

AMENDED

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-4192

Date Received _____

Receipt Number _____

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 25 2008

Please type or print clearly

1. Name of Claimant (s) Harry S. and Diane J. Rinker Revocable Trust Phone (714) 979-8300

Mailing Address P.O. Box 7250, Newport Beach, CA Zip 92658

2. Date of Priority (Only one (1) per claim) 4/1/1926

3. Source of water supply (a) Rock Creek and Little Rock Creek

which is tributary to (b) Big Wood River

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

Additional points of diversion if any: OK Little Rock Creek
NWSE, SWSE, SENE, Section 12, T. 1 S., R. 17 E.

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

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

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

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 4/15 to 10/31 amount 1.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.2 (cfs) and / or (b) _____ (acre feet)

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

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

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	17E	12				2.5													2.5
1S	17E	13			16.8	15.2													32.0

Total number of acres irrigated 34.5

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

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

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

_____ Or None ☐

14. Remarks:

POD in SENE Section 12 is Little Rock Creek; others are Rock Creek. Tributary is listed as Big Wood River, but Rock Creek is a dry stream as indicated in the Frost Decree and SRBA general provisions.

Last Name _____ Ident. No. _____

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

If applicable provide IDWR Water Right Number 37-4192
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

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

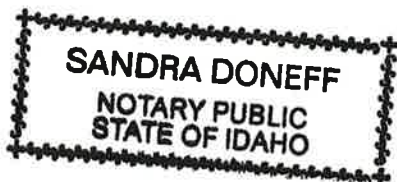
For Organizations: I do solemnly swear of affirm that I am Trustee Title _____
Of Harry S. & Diane J. Rinker Revocable Trust Organization _____ that I have signed the foregoing Document in the space
below as Trustee Title _____ of Harry S. & Diane J. Rinker Revocable Trust Organization _____

And that the statements contained in the foregoing document are true and correct
Signature of Authorized Agent [Signature]
Title and Organization Power of Attorney for Harry S. Rinker Date 11/19/08

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

Subscribed and sworn (or affirmed) before me this 19th day of November, 20 08.

SEAL



Notary Public [Signature]
Residing at 2202 Alex De Filer, ID
My Commission Expires 11/3/2014

Please Print Name

17. Notice of Appearance:

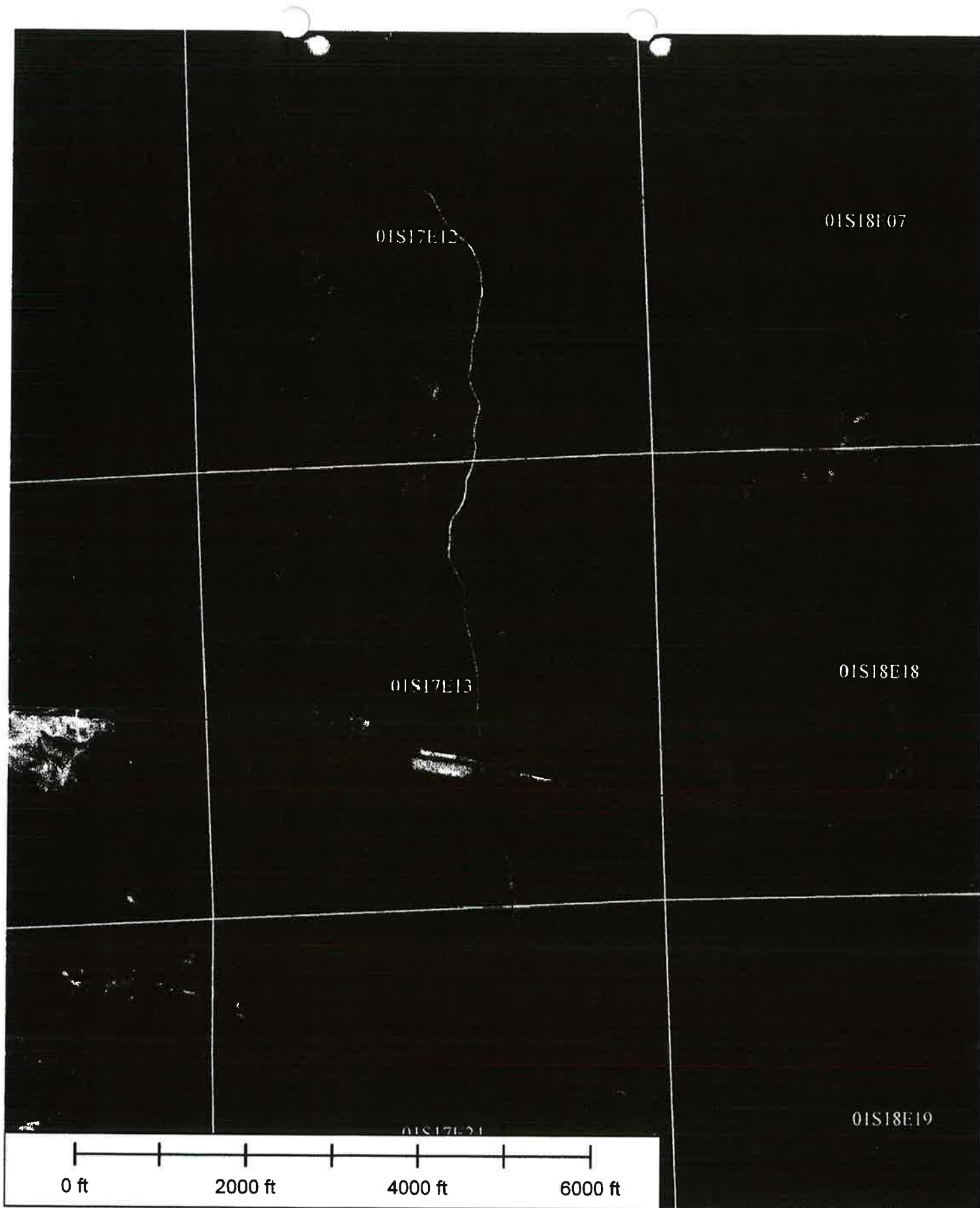
Notice is hereby given that I, _____ will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____



RINKER, HARRY
AMENDED SRBA CLAIM 37-4192

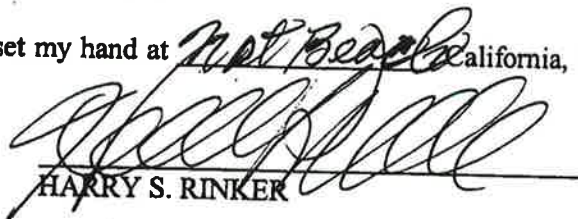
SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

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

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

IN WITNESS WHEREOF, I have hereunto set my hand at Not Beach California, this 4th day of April, 2008.


HARRY S. RINKER

STATE OF _____)

County of _____)

:ss

See attached

On this ____ day of March, 2008, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **HARRY S. RINKER**, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same.

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

NOTARY PUBLIC for _____
Residing at _____
Comm Expires: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On 04/04/08
Date

before me,

Georgianna Thurman
Here Insert Name and Title of the Officer

personally appeared

Harry J. Rinker
Name(s) of Signer(s)



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

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

WITNESS my hand and official seal.

Place Notary Seal Above

Signature

Georgianna Thurman
Signature of Notary Public

OPTIONAL

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

Description of Attached Document

Title or Type of Document:

Special Power of Attorney (Charles E. Blackway)

Document Date:

N/A

Number of Pages:

1

Signer(s) Other Than Named Above:

None

Capacity(ies) Claimed by Signer(s)

Signer's Name:

Harry J. Rinker

☒ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

Signer's Name:

☐ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here



RIGHT THUMBPRINT
OF SIGNER
Top of thumb here



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

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARGUERITE E. TEWS 208-886-2822
Address: P. O. BOX 161
SHOSHONE, ID 83352

OR

Name: LAWRENCE Z. TEWS 208-886-7585
Address: 680 N. 350 W.
SHOSHONE, ID 83352

OR

Name: WILLIAM G. TEWS 208-324-2805
Address: 513 GOLF COURSE RD.
JEROME, ID 83338

2. Date of Priority: APR 01, 1926

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

4. Point of Diversion:

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

5. Description of diverting works:
CHECK DAMS & DITCHES

6. Water is used for the following purposes:

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

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

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

A37-04192

Page 1

Date: 09/14/88

MICROFILMED
FEB 23 1993

9. Non-irrigation uses:

10. Place of Use:

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

11. Place of use in counties: BLAINE

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

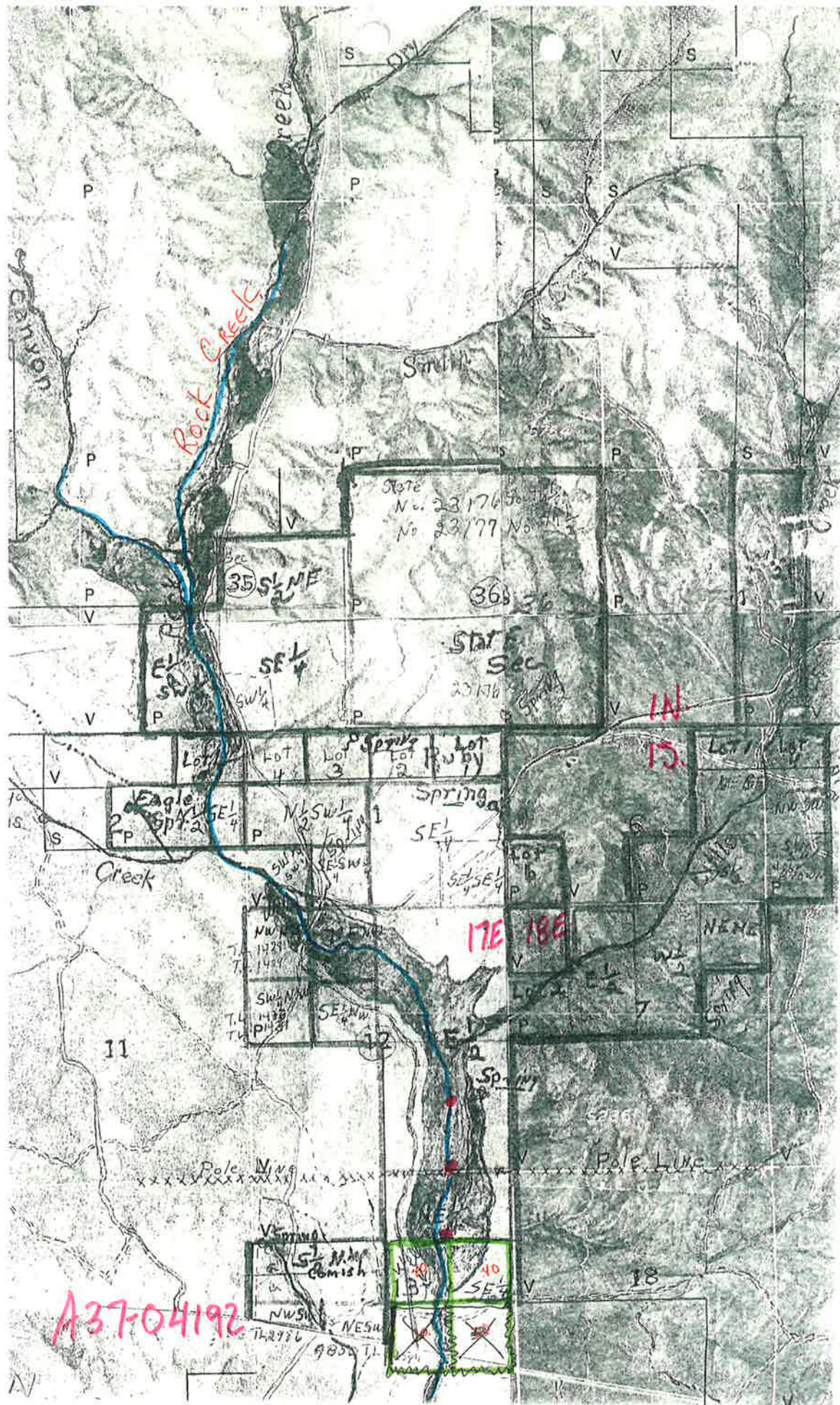
13. Other Water Rights Used:
A37-01150

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

(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.

09/14/88
MICROFILMED
FEB 23 1993



STANDARD FORM 5

10/26/2010

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

RIGHT NUMBER: 37-4192

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

SOURCE: LITTLE ROCK CREEK
ROCK CREEK
TRIBUTARY: ROCK CREEK
TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 12/31/1937

POINT OF
DIVERSION:

T01S R17E S1 SWSW Within BLAINE County
T01S R17E S12 SENE Within BLAINE County
T01S R17E S12 SWSE Within BLAINE County

KKC

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: IRRIGATION in BLAINE County

T01S R17E S12	NWNE	7.80	T01S R17E S12	SWNE	34.00
T01S R17E S12	SENE	16.00	T01S R17E S12	NENW	30.00
T01S R17E S12	NWNW	15.00	T01S R17E S12	SENW	11.00
T01S R17E S12	NESE	10.00	T01S R17E S12	NWSE	17.00
T01S R17E S12	SWSE	18.00	T01S R17E S12	SESE	16.00
T01S R17E S13	NENE	20.00	T01S R17E S13	NWNE	25.00
T01S R17E S13	SWNE	16.00	T01S R17E S13	SENE	14.00

249.8 ACRES TOTAL

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

This right is limited to the irrigation of 32.5 acres within the place of use described above in a single irrigation season.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

10/26/2010

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

ADR

RIGHT NUMBER: 37-4192
NAME AND ADDRESS: HARRY S & DIANE J RINKER REVOCABLE TRUST
PO BOX 7250
NEWPORT BEACH CA 92658

VERIFIED BY KKC
10-26-2010

SOURCE: LITTLE ROCK CREEK
ROCK CREEK
TRIBUTARY: ROCK CREEK
TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 12/31/1937

POINT OF
DIVERSION:
T01S R17E S1 SWSW Within BLAINE County
T01S R17E S12 SENE Within BLAINE County
T01S R17E S12 SWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.200 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R17E S12 NWNE 7.80	T01S R17E S12 SWNE	34.00
	T01S R17E S12 SENE 16.00	T01S R17E S12 NENW	30.00
	T01S R17E S12 NWNW 15.00	T01S R17E S12 SENW	11.00
	T01S R17E S12 NESE 10.00	T01S R17E S12 NWSE	17.00
	T01S R17E S12 SWSE 18.00	T01S R17E S12 SESE	16.00
	T01S R17E S13 NENE 20.00	T01S R17E S13 NWNE	25.00
	T01S R17E S13 SWNE 16.00	T01S R17E S13 SENE	14.00

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Hailey 010436

4-1008-R.

For 37-4192

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Hailey, Idaho,**
has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,
"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of
Daniel Reardon, Junior
has been established and duly consummated, in conformity to law, for the **south half of the northeast quar-**
ter of Section thirteen in Township one south of Range seventeen east of the
Boise Meridian, Idaho, containing eighty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described;
TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of
the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and
rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws,
and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the
authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made
Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **NINTH**

(SEAL)

day of **JUNE** In the year of our Lord one thousand
nine hundred and **FIFTEEN** and of the Independence of the
United States the one hundred and **THIRTY-NINTH.**

By the President:

By

Woodrow Wilson
M. O. LeRoy Secretary,
John O'Connell
Acting Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **477203**

Shape *	ObjectID *	Township	Range	Section	QQ	Q	County	Shape_Area	ACRES
Polygon	1	01S	17E	13	SW	NE	BLAINE	66168.722121	16.4
Polygon	2	01S	17E	13	SE	NE	BLAINE	57177.520479	14.1

Generated from
37-492 - Poll-CGB-9-26-08.
Received from Brockway Eng.

06/08/2010

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

RIGHT NUMBER: 37-4192
NAME AND ADDRESS: HARRY S & DIANE J RINKER REVOCABLE TRUST
PO BOX 7250
NEWPORT BEACH CA 92658

VERIFIED BY KKC
6-7-10

SOURCE: LITTLE ROCK CREEK
ROCK CREEK
TRIBUTARY: ROCK CREEK
TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 12/31/1937

POINT OF DIVERSION:

T01S R17E S1 SWSW Within BLAINE County
T01S R17E S12 SENE Within BLAINE County
T01S R17E S12 SWSENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R17E S12	NWNE	7.80	T01S R17E S12	SWNE	34.00
T01S R17E S12	SENE	16.00	T01S R17E S12	NENW	30.00
T01S R17E S12	NWNW	15.00	T01S R17E S12	SENW	11.00
T01S R17E S12	NESE	10.00	T01S R17E S12	NWSE	17.00
T01S R17E S12	SWSE	18.00	T01S R17E S12	SESE	16.00
T01S R17E S13	NENE	20.00	T01S R17E S13	NWNE	25.00
T01S R17E S13	SWNE	16.00	T01S R17E S13	SENE	14.00

249.8 ACRES TOTAL

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

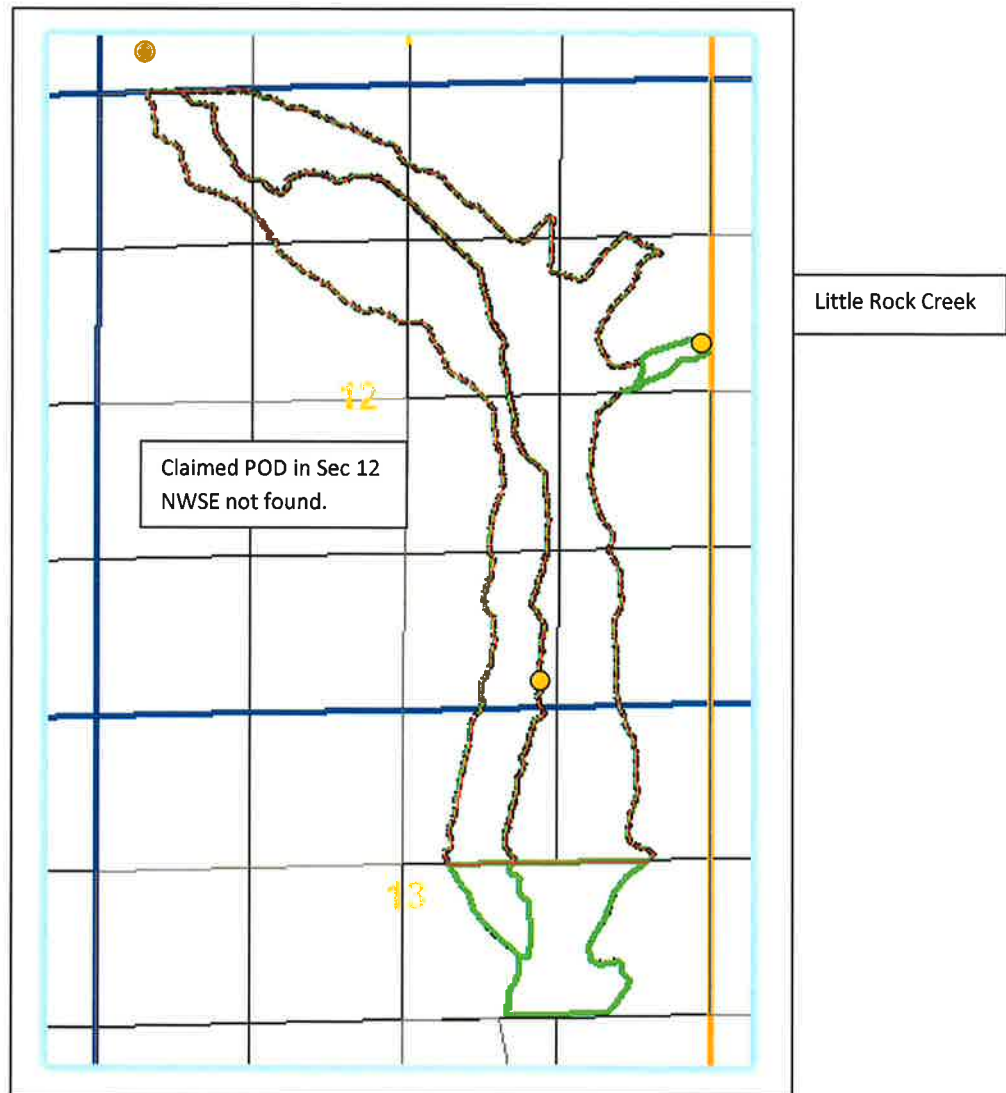
This right is limited to the irrigation of 32.5 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

37-4192 POU



ROBERT E. WILLIAMS
IDAHO STATE BAR NO. 1693
FREDERICKSEN, WILLIAMS, MESERVY & LOTH SPEICH, LLP
Attorneys at Law
153 East Main Street
P. O. Box 168
Jerome, Idaho 83338
Telephone: (208) 324-2303
Facsimile: (208) 324-3135
Attorney for Claimant
Harry S. and Diane J. Rinker Revocable Trust

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

In Re: SRBA	Subcase No: 37-04192
Case No. 39576	AFFIDAVIT OF ELIZABETH TEWS

STATE OF IDAHO)
 :ss.
County of Jerome)

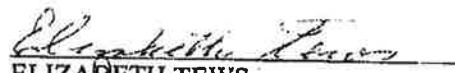
Elizabeth Tews, first being duly sworn and deposed, says as follows:

1. I currently reside at 680 North, 350 West, Shoshone, Idaho 83352.
2. I make this Affidavit of my own personal knowledge.
3. I am familiar with the place of use claimed under Water Right No. 37-4192. I first observed the real property constituting the place of use in 1940.

4. I have examined the aerial photograph dated August 23rd, 1957, entitled "Rinker-Rock Creek", a copy of which is attached hereto as EXHIBIT A.
5. I was married to Lawrence Tews. Lawrence and I were married in 1947. We remained husband and wife until 1998 when Lawrence passed away.
6. Lawrence Tews, and his brothers, William Tews and Clarence Tews, acquired the real property known as The Rock Creek Ranch in 1943. The Rock Creek Ranch included the "Y" shaped portion of real property outlined in orange on the Rinker-Rock Creek photograph attached hereto as EXHIBIT A.
7. The "Y" shaped area, outlined in orange on EXHIBIT A attached hereto, was being farmed in 1940 when I first became acquainted with the property. Lawrence Tews and his brothers continued farming that portion of the real property from 1943 forward. Crops grown on the real property were wheat and other grain crops. Water from Rock Creek was used to irrigate the property.
10. Mary Tews, who is the wife of William Tews, the brother of my husband Clarence, has frequently told me that she recalls the "Y" shaped portion of the real property, outlined in orange on EXHIBIT A attached hereto, being farmed by the Riordan family and others as early as 1937.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

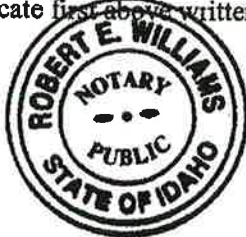
DATED this 15 day of February, 2008.

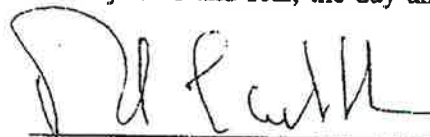

ELIZABETH TEWS

STATE OF IDAHO)
)
) ss.
County of Jerome)

On this 15th day of February, 2008, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ELIZABETH TEWS, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that she executed the same.

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




NOTARY PUBLIC for Idaho
Residing at: Jerome
Commission Expires: 1/27/11

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 15th day of February, 2008, I caused to be served the foregoing document as follows:

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


ROBERT E. WILLIAMS



EXHIBIT
A

RINKER-ROCK CREEK
HISTORICAL AERIAL 8-23-195

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

In Re SRBA)

Case No. 39576)

A. Subcase 37-4192

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Harry S. Rinker

Address: P.O. Box 7250

Newport Beach, CA 92658

Daytime Phone: (714) 979-8300

Name & Address of Attorney, if any:

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

Name: Harry S. Rinker

Address: P.O. Box 7250

Newport Beach, CA 92658

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

1. ☒ **Name and Address**
Should be: Harry S. Rinker at address above
2. ☒ **Source**
Should be: Rock Creek and Little Rock Creek
3. ☒ **Quantity**
Should be: 0.64 cfs
4. ☒ **Priority Date**
Should be: 4/1/1926
5. ☒ **Point of Diversion**
Should be: SWSENE Sec. 12 and SESWSE Sec. 12, T. 1 S., R. 17 E.
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Irrigation
8. ☒ **Period of Year**
Should be: 4/15 - 10/31
9. ☒ **Place of Use**
Should be: 32.2 acres (see narrative for justification)
10. ☒ **I object because:**
☐ This water right Should not exist.

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

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

F. VERIFICATION (must be completed)

State of California)
)ss.
County of Orange)

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

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

[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 21, 2007
[Signature]



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

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Harry S. Rinker

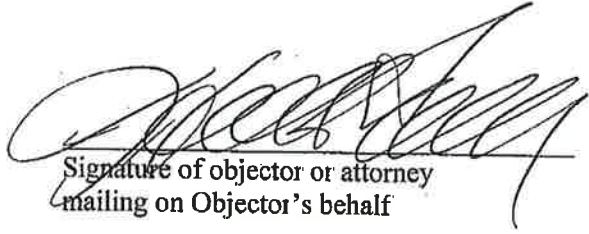
Address: P.O. Box 7250
Newport Beach, CA 92658

3. Copies to:

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

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

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


Signature of objector or attorney
mailing on Objector's behalf

RECEIVED

MAY 24 2007

DEPARTMENT OF
WATER RESOURCES

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

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

Claimant: Harry S. Rinker

Prepared by Brockway Engineering, PLLC

Right No. 37-627

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

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

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

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

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

Right No. 37-1150

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

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

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

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

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

Right No. 37-1151D

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

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

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

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

Right No. 37-4192

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

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

General objection pertaining to all water rights

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

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

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

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

10/06/2006

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

RIGHT NUMBER: 37-4192
NAME AND ADDRESS: MARGUERITE E TEWS
PO BOX 161
SHOSHONE ID 83352

WILLIAM G TEWS
513 GOLF COURSE RD
JEROME ID 83338

LAWRENCE Z TEWS
680 N 350 W
SHOSHONE ID 83352

SOURCE: LITTLE ROCK CREEK
ROCK CREEK
TRIBUTARY: ROCK CREEK
TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 04/01/1943

POINT OF DIVERSION:

T01S R17E S12 SWSENE Within BLAINE County
T01S R17E S12 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	1.200 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R17E S13	SWNE	15.00	T01S R17E S13	SENE	7.40
T01S R17E S13	NWSE	1.00			

23.4 ACRES TOTAL

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

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

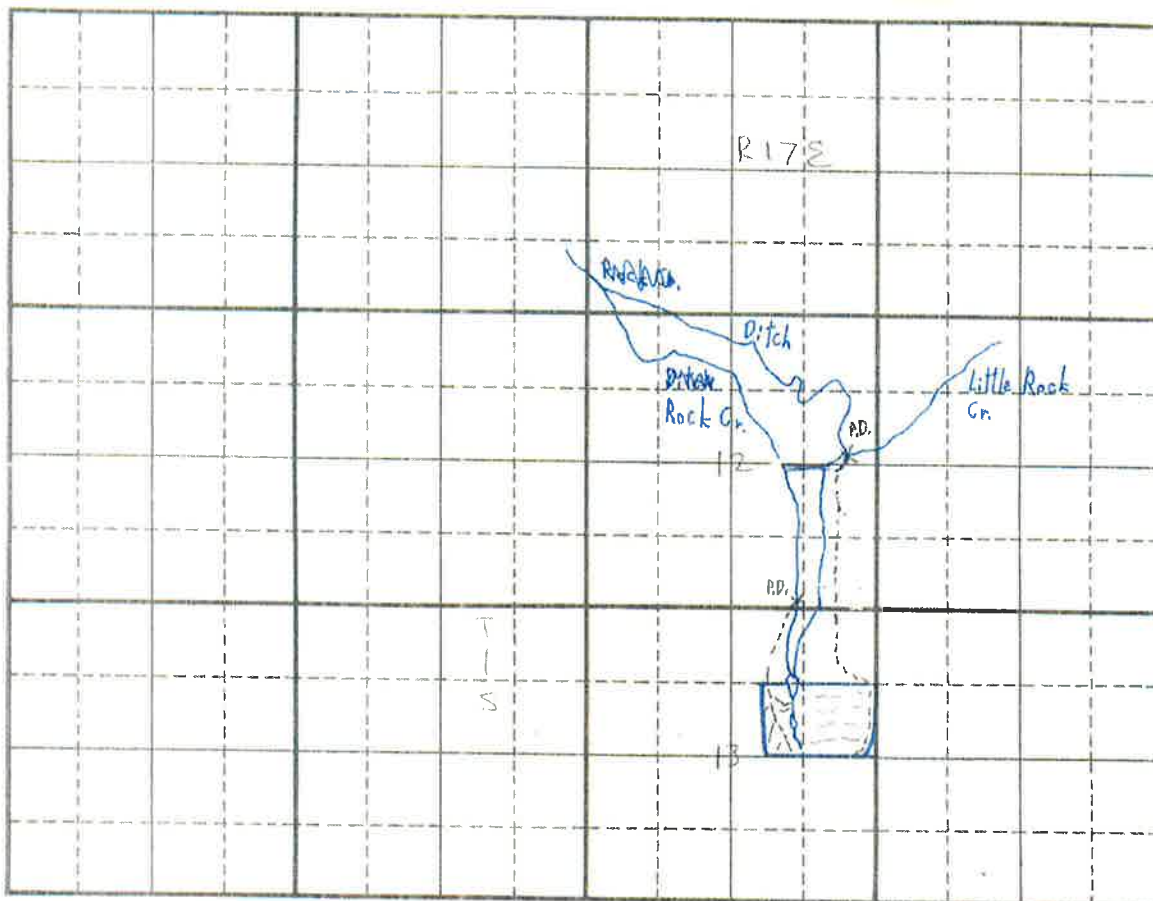
No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

o Rock Creek Summary:

- 37-627 – claim disallowed (right superceded)
- 37-1150 – 4.18 cfs for Irrigation of 209 acres
- 37-1151
 - 37-1151B – 0.86 cfs for Irrigation of 48 acres
 - 37-1151D – 7.0fs for Irrigation of 350 acres
- 37-1152 – claim disallowed (exceeds 0.02 cfs/acre)
- 37-1212 – 0.86 cfs for Irrigation of 48 acres
- 37-4192 – claim disallowed (no evidence of priority)

(6) Remarks Rock Creek was declared a dry stream in both the Frost & Brown vs Reardon decrees, although it does flow into the Big Wood River during high-water periods. This claim covers land just south of the lowest decreed use on Rock Creek; this use began before we bought the place in 1943.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Latah

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 29th day of September, 1981.

Marguerite E. Tove
(Claimant)

Norothy Sloan
Notary Public
Residing at Shoshone

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by <u>marguerite</u>	Date <u>7/29/81</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Dee</u>	Date <u>8/1/81</u>		claimant by:	
\$20.00 fee received by <u>marguerite</u>	Date <u>7/29/81</u>	# <u>18781</u>		
Published in <u>Shoshone Review</u>	Dates <u>10/8 & 10/15/81</u>			

MICROFILMED

37-4192



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures