

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 37-20751
Date Received:
Receipt No:
Received By:

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

1. Name of Claimant(s)

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

2. Date of Priority: 03/24/1883

3. Source: BIG WOOD RIVER , BIG WOOD RIVER Trib. to: MALAD RIVER , MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	29	NW NW SE	BLAINE	
03N	18E	20	NE SW NW	BLAINE	

5. Description of diverting works:

Osborn Ditch
Hiawatha Canal

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.13	30.8

7. Total Quantity Appropriated is:
0.13 C.F.S. and/or 30.8 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	29	SE	SE	IRRIGATION	8.8
					Section Acres	8.8
					Total Acres	8.8

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

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.

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.

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.

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

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.

Use of water under Right 37-20751 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

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 this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Decreed

16. Signature(s)

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-20748	AJC/Decreed	03/24/1883	0.34 cfs	80.5 af		23.0	BIG WOOD RIVER

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-20748	YES	YES	YES	NO	NO	NO

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-20748	37-20751	0.13 cfs	30.8 af	N/A	8.8	37-20750	0.21 cfs	49.7 af	N/A	14.2
COMBINED										
TOTALS		0.13 cfs	30.8 af		8.8		N/A	N/A	N/A	N/A

Dated this 20 day of June, 20 03

For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20750

As Modified by Transfer No. 70109

In accordance with the approval of Transfer No. 70109, Water Right No. 37-20750 is now described as follows.

Right Holder: RINKER CO
PO BOX 7250
NEWPORT BEACH CA 92658

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.21 CFS	49.7 AF
			0.21 CFS	49.7 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SENENE Sec. 18 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	7									5.5								14.2

Total Acres: 14.2

CONDITIONS OF APPROVAL

1. 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.
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. This right does not grant any right-of-way or easement across the land of another.
5. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028, 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.
6. Use of water under Right 37-20750 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

WATER RIGHT NO. 37-20750
As Modified by Transfer No. 70109

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

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20 day of June, 2003

For  Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20751
As Modified by Transfer No. 70109

In accordance with the approval of Transfer No. 70109, Water Right No. 37-20751 is now described as follows.

Right Holder: HARRY S RINKER
 RINKER COMPANY
 PO BOX 7250
 NEWPORT BEACH CA 92658 7250

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.13 CFS	30.8 AF
			0.13 CFS	30.8 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER NESWNW Sec. 20 Twp 03N Rge 18E BLAINE County
 BIG WOOD RIVER NWNWSE Sec. 29 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
03N 18E 29	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	8.8
																	8.8

Total Acres: 8.8

CONDITIONS OF APPROVAL

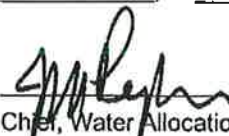
1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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. This right does not grant any right-of-way or easement across the land of another.
5. 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.
6. Use of water under Right 37-20751 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

WATER RIGHT NO. 37-20751
As Modified by Transfer No. 70109

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20 day of June, 2003


For Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70090

This is to certify that: HARRY S RINKER
 RINKER COMPANY
 PO BOX 7250
 NEWPORT BEACH CA 92658 7250
 (714)979-8300

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-30030	AJC/Decreed	03/24/1883	0.36 cfs	84 af		24.0	BIG WOOD RIVER

Purpose of Transfer (Changes Proposed)

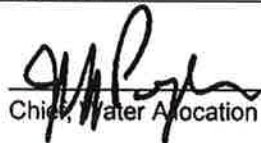
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-30030	YES	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-30030	37-20749	0.02 cfs	3.5 af	N/A	1.0	37-20748	0.34 cfs	80.5 af	N/A	23.0
COMBINED TOTALS		0.02 cfs	3.5 af	N/A	1	²⁰⁷⁵⁰ 37-20751	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19 day of June, 2003

for 
 Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20748
As Modified by Transfer No. 70090

In accordance with the approval of Transfer No. 70090, Water Right No. 37-20748 is now described as follows.

Right Holder: RINKER CO
 PO BOX 7250
 NEWPORT BEACH CA 92658

Priority Date: March 24, 1883

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	0.34 CFS	80.5 AF
			0.34 CFS	80.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER NENE Sec. 18 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

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	7									14.3					8.2		.5	23.0

Total Acres: 23

CONDITIONS OF APPROVAL

1. 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.
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. This right does not grant any right-of-way or easement across the land of another.
5. 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.
6. Use of water under Right 37-20748 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

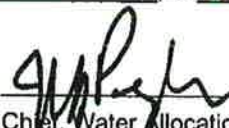
WATER RIGHT NO. 37-20748
As Modified by Transfer No. 70090

CONDITIONS OF APPROVAL

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

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19 day of June, 2003


For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20749
As Modified by Transfer No. 70090

In accordance with the approval of Transfer No. 70090, Water Right No. 37-20749 is now described as follows.

Right Holder: WOOD RIVER PROPERTIES INC
 PO BOX 7250
 NEWPORT BEACH CA 92658

Priority Date: March 24, 1883

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	0.02 CFS	3.5 AF
			0.02 CFS	3.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SENENE Sec. 18 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

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	7																	1.0

Total Acres: 1

CONDITIONS OF APPROVAL

1. Place of use is located within Lot 2, Blk. 1, Golden Eagle Ranch #2 Subdivision.
2. 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.
3. 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.
4. 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.
5. This right does not grant any right-of-way or easement across the land of another.
6. 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.

WATER RIGHT NO. 37-20749
As Modified by Transfer No. 70090

CONDITIONS OF APPROVAL

7. 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.
8. Use of water under Right 37-20749 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19 day of June, 20 03


for Chief, Water Allocation Bureau

01/03/2007

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

RIGHT NUMBER: 37-20751

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.130 CFS
30.800 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 S20 NESWNW Within BLAINE County

T03N R18E S29 NWNWSE 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	0.130 CFS 30.80 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 late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29 SESE 8.80

8.8 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

01/03/2007

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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 transfer no. 70109 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by transfer no. 70109 within one (1) year of the date of the transfer approval.

Use of water under Right 37-20751 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

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

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.



Idaho Department of Water Resources

SRBA Recommendation:

37-20751

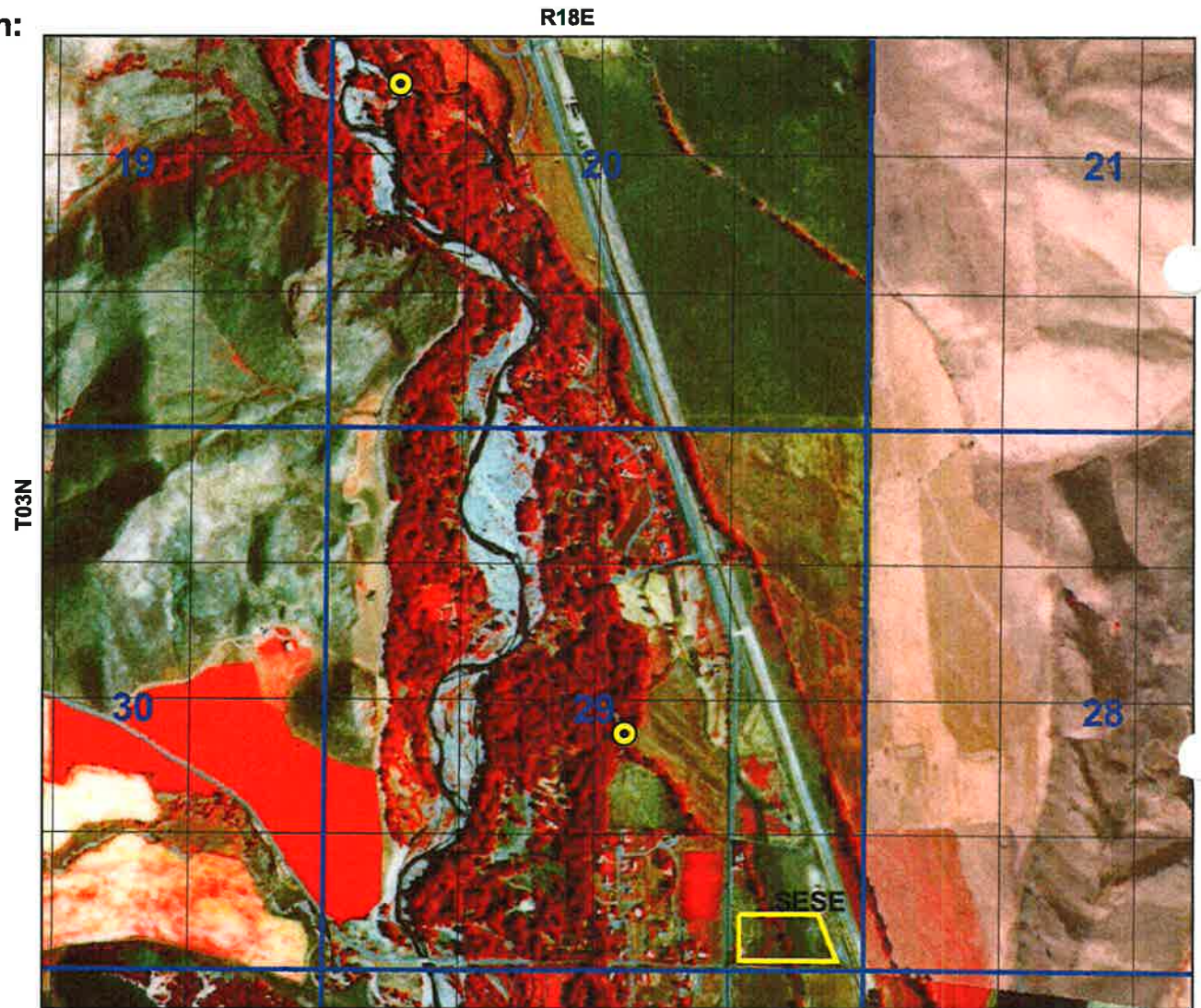
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.7 1.4 Miles

Prepared by L. Graves
On Wednesday, January 3, 2007
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20751 V1

WATER RIGHT NUMBER: 37-20751 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
Original Owner	W T RILEY , ID
Current Owner	HARRY S RINKER RINKER CO PO BOX 7250 NEWPORT BEACH, CA 92658 7250 (714)979-8300

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.130 CFS	30.80 AF
	<u>Total Diversion:</u>	0.130 CFS	30.80 AF

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4NW1/4SE1/4	Sec. 29, Twp 03N, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	NE1/4SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	29																8.8	8.8

Total Acres: 8.8

Conditions of Approval:

1. R05 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20751 V1

2. T08 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.
3. 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.
4. T07 The right holder shall accomplish the change authorized by transfer no. 70109 within one (1) year of the date of the transfer approval.
5. Use of water under Right 37-20751 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.
6. 004 This right does not grant any right-of-way or easement across the land of another.
7. X61 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 late irrigation use and a priority date earlier than the date of this approval.
8. 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.
9. R02 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.

Remarks:Comments:

1. Igraves 1/3/2007 Transfer

Comment: The claim was recommended per approved transfer no. 70109.

2. Igraves 1/3/2007 History

Comment: This right is a split off of right 37-20748, which is a split off of right 37-30030, which represented right 37-577BR.

3. Igraves 1/3/2007 Season of Use

Comment: Although this right is part of a decree that did not originally list a season of use, condition S39 was added because it was listed on approved transfer no. 70109 for this right.

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: 0.02

Generic Max Volume Per Acre: 3.5

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits: