

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

37-22464
1-21-2010
0089899 \$100

COPY

NOTICE OF CLAIM

RECEIVED

TO A

WATER RIGHT

JAN 21 2010

ACQUIRED UNDER STATE LAW DEPARTMENT OF WATER RESOURCES

2009 OCT 16 AM 10 51
FILED
DISTRICT COURT - 5th JUDICIAL DISTRICT
TWIN FALLS CO. IDAHO

Please type or print clearly

1. Name of Claimant (s) Rock Creek LLC Phone (714) 979-8300Mailing Address P.O. Box 7250, Newport Beach, CA Zip 926582. Date of Priority (Only one (1) per claim) 12/14/19093. Source of water supply (a) Rock Creekwhich is tributary to (b) Big Wood River (dry stream)

4. a. Location of existing point of diversion is: Township 1N Range 17E Section 11,
1/4 of SE 1/4 of SW 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion (if any): NENW S14, NESW S14, NWSE S14, NENE S23, NESE S23, SENE S26,SWNE S26 T1N,R17E

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. Headgates to ditches and gravity irrigation.

SCANNED
JAN 21 2010

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 8.06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 8.06 (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	14		7.4	2.2		5.2			16.5	16.1			0.9		0.8	14.9		64.0
1N	17E	23	11.6	4.6		15.8									25.7	0.3			58.0
1N	17E	26	16.3			10.2					0.3			12.7		31.4	21.3		92.2
1N	17E	35		8.7	0.4		18.7			10.8									38.6

Total number of acres irrigated 252.8

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, 37-1152 Or None ☐

14. Remarks:

Claim asserts additional diversion rate above those decreed in S.C. Frost vs. Alturas Water Company.

Priority date claimed is one day after Frost decree. Diversion rate based on excess flow analysis report by Brockway Engineering dated February 25, 2008.

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JAN 21 2010

Last Name Rock Creek LLC

Ident. No. 37-22464

15. Basis of Claim (check one) ☒ Official 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 _____ Manager _____

Of _____ Rock Creek LLC _____ Title _____

that I have signed the foregoing

Document in the space below as _____ Organization _____
Manager _____ of _____ Rock Creek LLC _____
Title _____ Organization _____

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

Signature of Authorized Agent Harry Rinker, by Charles B. Banning, Agent in

Title and Organization Power of Attorney for Harry S. Rinker Date 10/9/09 For

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

Subscribed and sworn (or affirmed) before me this 9th day of October, 20 09.

Notary Public Sheila D. Daniels

Residing at Kimberly, Idaho

My Commission Expires Aug. 16, 2013



Please Print Name

17. Notice of Appearance:

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

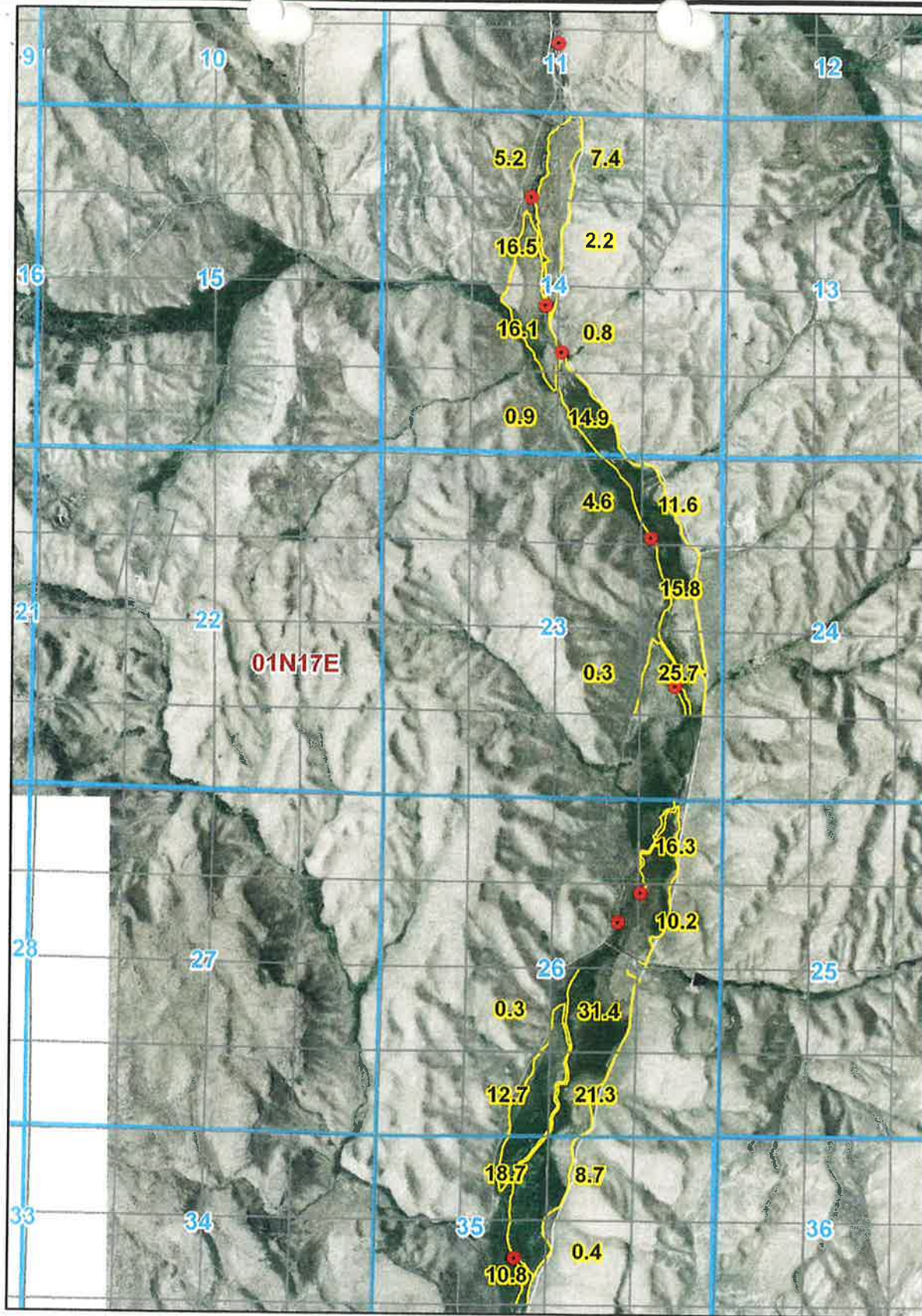
Signature _____

Address _____

Date _____

Last Name Rock Creek LLC Ident. Number 37-22464

SCANNED
JAN 21 2010



**RINKER - ROCK CREEK
BENEFICIAL USE CLAIM FOR ADDITIONAL DIVERSION RATE - NORTH AREA
NAIP 2006 AERIAL**

BROCKWAY ENGINEERING, PLLC.
ALR - SEPT 29, 2008

31-22464

- Sections_lines
- Beneficial use Claim North Area
- Points of Diversion

SCANNED
JAN 21 2010

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JAN 21 2010

DEPARTMENT OF
WATER RESOURCES

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

JAN 20 2010

By

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

Clerk
Deputy Clerk

In Re SRBA

Subcase: 37-22464

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On October 19, 2009, 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 January 19, 2010. 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 January 20, 2010.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

SCANNED
JAN 21 2010

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 January 20, 2010, 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

SCANNED
JAN 21 2010

ORDER

Page 1 1/20/10

FILE COPY FOR 01828

Deputy Clerk

Julie Murphy

CCBY

3

10-16

RECEIVED
OCT 16 2009
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 37-22464
) (Insert water right number)
)
Case 39576)
) 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.

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

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Rock Creek, LLC

My name is Robert E. Williams

My address is Williams, Meservy & Lothspeich, LLP
P.O. Box 168, Jerome, ID 83338

My phone number is (208) 324-2303

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 proposed Notice of Claim and "ATTACHMENT TO SRBA CLAIMS"
copied and attached hereto as Exhibit B.

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 \$ 100.00.

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 January 19th, 2010 @ 1:30 p.m.
(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



Attorney signing in representative capacity

Subscribed and sworn to before me on October 14th, 2009
(Insert Date)



Notary Public for Idaho

Residing at: Jerome

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 October 15, 2009, 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:

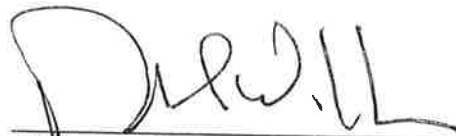
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

SF-5s have been agreed to and are being circulated for signature by Claimant and the Idaho Department of Water Resources for Water Rights Nos. 37-1151D and 37-1152. The diversion rates in the SF-5s match the original diversion rates decreed in Frost vs. Alturas Water Company for these rights. Because the subsequent Decree in Brown vs. Mortensen decreed all the water in Rock Creek to the above and related rights, all of which are now owned by Claimant and a related entity, Claimant and Idaho Department of Water Resources agreed that a late beneficial use claim could be filed for the additional flow of Rock Creek over and above the Frost decreed amounts, rather than to litigate the effect of the Decree in Brown vs. Mortensen or the Decree in Frost vs. Alturas Water Company.

SCANNED
OCT 19 2003

Attachment to SRBA Claims
Rock Creek, LLC and Harry S. & Diane J. Revocable Trust
September 29, 2009

The purpose of these three (3) claims is to assert the right to additional diversion rate above the diversion rates established under the various water rights decreed in S. C. Frost vs. Alturas Water Company dated December 13, 1909. An excess flow analysis prepared by Brockway Engineering and set forth in a report dated February 25, 2008 demonstrated that additional diversion rate was required and continues to be required for the beneficial uses allowed by the water rights.

The diversion rates set forth on the three (3) new claims were calculated as described below. The new claims are appurtenant to lands originally decreed in Frost, and do not apply to lands covered by beneficial use claims 37-22264, 37-22398, and 37-4192.

Step 1: Total diversion requirement

Area	Rights	Acres*	On-farm diversion rate per acre**	Seepage loss**	Total diversion requirement
North	37-1151D 37-1152	252.8	0.0419 cfs/ac	3.47 cfs	14.06 cfs
Middle	37-1151B 37-1212	40.2	0.0503 cfs/ac	0.50 cfs	2.52 cfs
South	37-1150	217.5	0.0491 cfs/ac	2.15 cfs	12.83 cfs

* Final shape file agreed upon with IDWR as of 9/29/09

** From Brockway Engineering excess flow analysis

Step 2: Diversion rates decreed in Frost

Area	Decreed to	Original number	Decreed rates	Total
North	Brown, E.	37-0098	1.2 cfs	6.0 cfs
	Davis & Eastwood	37-0171	1.0 cfs	
		37-0172	0.8 cfs	
	Eastwood, W.	37-0195	1.2 cfs	
	Smidt, C.	37-625	1.2 cfs	
		37-626	0.6 cfs	
Middle	Brown, R.	37-0109	0.2 cfs	1.2 cfs
		37-0108	1.0 cfs	
South	Reardon, D.	37-566	1.8 cfs	5.2 cfs
		37-567	1.6 cfs	
		37-568	1.0 cfs	
		37-569	0.8 cfs	

EXHIBIT
B

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OCT 19 2009

Step 3: Claim amounts = difference between diversion requirement and decreed rates

Area	Claim amounts
North	$14.06 - 6.0 = 8.06$ cfs
Middle	$2.52 - 1.2 = 1.32$ cfs
South	$12.83 - 5.2 = 7.63$ cfs

SCANNED
OCT 19 2009

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) 12/14/1909

3. Source of water supply (a) Rock Creek

which is tributary to (b) Big Wood River (dry stream)

4. a. Location of existing point of diversion is: Township 1N Range 17E Section 11,
1/4 of SE 1/4 of SW 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion (if any): NENW S14, NESW S14, NWSE S14, NENE S23, NESE S23, SENE S26,

SWNE S26 T1N,R17E

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. Headgates to ditches and gravity irrigation.

COPIED
OCT 13 2009

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 8.06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 8.06 (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	14		7.4	2.2		5.2			16.5	16.1			0.9		0.8	14.9		64.0
1N	17E	23	11.6	4.6		15.8									25.7	0.3			58.0
1N	17E	26	16.3			10.2					0.3			12.7		31.4	21.3		92.2
1N	17E	35		8.7	0.4		18.7			10.8									38.6

Total number of acres irrigated 252.8

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, 37-1152

Or None ☐

14. Remarks:

Claim asserts additional diversion rate above those decreed in S.C. Frost vs. Alturas Water Company.

Priority date claimed is one day after Frost decree. Diversion rate based on excess flow analysis report by

Brockway Engineering dated February 25, 2008.

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OCT 19 2009

Last Name _____ Ident. No. _____

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

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 _____ Manager _____

Of _____ Rock Creek LLC _____ Title _____ that I have signed the foregoing

Document in the space below as _____ Organization _____ Manager _____ of _____ Rock Creek LLC _____ Title _____ Organization _____

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

Signature of Authorized Agent Harry S. Rinker, by Charles B. Bullock, Agent

Title and Organization _____ Power of Attorney for Harry S. Rinker Date 10/9/09 FA

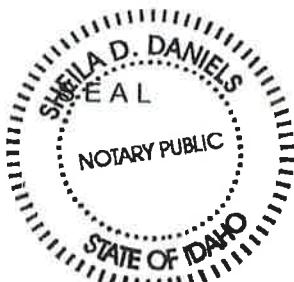
State of Idaho / or _____)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 9th day of October, 20 09.

Notary Public Sheila D. Daniels

Residing at Kimberly, Idaho

My Commission Expires Aug. 16, 2013



Please Print Name

17. Notice of Appearance:

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

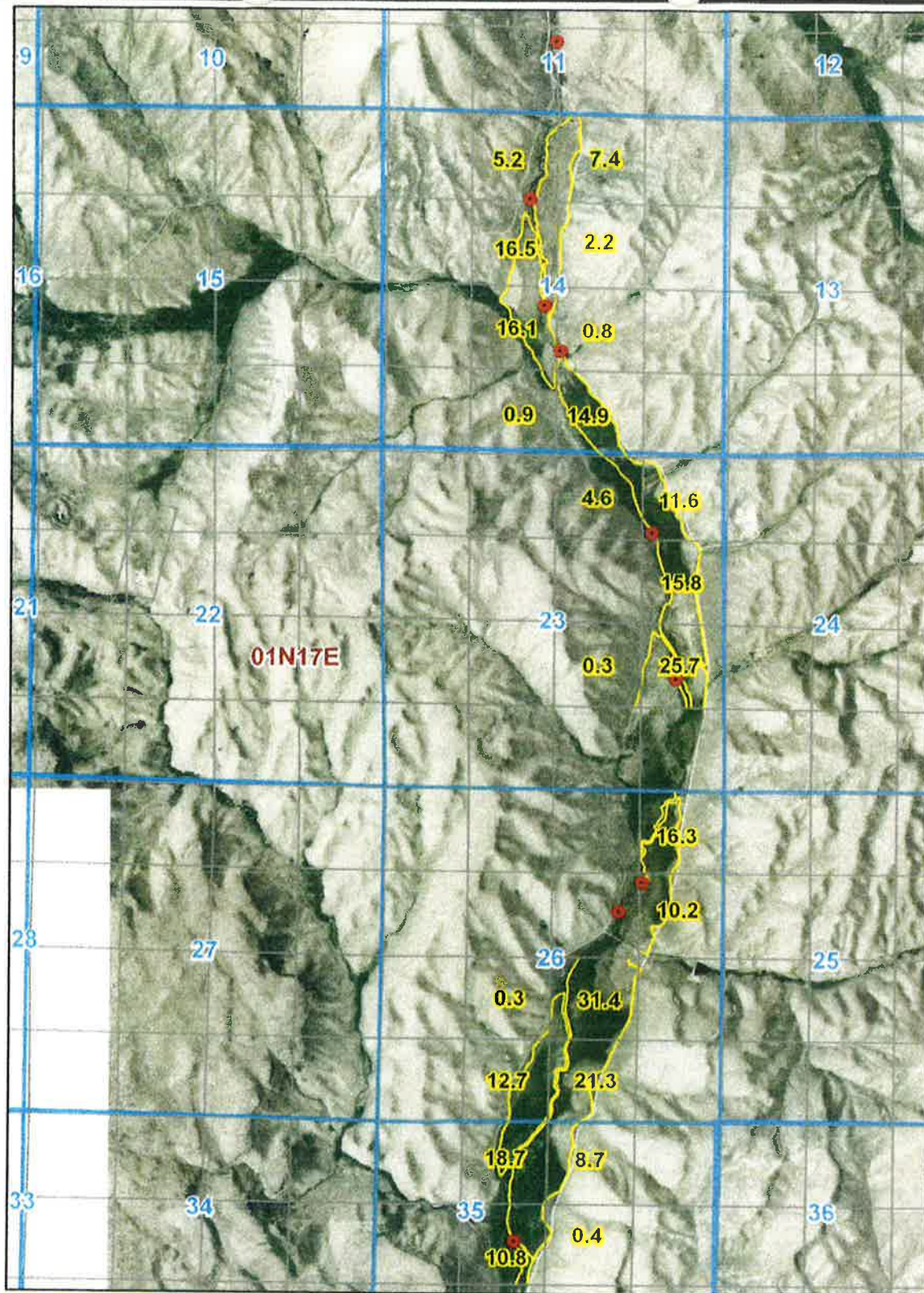
Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

RECEIVED
OCT 19 2009



**RINKER - ROCK CREEK
BENEFICIAL USE CLAIM FOR ADDITIONAL DIVERSION RATE - NORTH AREA
NAIP 2006 AERIAL**

BROCKWAY ENGINEERING, PLLC.
ALR - SEPT 29, 2008

- Sections Lines
- Beneficial use Claim North Area
- Points of Diversion

N
↑

SPANNED
OCT 19 2009

11/05/2010

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

RIGHT NUMBER: 37-22464

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

SOURCE: ROCK CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 6.600 CFS

PRIORITY DATE: ~~12/14/1909~~ 03/12/1925POINT OF
DIVERSION:

T01N R17E S11 SESW Within BLAINE County
T01N R17E S14 NENW Within BLAINE County
T01N R17E S14 NESW Within BLAINE County
T01N R17E S14 NWSE Within BLAINE County
T01N R17E S23 NENE Within BLAINE County
T01N R17E S23 NESE Within BLAINE County
T01N R17E S26 SWNE Within BLAINE County
T01N R17E S26 SENE Within BLAINE County
T01N R17E S35 SENW Within BLAINE County

KKC

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/31

6.600 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R17E S14	NWNE	7.40	T01N R17E S14	SWNE	2.10
T01N R17E S14	NENW	5.20	T01N R17E S14	SENE	17.00
T01N R17E S14'	NESW	16.00	T01N R17E S14	SESW	0.90
T01N R17E S14	NWSE	0.80	T01N R17E S14	SWSE	15.00
T01N R17E S23	NENE	12.00	T01N R17E S23	NWNE	4.60
T01N R17E S23	SENE	14.00	T01N R17E S23	NESE	24.00
T01N R17E S23	NWSE	0.30	T01N R17E S23	SWSE	8.40
T01N R17E S23	SESE	23.00	T01N R17E S26	NENE	16.00
T01N R17E S26	NWNE	4.00	T01N R17E S26	SWNE	8.30
T01N R17E S26	SENE	10.00	T01N R17E S26	NESW	0.30
T01N R17E S26	SESW	13.00	T01N R17E S26	NWSE	31.00
T01N R17E S26	SWSE	21.00	T01N R17E S35	NWNE	8.70
T01N R17E S35	SWNE	0.40	T01N R17E S35	NENW	19.00
T01N R17E S35	SENE	11.00			

293.4 ACRES TOTAL

This right is limited to the irrigation of 249.7 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 249.7 acres in a single irrigation season. Combined Right Nos.: 37-1151D, 37-1152, and 37-22464.

The rights listed below are limited to the irrigation of a combined total of

293.4 acres in a single irrigation season. Combined Right Nos.: 37-627, 37-1151D, 37-1152, 37-22398, and 37-22464.

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

This 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

KKC

11/05/2010

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

SF-5

RIGHT NUMBER: 37-22464

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

SOURCE: ROCK CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 6.600 CFS

PRIORITY DATE: 12/14/1909 ~~03/12/1925~~

POINT OF
DIVERSION:

T01N R17E S11 SESW Within BLAINE County
T01N R17E S14 NENW Within BLAINE County
T01N R17E S14 NESW Within BLAINE County
T01N R17E S14 NWSE Within BLAINE County
T01N R17E S23 NENE Within BLAINE County
T01N R17E S23 NESE Within BLAINE County
T01N R17E S26 SWNE Within BLAINE County
T01N R17E S26 SENE Within BLAINE County
T01N R17E S35 SENW Within BLAINE County

VERIFIED BY

KRC
11-5-2010

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	6.600 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R17E S14	NWNE	7.40	T01N R17E S14	SWNE	2.10
T01N R17E S14	NENW	5.20	T01N R17E S14	SENE	17.00
T01N R17E S14	NESW	16.00	T01N R17E S14	SESW	0.90
T01N R17E S14	NWSE	0.80	T01N R17E S14	SWSE	15.00
T01N R17E S23	NENE	12.00	T01N R17E S23	NWNE	4.60
T01N R17E S23	SENE	14.00	T01N R17E S23	NESE	24.00
T01N R17E S23	NWSE	0.30	T01N R17E S23	SWSE	8.40
T01N R17E S23	SESE	23.00	T01N R17E S26	NENE	16.00
T01N R17E S26	NWNE	4.00	T01N R17E S26	SWNE	8.30
T01N R17E S26	SENE	10.00	T01N R17E S26	NESW	0.30
T01N R17E S26	SESW	13.00	T01N R17E S26	NWSE	31.00
T01N R17E S26	SWSE	21.00	T01N R17E S35	NWNE	8.70
T01N R17E S35	SWNE	0.40	T01N R17E S35	NENW	19.00
T01N R17E S35	SENE	11.00			

293.4 ACRES TOTAL

This right is limited to the irrigation of 249.7 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 249.7 acres in a single irrigation season. Combined Right Nos.: 37-1151D,

37-1152, and 37-22464.

The rights listed below are limited to the irrigation of a combined total of 293.4 acres in a single irrigation season. Combined Right Nos.: 37-627, 37-1151D, 37-1152, 37-22398, and 37-22464.

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

This 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

SRBA

DIRECTORS REPORT 37-22464

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 37-22464

Name and Address: HARRY S & DIANE J RINKER REVOC
PO BOX 7250
NEWPORT BEACH, CA 92658

Source: ROCK CREEK Tributary: BIG WOOD RIVER

Quantity: 6.60 CFS

Priority Date: 03-12-1925

Diversion Point:	T01N R17E S11	SESW	Within Blaine County
	S14	NENW	
		NESW	
		NWSE	
	S23	NENE	
		NESE	
	S26	SWNE	
		SENE	
	S35	SENW	

Purpose and			
Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-15 TO 10-31	6.60 CFS

Place of Use:	Irrigation	Within Blaine County	
	T01N R17E S14	NWNE 7.4	SWNE 2.1
		NENW 5.2	SENW 17
		NESW 16	SESW 0.9
		NWSE 0.8	SWSE 15
	S23	NENE 12	NWNE 4.6
		SENE 14	NESE 24
		NWSE 0.3	SWSE 8.4
		SESE 23	
	S26	NENE 16	NWNE 4
		SWNE 8.3	SENE 10
		NESW 0.3	SESW 13
		NWSE 31	SWSE 21
	S35	NWNE 8.7	SWNE 0.4
		NENW 19	SENW 11
	293.4 Acres Total		

This right is limited to the irrigation of 249.7 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a

combined total of 293.4 acres in a single irrigation season.
Combined Right Nos.: 37-627, 37-1151D, 37-1152, 37-22398, and
37-22464.

The rights listed below are limited to the irrigation of a
combined total of 249.7 acres in a single irrigation season.
Combined Right Nos.: 37-1151D, 37-1152, and 37-22464.

Other Provisions Necessary for Definition / 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.

Explanatory Material: Basis of Claim - Beneficial Use

[Return to SRBA Home Page](#)

04/06/2010

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

RIGHT NUMBER: 37-22464

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

SOURCE: ROCK CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 6.600 CFS

PRIORITY DATE: 03/12/1925

VERIFIED BY

KKC
4-6-10

POINT OF DIVERSION:

T01N R17E S11 SESW Within BLAINE County
T01N R17E S14 NENW Within BLAINE County
T01N R17E S14 NESW Within BLAINE County
T01N R17E S14 NWSE Within BLAINE County
T01N R17E S23 NENE Within BLAINE County
T01N R17E S23 NESE Within BLAINE County
T01N R17E S26 SWNE Within BLAINE County
T01N R17E S26 SENE Within BLAINE County
T01N R17E S35 SENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	6.600 CFS

PLACE OF USE:

<u>IRRIGATION in BLAINE County</u>					
T01N R17E S14	NWNE	7.40	T01N R17E S14	SWNE	2.10
T01N R17E S14	NENW	5.20	T01N R17E S14	SENE	17.00
T01N R17E S14	NESW	16.00	T01N R17E S14	SESW	0.90
T01N R17E S14	NWSE	0.80	T01N R17E S14	SWSE	15.00
T01N R17E S23	NENE	12.00	T01N R17E S23	NWNE	4.60
T01N R17E S23	SENE	14.00	T01N R17E S23	NESE	24.00
T01N R17E S23	NWSE	0.30	T01N R17E S23	SWSE	8.40
T01N R17E S23	SESE	23.00	T01N R17E S26	NENE	16.00
T01N R17E S26	NWNE	4.00	T01N R17E S26	SWNE	8.30
T01N R17E S26	SENE	10.00	T01N R17E S26	NESW	0.30
T01N R17E S26	SESW	13.00	T01N R17E S26	NWSE	31.00
T01N R17E S26	SWSE	21.00	T01N R17E S35	NWNE	8.70

T01N R17E S35	SWNE	0.40	T01N R17E S35	NENW	19.00
T01N R17E S35	SENE	11.00			

293.4 ACRES TOTAL

This right is limited to the irrigation of 249.7 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 249.7 acres in a single irrigation season. Combined Right Nos.: 37-1151D, 37-1152, and 37-22464.

The rights listed below are limited to the irrigation of a combined total of 293.4 acres in a single irrigation season. Combined Right Nos.: 37-627, 37-1151D, 37-1152, 37-22398, and 37-22464.

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

This 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

293.4
249.7
43.7 ac diff.
(37-22398)
added, gnd.
not part of decree

RECEIVED

OCT 21 2010

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 37-22464
Case No. 39576	STANDARD FORM 1 OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING:

Name: Harry S. and Diane J. Rinker Revocable Trust
Address: P.O. Box 7250
Newport Beach, CA 92658
Daytime Phone:

Name & Address of Attorney:
Robert E. Williams
Williams, Meservy & Lothspeich, LLP
PO Box 168
Jerome ID 83338

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

Name: Harry S. and Diane J. Rinker Revocable Trust
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: 8.06 cfs
4. ☒ **Priority Date**
Should be: 12/14/1909
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: 252.8 acres as claimed
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 OBJECTION(S):** Quantity is supported by an excess flow analysis prepared by Brockway Engineering dated February 25, 2008. Priority date should be one day after Decree entered in *S. C. Frost vs Alturas Water Co.* Place of use is based on aerial photographs and field inspections and previously agreed to acreage in proposed SF-5s.

F.

VERIFICATION (Must be Completed)

State of IDAHO)
)ss:
County of Jerome)

Robert E. Williams, duly sworn, upon oath, deposes and says:

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

(Signature of person filing objection)



(Attorney signing in representative capacity)

Robert E. Williams, Attorney

Subscribed and sworn to before me on: October 20, 2010




NOTARY PUBLIC for Idaho
Residing at: Gooding
My Commission Expires: 3/5/2011

Christensen, Kelly

*Last communication to Brockway
(as of 10-4-10) - response*

From: Christensen, Kelly
Sent: Tuesday, April 06, 2010 2:11 PM
To: 'Dr. Charles E. Brockway'; rewilliams@cableone.net; Kelly, Vicki; Bromley, Chris
Subject: 37-627 Rinker Rock Creek group

I have drafted preliminary recommendations for all of the claims except for the southern PPU group. I have reviewed the available information and don't have much to discuss other than the conveyance losses (associated ditch lengths).

I was unable to generate a compilation of ditch segments that would compare to the data you provided. Could you identify the ditch reaches that you used in determining the ditch lengths? Once I have that information I should be able to complete the last of the preliminary recommendations for your review.

When you get a chance, please look over the other preliminary recommendations and provide feedback if necessary. There are some minor differences from your documents which primarily are associated with the department's position of rounding acreages within 40-acre tracts over 10 acres to the nearest whole acre.

I did split 37-22463 into 37-22501 and 37-22502. As the associated decreed rights varied greatly regarding rate per found acres I did a disproportionate split for the diversion rate. Please see the attached worksheet showing my approach.



SPLIT RATE
CALCULATIONS FOR 37-22463

Thanks,

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

SPLIT RATE CALCULATIONS FOR 37-22463

Attachment to
4-6-2010 2:11PM email
to Brockway/Williams

37-22463 split analysis 1.32 cfs on 40.2 acres claimed

$$1.32 \text{ cfs} - 1.19 \text{ cfs} = 0.13 \text{ cfs}$$

The rate per acre for the found acreage for the two decreed rights are disproportionate. Therefore the diversion rate split is based upon the excess flow/conveyance loss calculations associated with each system. As the claimed rate exceeded the calculated requirements the remainder was split proportionately.

$$37-22501 \ 15.0/40.2 * 0.13 \text{ cfs} = 0.048 \approx 0.05 \text{ cfs}$$

$$37-22502 \ 25.2/40.2 * 0.13 \text{ cfs} = 0.081 \approx 0.08 \text{ cfs}$$

SEE TABLE BELOW FOR EXCESS FLOW CALCULATIONS

$$37-22501 \text{ claim split rate} = 0.74 \text{ cfs} + 0.05 \text{ cfs} = 0.79 \text{ cfs} \text{ (Rock Creek)}$$

$$37-22502 \text{ claim split rate} = 0.45 \text{ cfs} + 0.08 \text{ cfs} = 0.53 \text{ cfs} \text{ (Guy Creek)}$$

37-1151B 37-22501 Rock Creek

Found 15 ac, decreed rate = 0.20 cfs

Excess flow requirements

$$15.0 \text{ cfs} * 0.0416 \text{ cfs/ac} = 0.624 \text{ cfs}$$

$$\text{Conveyance losses for ditch 35} = 0.79 \text{ mi} \\ @ 0.40 \text{ cfs/mile} = \underline{0.316 \text{ cfs}}$$

Total requirement

$$\text{Excess flow} = 0.62 \text{ cfs}$$

$$\text{Conv Losses} = \underline{0.32 \text{ cfs}}$$

$$\text{Sub total} = 0.94 \text{ cfs}$$

$$\text{Less decree rate} = \underline{0.20 \text{ cfs}}$$

$$\text{RATE FOR 37-22501} = \underline{0.74 \text{ cfs}}$$

37-1212 37-22502 Guy Creek

Found 25.2 acres decree rate = 1.00 cfs

Excess flow requirements

$$25.2 \text{ cfs} * 0.0416 \text{ cfs/ac} = 1.05 \text{ cfs}$$

$$\text{Conveyance losses for ditches 33 and 34} \\ \text{One mile long.} = 0.40 \text{ cfs}$$

Total requirement

$$\text{Excess flow} = 1.05 \text{ cfs}$$

$$\text{Conv Losses} = \underline{0.40 \text{ cfs}}$$

$$\text{Sub total} = 1.45 \text{ cfs}$$

$$\text{Less decree rate} = \underline{1.00 \text{ cfs}}$$

$$\text{RATE FOR 37-22502} = \underline{0.45 \text{ cfs}}$$

Claim No(s). 37-22464

Claim No(s). 37-22464

[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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 8, 2010

ROBERT E WILLIAMS
FREDERICKSEN WILLIAMS & LOTH SPEICH LLP
PO BOX 168
JEROME ID 83338

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #37-22464
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. I have enclosed receipt #C089899 for the fees your firm paid.

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
Enclosure:

Receipt Referenced Above

SCANNED
FEB - 4 2010