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NOV 26 2010

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FORM
THE SNAKE RIVER BASIN WATER SYSTEM

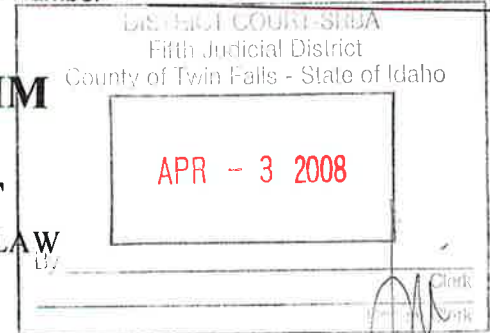
CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

37-22204

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Rock Creek, LLC Phone 714-979-8300
 Mailing Address P.O. Box 7250, Newport Beach, CA Zip 92658

2. Date of Priority (Only one (1) per claim) 8/23/1957

3. Source of water supply (a) Guy Creek
 which is tributary to (b) Rock Creek

4. a. Location of existing point of diversion is: Township 1N Range 17E Section 35,
NE 1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: _____

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. Diversion to ditch, flood irrigation.

5308/8.500 - 0620
Ac

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JUL 21 2008

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 0.53 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.53 (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	
1N	17E	35								8.5									8.5

Total number of acres irrigated 8.5

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.

37-1151D

Or None ☐

14. Remarks:

Based on beneficial use of water from Guy Creek on land omitted from original decree. 1957 aerial photo shows
irrigation. Diversion rate based on excess flow analysis performed by Brockway Engineering indicating total
diversion requirement of 3.09 inches/acre for lands served by this ditch.

Last Name Williams

Ident. No. ISBN1693

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JUL 21 2008

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

If applicable provide IDWR Water Right Number _____

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 or affirm that I am Managing Member Title _____

Of ROCK CREEK LLC Organization _____, that I have signed the foregoing

Document in the space below as Managing Member Title _____ of ROCK CREEK LLC Organization _____

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Managing Member, Rock Creek LLC Date 3/20/08

California
State of Idaho / or _____)
County of ORANGE) ss.

See Attached

Subscribed and sworn (or affirmed) before me this 20th day of March, 2008.

Notary Public [Signature]

Residing at _____

SEAL

My Commission Expires August 2, 2011

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Robert E. Williams 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 [Signature]

Address P.O. Box 168, Jerome, ID 83338

Date April 1st, 2008

Last Name Williams Ident. Number ISBN 1693

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JUN 21 2008

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On 03/20/2008

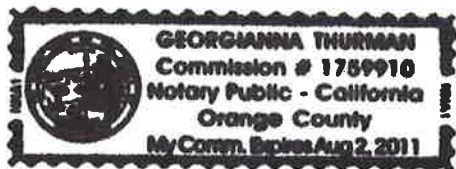
Date

before me, Georgianna Thurman

Here Insert Name and Title of the Officer

personally appeared HARRY S. Rinker

Name(s) of Signer(s)



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

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

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Noticing Claim to a Water Right

Document Date: _____

Number of Pages: 3 + Map

Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name: HARRY S. Rinker

☒ Individual

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: Rock Creek LLC

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here



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



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JUN 21 2008



BROCKWAY ENGINEERING, PLLC.
ALR - March 3, 2008

**RINKER - ROCK CREEK
GUY CREEK NEW CLAIM
1957 Aerial**

Legend

- Ditch
- Recommended_POD
- Junction
- Sections_lines
- Guy Creek Claim 8.5 ac.

EXHIBIT

3

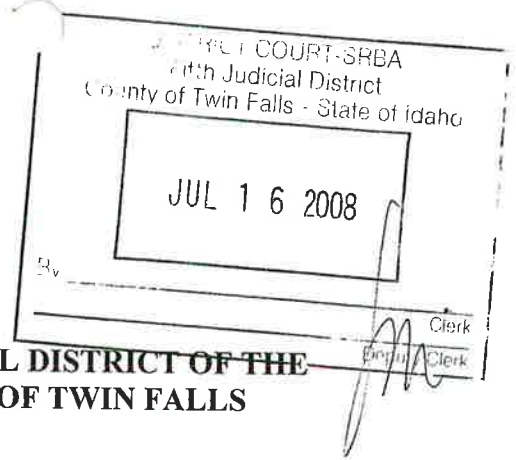
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JUL 21 2008

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JUL 17 2008

DEPARTMENT OF
WATER RESOURCES



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

In Re SRBA

Subcase: 37-22264

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

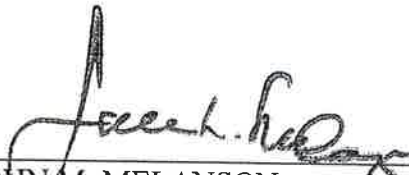
On April 3, 2008, the City of Grangeville, by and through counsel, Robert E. Williams, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on July 15, 2008. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated July 16, 2008.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on July 16, 2008, with sufficient first-class postage to the following:

ROCK CREEK LLC

Represented by:

ROBERT E WILLIAMS

FREDERICKSEN WILLIAMS ET AL

PO BOX 168

JEROME, ID 83338

Phone: 208-324-2303

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

Page 1 7/16/08

FILE COPY FOR 01722


Deputy Clerk

SCANNED

JUL 21 2008

RECEIVED

JUL 22 2008

DEPARTMENT OF
WATER RESOURCES

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

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

JUL 21 2008

Clerk

Deputy Clerk

In Re SRBA

Subcase: 37-22264

Case No. 39576

AMENDED ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM

On July 16, 2008, an *Order Granting Motion to File Late Notice of Claim* was filed by this Court containing an incorrect claimant name and counsel representing claimant. This *Amended Order* corrects those clerical errors.

On April 3, 2008, Rock Creek LLC, by and through counsel, Robert E. Williams, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on July 15, 2008. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

A copy of this *Amended Order Granting Motion to File Late Notice of Claim* will be forwarded to the Idaho Department of Water Resources for further action. The original Notice of Claim and filing fees were previously mailed to IDWR on July 16, 2008. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated July 21, 2008.

JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the AMENDED ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on July 21, 2008, with sufficient first-class postage to the following:

ROCK CREEK LLC

Represented by:

ROBERT E WILLIAMS

FREDERICKSEN WILLIAMS ET AL

PO BOX 168

JEROME, ID 83338

Phone: 208-324-2303

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

Page 1 7/21/08

FILE COPY FOR 01722

Deputy Clerk

SCANNED

JUL 22 2008

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Rock Creek LLC

CLAIM DENT. NO.

37-22264

DATE RECEIVED

CK #

2087301

AMOUNT \$

217.00

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ *
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
(b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ N/A ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ *
Is the period of use included? ☒ YES ☐ NO ☐ *
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ N/A ☐ *
Is the consumptive use correct? ☒ YES ☐ NO ☐ N/A ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO ☐ N/A ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO ☐ N/A ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ N/A ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☒ YES ☐ NO ☐ Exempt ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO ☐ N/A ☐ *
22. Should this claim be data entered? ☒ YES ☐ NO ☐ *

Claim checked by: ASDate: 4-4-08

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:

Claim data entered by: AS

Sent to claimant by:

Date:

Date: 4-4-08

Date:

Checked by: CSDate: 4/15/08

Comments:

RECEIVED

APR 02 2008

DEPARTMENT OF
WATER RESOURCES

hearing: 7-15-08

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	Filing Fee overpaid	)	Subcase	37-22264
	since Hearing is After	)		(Insert water right number)
Case 39576	July 1 2008. Fee should	)		
	Be \$109.00. Refund	)	STANDARD FORM 4	
	needed.	)	MOTION TO FILE:	
	C. Sutton	)	☒ LATE NOTICE OF CLAIM	
	4-15-08	)	☐ AMENDED NOTICE OF CLAIM	

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Robert E. Williams

My address is Fredericksen, Williams, Meservy & Lothspeich, LLP
153 East Main Street, P.O. Box 168, Jerome, ID 83338

My phone number is: Work (208)324-2303 Home _____

I am an attorney representing Rock Creek, LLC

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

See Exhibit "A" attached hereto.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

See copy of aerial photograph attached hereto as Exhibit "B", taken
in 1957, showing irrigation from Dry Creek at the place of use
identified in the attached Notice of Claim.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 217.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Jerome

Robert E. Williams, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

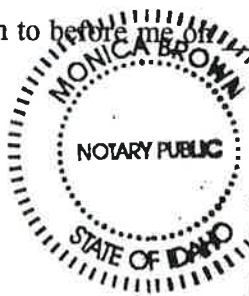
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

[Signature]

Attorney signing in representative capacity

Subscribed and sworn to before me on March 10, 2008
(Insert Date)



Monica Brown
Notary Public for Idaho
Residing at: Jerome
My Commission expires: 5-29-2013

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on April 1st, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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:

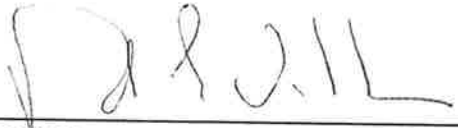
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

Exhibit "A"

Rock Creek, LLC, acquired ownership of the real property to which the water right identified in the attached Notice of Claim is appurtenant after related claims were filed. Subsequent examination of aerial photographs show additional portions of the real property being irrigated as of 1957, which were not the subject of existing claims, and which were not identified in the original decree.

SCANNED

APR 03 2008

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

Date Received

Receipt Number

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

Please type or print clearly

1. Name of Claimant (s) Rock Creek, LLC Phone 714-979-8300
Mailing Address P.O. Box 7250, Newport Beach, CA Zip 92658
2. Date of Priority (Only one (1) per claim) 8/23/1957
3. Source of water supply (a) Guy Creek
which is tributary to (b) Rock Creek
4. a. Location of existing point of diversion is: Township 1N Range 17E Section 35,
NE 1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Blaine
Additional points of diversion if any: _____
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. Diversion to ditch, flood irrigation.

SCANNED

APR 03 2008

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 0.53 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.53 (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	
1N	17E	35								8.5									8.5

Total number of acres irrigated 8.5

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.
37-1151D

Or None ☐

14. Remarks:

Based on beneficial use of water from Guy Creek on land omitted from original decree. 1957 aerial photo shows
irrigation. Diversion rate based on excess flow analysis performed by Brockway Engineering indicating total
diversion requirement of 3.09 inches/acre for lands served by this ditch.

Last Name Williams

Ident. No. ISBN1693

SCANNED

APR 03 2008

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

If applicable provide IDWR Water Right Number _____

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 or affirm that I am Managing Member

Of ROCK CREEK LLC Title _____, that I have signed the foregoing

Document in the space below as Managing Member of ROCK CREEK LLC
Organization Title Organization

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Managing Member, Rock Creek LLC Date 3/20/08

State of California)
County of ORANGE) ss.

See Attached

Subscribed and sworn (or affirmed) before me this 20th day of March, 2008

Notary Public [Signature]

Residing at _____

My Commission Expires August 2, 2011

SEAL

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Robert E. Williams 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 [Signature]

Address P.O. Box 168, Jerome, ID 83338

Date April 1st, 2008

Last Name Williams Ident. Number ISBN 1693

SCANNED

APR 03 2008

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On 03/20/2008

Date

before me,

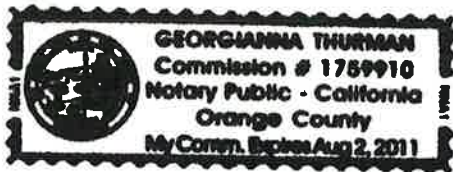
Georgianna Thurman

Here Insert Name and Title of the Officer

personally appeared

HARRY S. Rinker

Name(s) of Signer(s)



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

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

WITNESS my hand and official seal.

Signature

Georgianna Thurman

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document:

Noticing Claim to a Water Right

Document Date:

Number of Pages:

3 + Map

Signer(s) Other Than Named Above:

None

Capacity(ies) Claimed by Signer(s)

Signer's Name:

HARRY S. Rinker

☒ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

Rock Creek LLC

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



SCANNED

APR 03 2008



BROCKWAY ENGINEERING, PLLC.
ALR - March 3, 2008

**RINKER - ROCK CREEK
GUY CREEK NEW CLAIM
1957 Aerial**

Legend

- Ditch
- Recommended_POD
- Junction
- Sections_lines
- Guy Creek Claim 8.5 ac.

EXHIBIT

B

SCANNED

APR 03 2008

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 37-22264
Date Received
Receipt Number

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

COPY

DISTRICT COURT-SRDA
Fifth Judicial District
County of Twin Falls - State of Idaho
APR - 3 2008
COPY

Please type or print clearly

1. Name of Claimant (s) Rock Creek, LLC Phone 714-979-8300
Mailing Address P.O. Box 7250, Newport Beach, CA Zip 92658
2. Date of Priority (Only one (1) per claim) 8/23/1957
3. Source of water supply (a) Guy Creek
which is tributary to (b) Rock Creek
4. a. Location of existing point of diversion is: Township 1N Range 17E Section 35,
NE 1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Blaine
Additional points of diversion if any: _____
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. Diversion to ditch, flood irrigation.

5308/8.500-1062
1

SCANNED

1111 2 1 2008

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 0.53 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.53 (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	
1N	17E	35								8.5									8.5

Total number of acres irrigated 8.5

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.
37-1151D Or None ☐

14. Remarks:

Based on beneficial use of water from Guy Creek on land omitted from original decree. 1957 aerial photo shows
irrigation. Diversion rate based on excess flow analysis performed by Brockway Engineering indicating total
diversion requirement of 3.09 inches/acre for lands served by this ditch.

Last Name Williams

Ident. No. ISBN1693

SCANNED

JUL 21 2008

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

If applicable provide IDWR Water Right Number _____

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 or affirm that I am Managing Member

Of ROCK CREEK LLC Title _____
Organization _____ that I have signed the foregoing

Document in the space below as Managing Member of ROCK CREEK LLC
Title _____ Organization _____

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Managing Member, Rock Creek LLC Date 3/20/08

California
State of Idaho / or _____)
County of ORANGE) ss.

See Attached

Subscribed and sworn (or affirmed) before me this 20th day of March, 2008.

Notary Public [Signature]

Residing at _____

SEAL

My Commission Expires August 2, 2011

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Robert E. Williams 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 [Signature]

Address P.O. Box 168, Jerome, ID 83338

Date April 1st, 2008

Last Name Williams Ident. Number ISBN 1693

SCANNED

JUN 21 2008

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

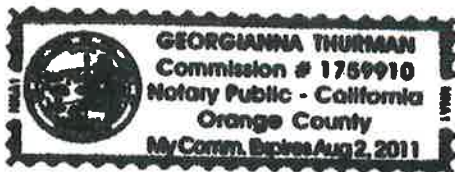
County of Orange

On 03/20/2008 before me,

Georgianna Thurman
Here Insert Name and Title of the Officer

personally appeared

HARRY S. Rinker
Name(s) of Signer(s)



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

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

WITNESS my hand and official seal.

Signature

Georgianna Thurman
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document:

Notice of Claim to a Water Right

Document Date:

Number of Pages:

3 + Map

Signer(s) Other Than Named Above:

None

Capacity(ies) Claimed by Signer(s)

Signer's Name:

HARRY S. Rinker

☒ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

Rock Creek LLC

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here



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



SCANNED

JUN 21 2008



BROCKWAY ENGINEERING, PLLC.
ALR - March 3, 2008

**RINKER - ROCK CREEK
GUY CREEK NEW CLAIM
1957 Aerial**

Legend

-  Ditch
-  Recommended_POD
-  Junction
-  Sections_lines
-  Guy Creek Claim 8.5 ac.

EXHIBIT

3

SCANNED

JUL 21 2008

RECEIVED

JUL 17 2008

DEPARTMENT OF
WATER RESOURCES



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

In Re SRBA

Case No. 39576

Subcase: 37-22264

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On April 3, 2008, the City of Grangeville, by and through counsel, Robert E. Williams, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on July 15, 2008. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated July 16, 2008.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on July 16, 2008, with sufficient first-class postage to the following:

ROCK CREEK LLC

Represented by:

ROBERT E WILLIAMS

FREDERICKSEN WILLIAMS ET AL

PO BOX 168

JEROME, ID 83338

Phone: 208-324-2303

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

Page 1 7/16/08

FILE COPY FOR 01722


Deputy Clerk

SCANNED

JUL 21 2008

RECEIVED

JUL 22 2008

DEPARTMENT OF
WATER RESOURCES

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

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

JUL 21 2008

Clerk

Deputy Clerk

In Re SRBA

Subcase: 37-22264

Case No. 39576

AMENDED ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM

On July 16, 2008, an *Order Granting Motion to File Late Notice of Claim* was filed by this Court containing an incorrect claimant name and counsel representing claimant. This *Amended Order* corrects those clerical errors.

On April 3, 2008, Rock Creek LLC, by and through counsel, Robert E. Williams, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on July 15, 2008. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

A copy of this *Amended Order Granting Motion to File Late Notice of Claim* will be forwarded to the Idaho Department of Water Resources for further action. The original Notice of Claim and filing fees were previously mailed to IDWR on July 16, 2008. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated July 21, 2008.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the AMENDED ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on July 21, 2008, with sufficient first-class postage to the following:

ROCK CREEK LLC

Represented by:
ROBERT E WILLIAMS
FREDERICKSEN WILLIAMS ET AL
PO BOX 168
JEROME, ID 83338
Phone: 208-324-2303

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 7/21/08

FILE COPY FOR 01722

Deputy Clerk

SCANNED

1111 22 2008

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Rock Creek LLC

CL.

DENT. NO.

37-22264

DATE RECEIVED

CK #

C087301

AMOUNT \$

217.00

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☐ YES ☒ NO N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO
8. If required is a consumptive use entered? ☐ YES ☒ NO N/A
- Is the consumptive use correct? ☐ YES ☒ NO N/A
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☒ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO
12. Is the ownership of p.u. checked? ☒ YES ☐ NO
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A
15. Is the basis of the claim indicated? ☒ YES ☐ NO
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☒ NO N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☐ YES ☒ NO Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☒ NO N/A
22. Should this claim be data entered? ☒ YES ☐ NO

Claim checked by: ASDate: 4-4-08

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:

Claim data entered by: AS

Sent to claimant by:

Date:

Date: 4-4-08

Date:

Checked by: CSDate: 4/15/08

Comments:

RECEIVED

APR 02 2008

DEPARTMENT OF
WATER RESOURCES

hearing: 7-15-08

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 *Filing Fee overpaid*)
since Hearing is After)
July 1 2008. Fee should)
Case 39576 *Be \$109.00. Refund*)
needed.)
C. Sutton)
4-15-08)

Subcase 37-22264
(Insert water right number)

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

SCANNED

APR 03 2008

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Robert E. Williams

My address is Fredericksen, Williams, Meservy & Lothspeich, LLP
153 East Main Street, P.O. Box 168, Jerome, ID 83338

My phone number is: Work (208)324-2303 Home _____

I am an attorney representing Rock Creek, LLC

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

See Exhibit "A" attached hereto.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

See copy of aerial photograph attached hereto as Exhibit "B", taken
in 1957, showing irrigation from Dry Creek at the place of use
identified in the attached Notice of Claim.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 217.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Jerome

Renee E. Williams, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

[Signature]
Attorney signing in representative capacity

Subscribed and sworn to before me on March 10, 2008
(Insert Date)



[Signature]
Notary Public for Idaho
Residing at: Jerome
My Commission expires: 5-29-2013

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on April 1st, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

Exhibit "A"

Rock Creek, LLC, acquired ownership of the real property to which the water right identified in the attached Notice of Claim is appurtenant after related claims were filed. Subsequent examination of aerial photographs show additional portions of the real property being irrigated as of 1957, which were not the subject of existing claims, and which were not identified in the original decree.

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

Date Received

Receipt Number

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

Please type or print clearly

1. Name of Claimant (s) Rock Creek, LLC Phone 714-979-8300
Mailing Address P.O. Box 7250, Newport Beach, CA Zip 92658
2. Date of Priority (Only one (1) per claim) 8/23/1957
3. Source of water supply (a) Guy Creek
which is tributary to (b) Rock Creek
4. a. Location of existing point of diversion is: Township 1N Range 17E Section 35,
NE 1/4 of SW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Blaine
Additional points of diversion if any: _____
- 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. Diversion to ditch, flood irrigation.

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 0.53 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.53 (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	
1N	17E	35								8.5									8.5

11. In which county (ies) are lands listed above as place of use located? Blaine Total number of acres irrigated 8.5

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.
37-1151D

14. Remarks: _____ Or None ☐

Based on beneficial use of water from Guy Creek on land omitted from original decree. 1957 aerial photo shows irrigation. Diversion rate based on excess flow analysis performed by Brockway Engineering indicating total diversion requirement of 3.09 inches/acre for lands served by this ditch.

Last Name Williams

Ident. No. ISBN1693

SCANNED

APR 03 2008

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

If applicable provide IDWR Water Right Number _____

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 or affirm that I am Managing Member

Of ROCK CREEK LLC Title _____ that I have signed the foregoing

Document in the space below as Managing Member of ROCK CREEK LLC

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization Managing Member, Rock Creek LLC Date 3/20/08

State of California / or _____)
County of ORANGE) ss.

Subscribed and sworn (or affirmed) before me this 20th day of March, 2008.

Notary Public Georgiana Thurman

Residing at _____

My Commission Expires August 2, 2011

SEAL

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Robert E. Williams 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 P.O. Box 168, Jerome, ID 83338

Date April 1st, 2008

Last Name Williams Ident. Number ISBN 1693

SCANNED

APR 03 2008

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On 03/20/2008

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.

Signature

Georgianna Thurman

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document:

Notice of Claim to a Water Right

Document Date:

Number of Pages:

3 + Map

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:

Rock Creek LLC

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here



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

SCANNED

APR 03 2008



BROCKWAY ENGINEERING, PLLC.
ALR - March 3, 2008

**RINKER - ROCK CREEK
GUY CREEK NEW CLAIM
1957 Aerial**

Legend

- Ditch
- Junction
- Recommended_POD
- Sections_lines
- Guy Creek Claim 8.5 ac.

EXHIBIT

B

SCANNED

APR 03 2008

**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.: 37-22264
)
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

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

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

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

CLAIMANT/OBJECTOR:

Robert E. Williams
Attorney for Rock Creek LLC
and Harry S. Rinker

Date

IDWR CONCURRENCE:

Kelly K. Christensen 12-7-10

Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

11/05/2010

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

RIGHT NUMBER: 37-22264

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

SOURCE: GUY CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: ~~0.11~~ 0.220 CFS

PRIORITY DATE: 08/23/1957

POINT OF
DIVERSION:

T01N R17E S35 SENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

~~0.11~~ 0.220 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R17E S35 SENW 5.30

5.3 ACRES TOTAL

KKC

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

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.

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

11/05/2010

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

RIGHT NUMBER: 37-22264

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

SF-5
K KC

SOURCE: GUY CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: ~~0.11~~ 0.220 CFS

PRIORITY DATE: 08/23/1957

POINT OF
DIVERSION:

T01N R17E S35 SENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

~~0.11~~ 0.220 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R17E S35

SENW

5.30

5.3 ACRES TOTAL

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

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.

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

LODGED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 OCT 13 AM 10 40

**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 37-22264

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Rock Creek, LLC

Address: P.O. Box 7250

Newport Beach, CA 92658

Daytime Phone: _____

Name & Address of Attorney, if any:

Robert E. Williams

P.O. Box 168

Jerome, ID 83338

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

Name: Rock Creek, LLC

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)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 0.53 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
- 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): _____

Excess flow analysis prepared on behalf of claimant and existing in IDWR
files.

04/05/2010

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

RIGHT NUMBER: 37-22264

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

VERIFIED BY RKC
4-5-10

SOURCE: GUY CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.220 CFS

PRIORITY DATE: 08/23/1957

POINT OF DIVERSION:

T01N R17E S35 SENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.220 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R17E S35 SENW 5.30

5.3 ACRES TOTAL

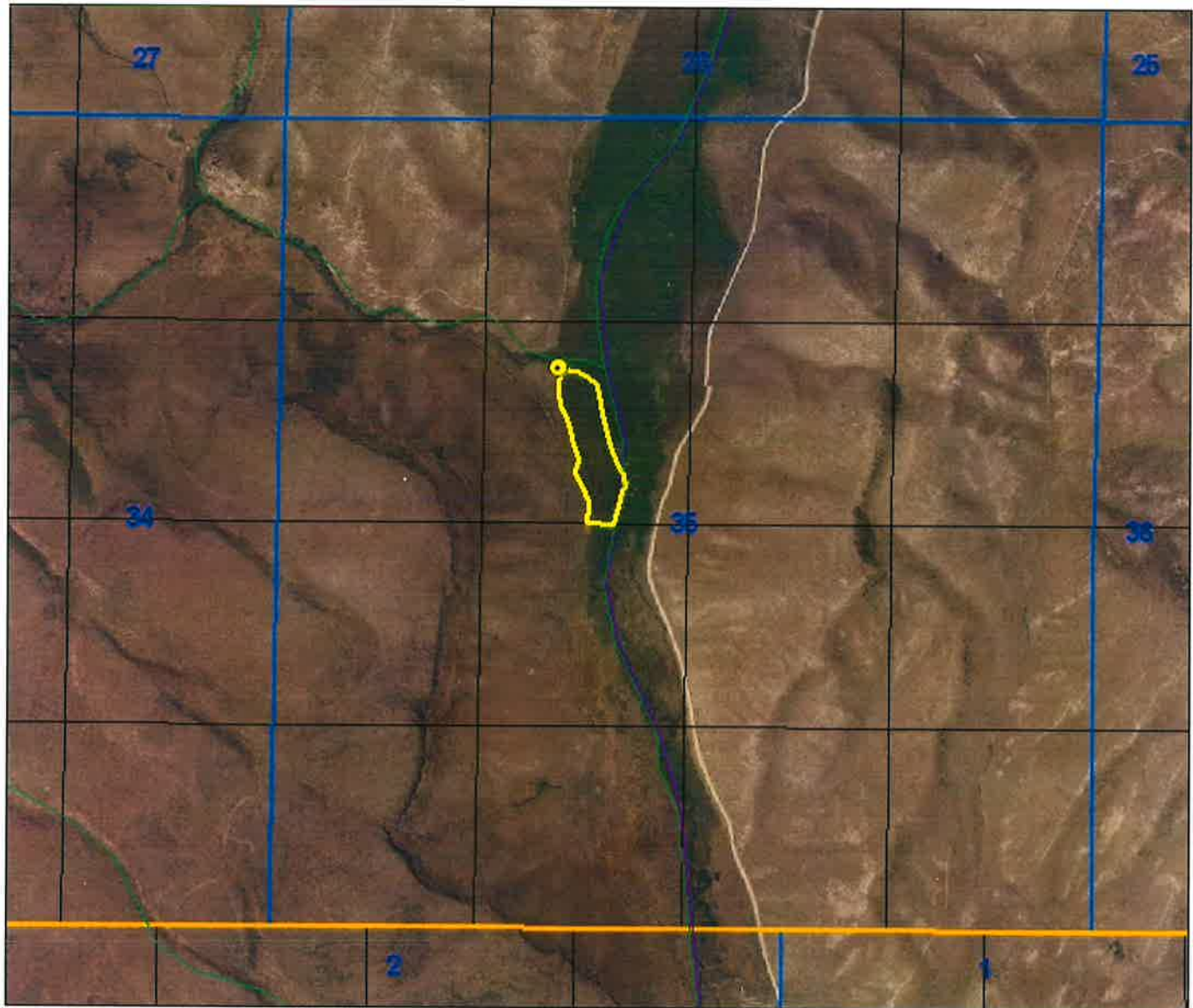
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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

RECOMMENDED PLACE OF USE FOR 37-22264



PLACE OF USE
TWP 01N, RNG 17E, SEC 35
Data Entry on September 30, 2008

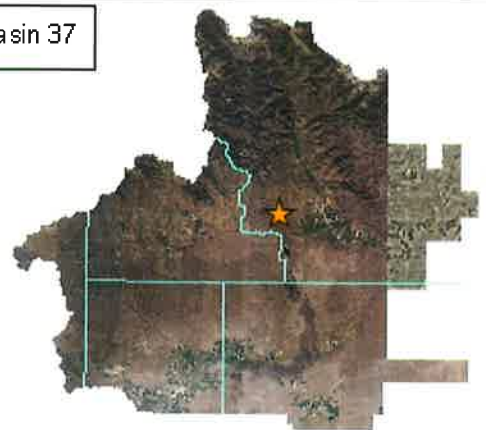
★ LOCATION IN BASIN

- Recommended point of diversion
- Recommended place of use
- Township lines
- Section lines
- Quarter/quarter lines

GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
BY KELLY K CHRISTENSEN



Basin 37



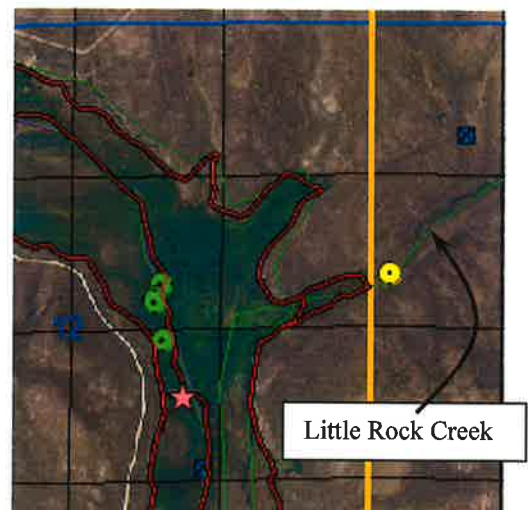
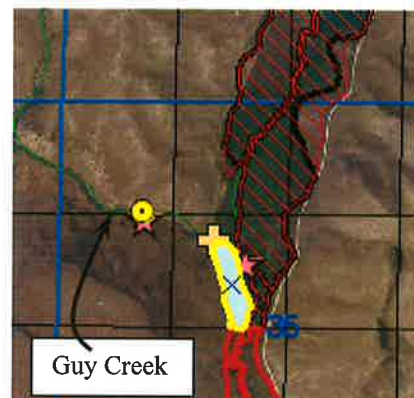
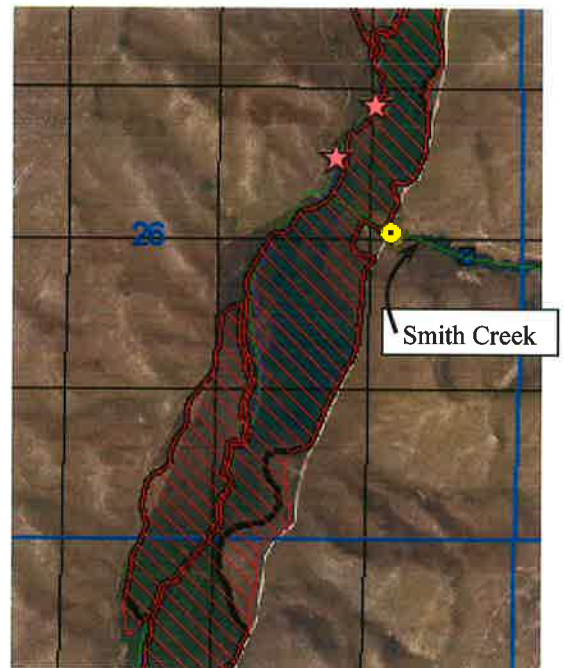
37-627 source, Smith Creek

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

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

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

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



IMS
Claim No(s). 37-22264

Claim No(s).

37-22264

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

July 23, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

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

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim #37-22264
Your Client: Rock Creek, LLC

Dear Mr. Williams:

The Notice of Claim to a Water Right you filed for your client referenced above was received from the SRBA Court recently. We have enclosed your receipt #C087301 for the filing fees paid. Please retain this document for your records.

Due to an overpayment of the filing fees paid by your firm in the amount of \$108 you are due a refund.

The refund process has been initiated with the State Auditor's Office and you should receive a check in the near future.

Your client's Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region:ref
Enclosure:

Receipt Referenced Above

SCANNED

JUL 22 2008

REFUND REQUEST

TO: S. Sherman to Log In
 FOR: C. Fritschle/D. Allen
 FROM: S. Sherman Date: 7-22-08
 SUBJ: Receipt No. C087301 (Please attach ARQ2 Receipt copy immediately behind blue form)

RE: PayOR Fredericksen, Williams, Meservy & Lothspieck LLP
 Address PO Box 168
Jerome ID 83338

Claimant(s) if NOT Payor Rock Creek, LLC
 Refund Amount \$108.- Claim Location (Region/Claimant) (State)
 Extension Filed? Y/N NA Copy Attached? Y/N NA
 Late Fees Paid? Y/N NA Late Fee Receipt # C087301
 S.O. Verified Ext. by --- on --- D.B. Query by ---
 Refund Generated By (☒) Agent () Claimant
 Refund Category:
 insufficient fees / claim incomplete / withdrawn / e-pmt

Date of Last Correspondence (copy attached) 4-15-08 email

Claim No.	Use*	Fees Paid	Correct Fee	Rec't #
<u>37-22264</u>	<u>01</u>	<u>\$217</u>	<u>109</u>	<u>C087301</u>
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
Total		<u>\$217.-</u>	<u>\$109.-</u>	

*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached (☒) N
Craig email

Region AJ Spvsr. Approval --- S.O. AJ Spvsr. Approval CS
 C. Fritschle Approval C. Fritschle Hold --- To Fiscal 7-22-08
 Logged 7-22-08
 Data Base Modified? Y/N NA A &/or R Records By --- on ---

Sherman, Sally

From: Julie Murphy [juliem@srba.state.id.us]
Sent: Monday, July 21, 2008 2:51 PM
To: Sherman, Sally
Subject: RE: 37-22264 oops

Oops is right! Thanks for letting me know. I am mailing an amended order today.

Julie Murphy, Deputy Clerk
SRBA District Court
PO Box 2707
Twin Falls, ID 83303
Phone: (208) 736-3011
Fax: (208) 736-2121

From: Sherman, Sally [mailto:Sally.Sherman@idwr.idaho.gov]
Sent: Monday, July 21, 2008 2:39 PM
To: Julie Murphy
Subject: 37-22264 oops

Hi Julie. The Order Granting Motion to File Late Notice of Claim has "City of Grangeville" in the first sentence. The claimant name is Rock Creek, LLC. Will you please send us a corrected Motion?

Thank you and I hope you are well.
...Sal

Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, April 15, 2008 9:38 AM
To: Spencer, Nick; Bromley, Chris
Cc: Kelly, Vicki; Van Bussum, Monica
Subject: Motion for Late Claim 37-22264 - Overpaid Filing Fees

Good Morning,

We received a copy of a motion to file late claim 37-22264 on 4/2/08. The hearing for this late claim is set to be on 7/15/08.

The motion indicates they paid filing fees of \$217.00. This is based on the 2007 fee schedule. The filing fees as of July, 1 2008, reverts back to the old SRBA fee schedule. Therefore the filing fees for this claim should be:

Late Fee: \$50.00
Claim Fee: \$50.00
Variable Fee: \$1 per acre @ 8.5 acres = \$8.50. (Adjudication Rules tell us to round up to \$9.00)

Total: \$109.00

We potentially need to refund the claimant \$108.00 if they have paid the fee indicated on the motion.

I will put a copy of this e-mail with the motion.

Thanks,

Craig

4/15/2008