be the president of THE RINKER COMPANY and the president of WOOD RIVER PROPERTIES, INC., the corporations that executed the instrument or the person who executed the instrument on behalf of said corporations, and acknowledged to me that such corporations executed the same

WITNESS my hand and official seal



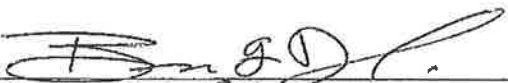
[Signature]
Notary Public for California
Residing at Orange County
My commission expires April 9, 2008

State of California }
County of Orange } ss

On this 6th day of September, 2007, before me, the undersigned, personally appeared HARRY S. RINKER, known or identified to me to be President of Wood River Properties, Inc., the member of the limited liability company of GOLDEN EAGLE LLC, and the member who subscribed said company name to the foregoing instrument, and acknowledged to me that he executed the same in said company name.

WITNESS my hand and official seal.




Notary Public for California
Residing at Orange County
My commission expires April 9, 2008



RECEIVED

DEC 28 2007

DEPARTMENT OF
WATER RESOURCES

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

GARRETT MAUGHAN
LEGAL ADMINISTRATIVE ASSISTANT
EMAIL: GMAU@HTEH.COM
DIRECT DIAL: (208) 388-4883

December 28, 2007

VIA HAND DELIVERY

Jeff Peppersack
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: *Notice of Change in Water Right Ownership and Assignment of Permit*

Dear Jeff,

Per our telephone conversation regarding the above referenced matter, please find enclosed our Notice of Change in Water Right Ownership with attached Correction and Quitclaim Deed and Assignment. Also enclosed is our check in the amount of \$50.00 for filing fees (\$25.00 each for Water Right Nos. 37-8854 and 37-8881.) Please review the attached Deed and verify that the language is sufficient for the assignment of permit of Water Right No. 37-8881.

If there are any questions or concerns, please contact me directly.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

Garrett Maughan
Assistant to Brian Ballard

Enclosures

SCANNED

IAN 08 2008

42149.0001.1117394.1

01/02/2007

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

RIGHT NUMBER: 37-2632

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

SOURCE: GROUND WATER

TRIBUTARY:

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

QUANTITY: 2.300 CFS
402.500 AFY

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 79.0 af, irrigation the following year shall be reduced by 1.0 acre for every 3.5 af required to increase the volume to 79.0 af.

The total instantaneous diversion of water from all points of diversion under Right 37-02632 shall not exceed 2.30 cfs, nor total combined annual volume of 402.5 af.

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

The first year that water is diverted to aesthetic, recreation and fire protection storage uses approved under Transfer 4825, the irrigation use under this right shall be limited to 1.49 cfs and 260.5 afa.

PRIORITY DATE: 03/29/1960

POINT OF DIVERSION:

T03N R18E S18 SWNE Within BLAINE County
T03N R18E S18 NESE Within BLAINE County
T03N R18E S18 NWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	2.300 CFS
AESTHETIC STORAGE	01/01 12/31	142.00 AFY
RECREATION STORAGE	01/01 12/31	142.00 AFY
IRRIGATION	04/15 10/31	1.940 CFS
		339.50 AFY
FIRE PROTECTION STORAGE	01/01 12/31	142.00 AFY

01/02/2007

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

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07	SESW	8.40	T03N R18E S18	NENE	13.80
T03N R18E S18	NWNE	22.20	T03N R18E S18	SWNE	17.90
T03N R18E S18	SENE	9.20	T03N R18E S18	NENW	4.20
T03N R18E S18	SENW	1.50	T03N R18E S18	NESE	9.90
T03N R18E S18	NWSE	9.40	T03N R18E S18	SWSE	0.30
T03N R18E S18	SESE	0.20			

97 ACRES TOTAL

RECREATION STORAGE in BLAINE County

T03N R18E S18	NWNE	T03N R18E S18	SWNE
T03N R18E S18	NESE	T03N R18E S18	NWSE

FIRE PROTECTION STORAGE in BLAINE County

T03N R18E S18	NWNE	T03N R18E S18	SWNE
T03N R18E S18	NESE	T03N R18E S18	NWSE

AESTHETIC STORAGE in BLAINE County

T03N R18E S18	NWNE	T03N R18E S18	SWNE
T03N R18E S18	NESE	T03N R18E S18	NWSE

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

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 - License

The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of the transfer approval.

Approval of transfer no. 5423 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Failure of the right holder to comply with the conditions of transfer no. 5423 is cause for the Director to rescind approval of the transfer.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point in a manner that will provide the watermaster suitable control of the diversions.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 63.0 afa associated with the 18.0 acres no longer irrigated.



Idaho Department of Water Resources

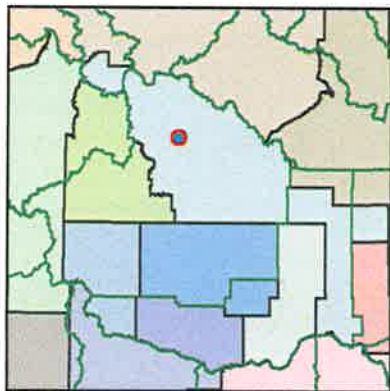
SRBA Recommendation:

37-2632

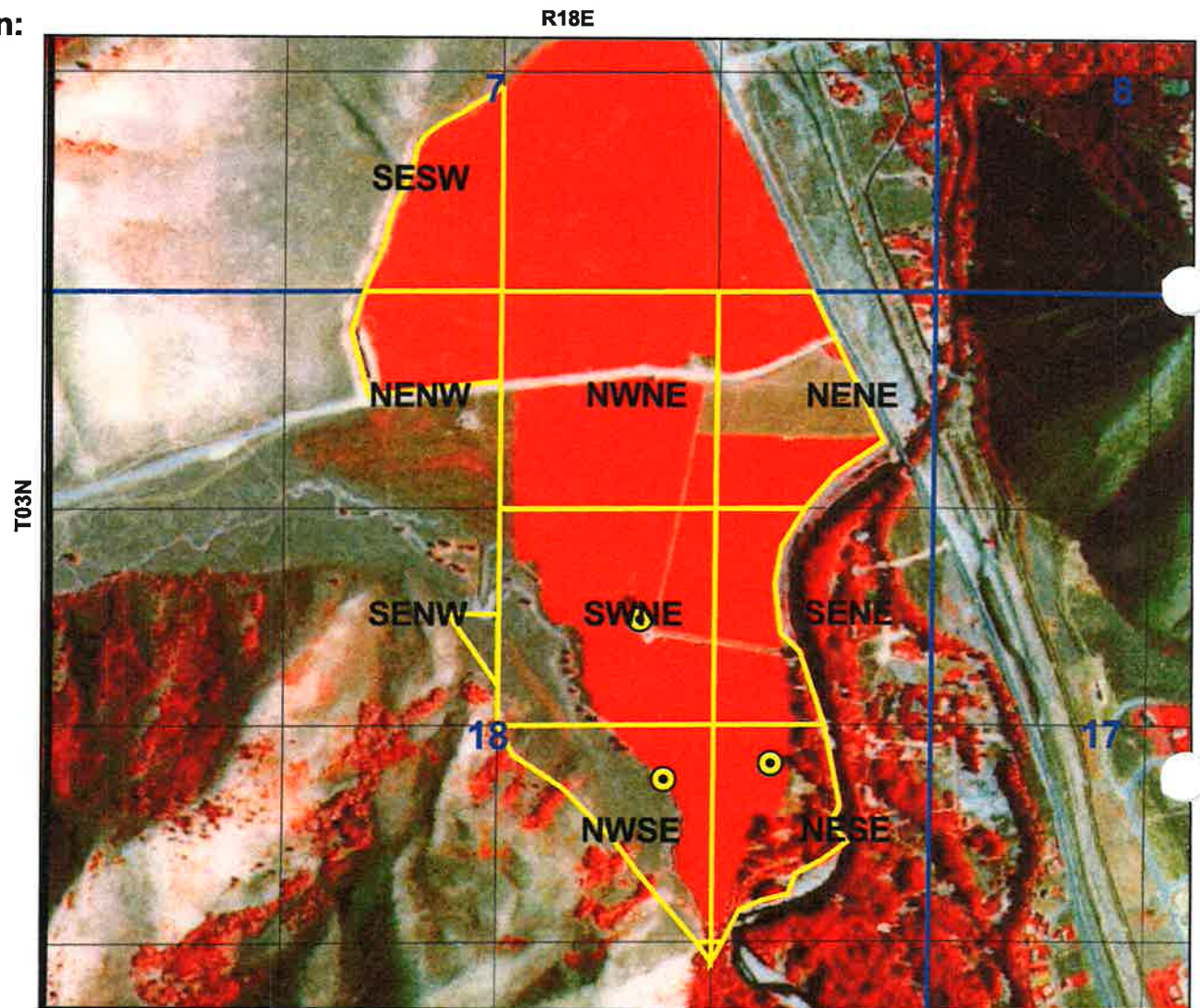
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.5 1 Miles

Prepared by L. Graves
On Friday, December 29, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-2632 V1

WATER RIGHT NUMBER: 37-2632 V1

<u>Owner Type</u>	<u>Name and Address</u>
Representative	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301
Trustee	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300
Original Owner	GLENN DALE RANCHES INC 1844 E 4300 N BUHL, ID 83316 (208)543-4131
Current Owner	RINKER CO PO BOX 7250 NEWPORT BEACH, CA 92658 (714)979-8300

Priority Date: 03/29/1960

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	01/01 to 12/31	2.300 CFS	
AESTHETIC STORAGE	01/01 to 12/31		142.00 AF
RECREATION STORAGE	01/01 to 12/31		142.00 AF
IRRIGATION	04/15 to 10/31	1.940 CFS	339.50 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		142.00 AF
	<u>Total Diversion:</u>	2.300 CFS	402.50 AF

Location of Point(s) of Diversion

GROUND WATER BLAINE County	SW1/4NE1/4	Sec. 18, Twp 03N, Rge 18E, B.M.
GROUND WATER BLAINE County	NW1/4SE1/4	Sec. 18, Twp 03N, Rge 18E, B.M.
GROUND WATER BLAINE County	NE1/4SE1/4	Sec. 18, Twp 03N, Rge 18E, B.M.

Place of Use

AESTHETIC STORAGE

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

RECREATION STORAGE

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

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 18E 7												8.4					8.4
03N 18E 18	13.8	22.2	17.9	9.2	4.2			1.5					9.9	9.4	.3	.2	88.6

Total Acres: 97

FIRE PROTECTION STORAGE

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

Conditions of Approval:

1. Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.
2. Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 79.0 af, irrigation the following year shall be reduced by 1.0 acre for every 3.5 af required to increase the volume to 79.0 af.
5. T07 The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of the transfer approval.
6. T04 Approval of transfer no. 5423 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

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7. 079 This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
8. The total instantaneous diversion of water from all points of diversion under Right 37-02632 shall not exceed 2.30 cfs, nor total combined annual volume of 402.5 af.
9. T08 Failure of the right holder to comply with the conditions of transfer no. 5423 is cause for the Director to rescind approval of the transfer.
10. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point in a manner that will provide the watermaster suitable control of the diversions.
11. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
12. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
13. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
14. The first year that water is diverted to aesthetic, recreation and fire protection storage uses approved under Transfer 4825, the irrigation use under this right shall be limited to 1.49 cfs and 260.5 afa.
15. The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 63.0 afa associated with the 18.0 acres no longer irrigated.

Remarks:Comments:

1. Igraves 12/27/2006 History

Comment: This right has been subject to transfer nos. 3250, 4825 and 5423. The claim was recommended per approved transfer no. 5423.

2. Igraves 12/27/2006 Conditions

Comment: The combined p/u/acre limit condition resulting from approved transfer no. 5423 has been updated due to the approval of transfer nos. 70090 and 70109 on associated rights.

3. Igraves 1/2/2007 Season of Use

Comment: Season of use was not originally licensed.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number: 37

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

09/27/2006

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

RIGHT NUMBER: 37-2632

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

SOURCE: GROUND WATER

TRIBUTARY:

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

QUANTITY: 2.300 CFS
402.500 AFY

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 79.0 af, irrigation the following year shall be reduced by 1.0 acre for every 3.5 af required to increase the volume to 79.0 af.

The total instantaneous diversion of water from all points of diversion under Right 37-02632 shall not exceed 2.30 cfs, nor total combined annual volume of 402.5 af.

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

The first year that water is diverted to aesthetic, recreation and fire protection storage uses approved under Transfer 4825, the irrigation use under this right shall be limited to 1.49 cfs and 260.5 afa.

PRIORITY DATE: 03/29/1960

POINT OF DIVERSION:

T03N R18E S18 SWNE Within BLAINE County

T03N R18E S18 NESE Within BLAINE County

T03N R18E S18 NWSE Within BLAINE County

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	2.300 CFS
AESTHETIC STORAGE	01/01 12/31	142.00 AFY
RECREATION STORAGE	01/01 12/31	142.00 AFY
IRRIGATION	04/15 10/15	1.940 CFS 339.50 AFY
FIRE PROTECTION STORAGE	01/01 12/31	142.00 AFY

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

09/27/2006

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

PLACE OF USE: IRRIGATION Within BLAINE County

T03N R18E S07	SESW	8.40	T03N R18E S18	NENE	13.80
T03N R18E S18	NWNE	22.20	T03N R18E S18	SWNE	17.90
T03N R18E S18	SENE	9.20	T03N R18E S18	NENW	4.20
T03N R18E S18	SENW	1.50	T03N R18E S18	NESE	9.90
T03N R18E S18	NWSE	9.40	T03N R18E S18	SWSE	0.30
T03N R18E S18	SESE	0.20			

RECREATION STORAGE Within BLAINE County

T03N R18E S18	NWNE		T03N R18E S18	SWNE	
T03N R18E S18	NESE		T03N R18E S18	NWSE	

97 ACRES TOTAL

Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

The first year that water is diverted to aesthetic, recreation and fire protection storage uses approved under Transfer 4825, the irrigation use under this right shall be limited to 74.5 acres.

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 - License

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 63.0 afa associated with the 18.0 acres no longer irrigated.



Idaho Department of Water Resources

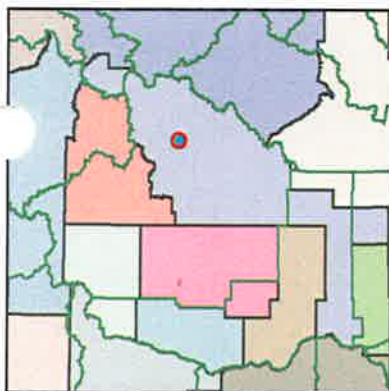
SRBA Recommendation:

37-2632

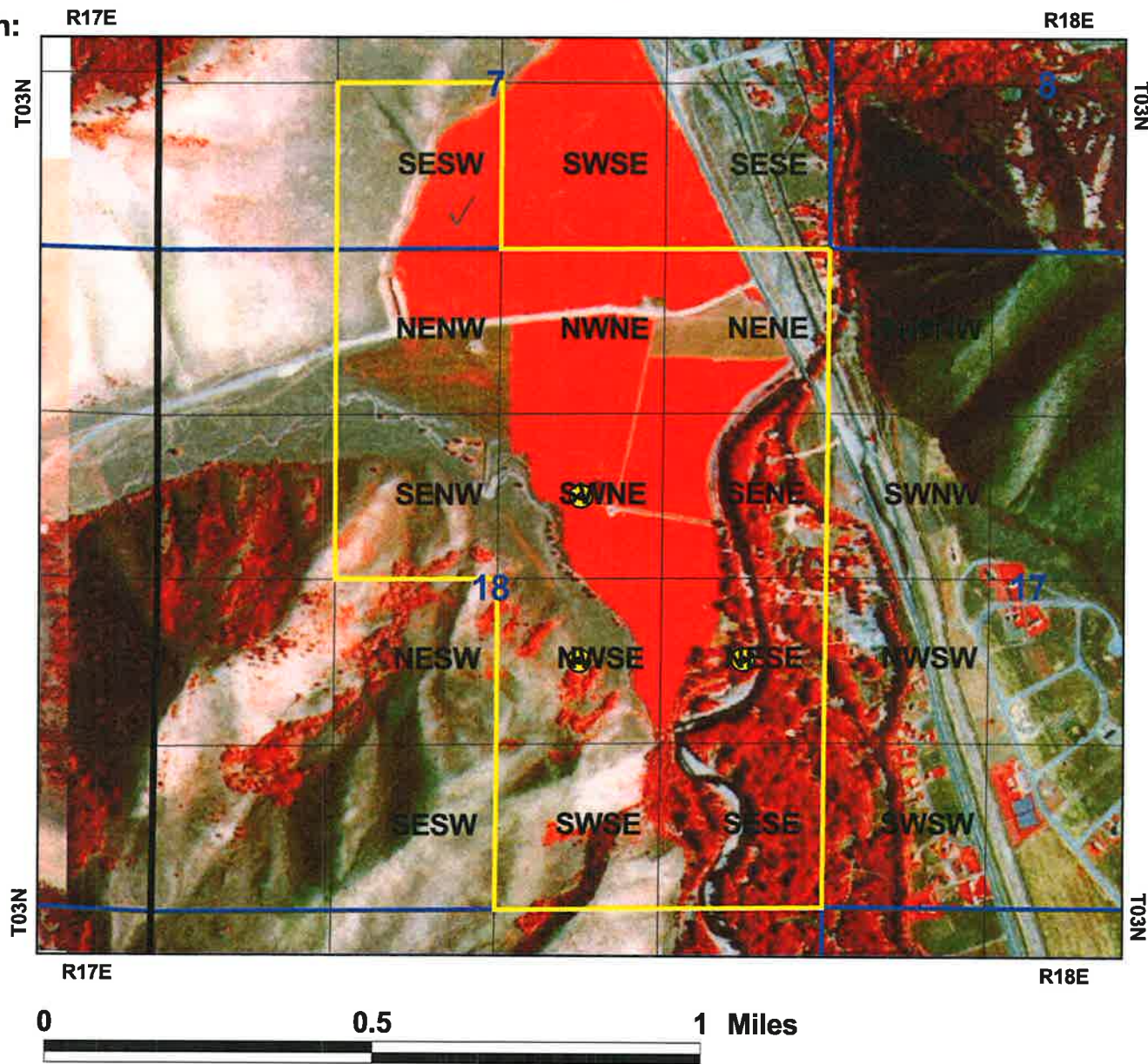
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



Prepared by E. NORQUES
On Wednesday, September 27, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

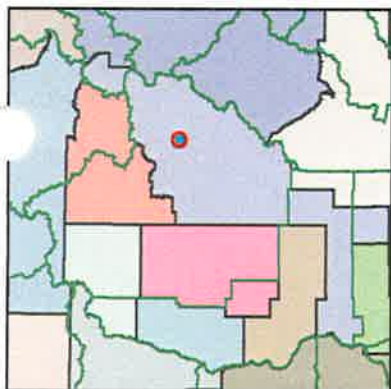
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(Irrigation)

Legend

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