

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:

Ident. Number

Date Received

Receipt Number

39576

37-22465

1-21-2010 587

C089924 \$100-

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 21 2010

DEPARTMENT OF
WATER RESOURCES

2009 OCT 16 PM 10 52
FILED
DISTRICT COURT - 5th JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO

Please type or print clearly

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

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

2. Date of Priority (Only one (1) per claim) 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 1S Range 17E Section 1,
1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of Blaine

Add'l points of diversion: NWSE S12, SWSE S12

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 26 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 7.63 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.63 (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:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	17E	12		7.8	34.1	14.0	30.3	14.7		10.8					10.5	16.5	18.0	15.5	172.2
1S	17E	13	20.0	25.3															45.3

Total number of acres irrigated 217.5

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.
37-1150 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.

Last Name Kinker

Ident. No. 37-22465

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JAN 26 2010

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 _____ Trustee

Of _____ Harry S. & Diane J. Revocable Trust _____ Title _____

Organization _____ that I have signed the foregoing

Document in the space below as _____ Trustee _____ of _____ Harry S. & Diane J. Revocable Trust _____

Title _____ Organization _____

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

Signature of Authorized Agent Harry Rinker, by Mark E. Brinkley, Agent,

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

State of Idaho / or _____)

County of Twin Falls) ss.

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

Notary Public Sheila D. Daniels

Residing at Kimberley, Idaho

My Commission Expires Aug. 10, 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.

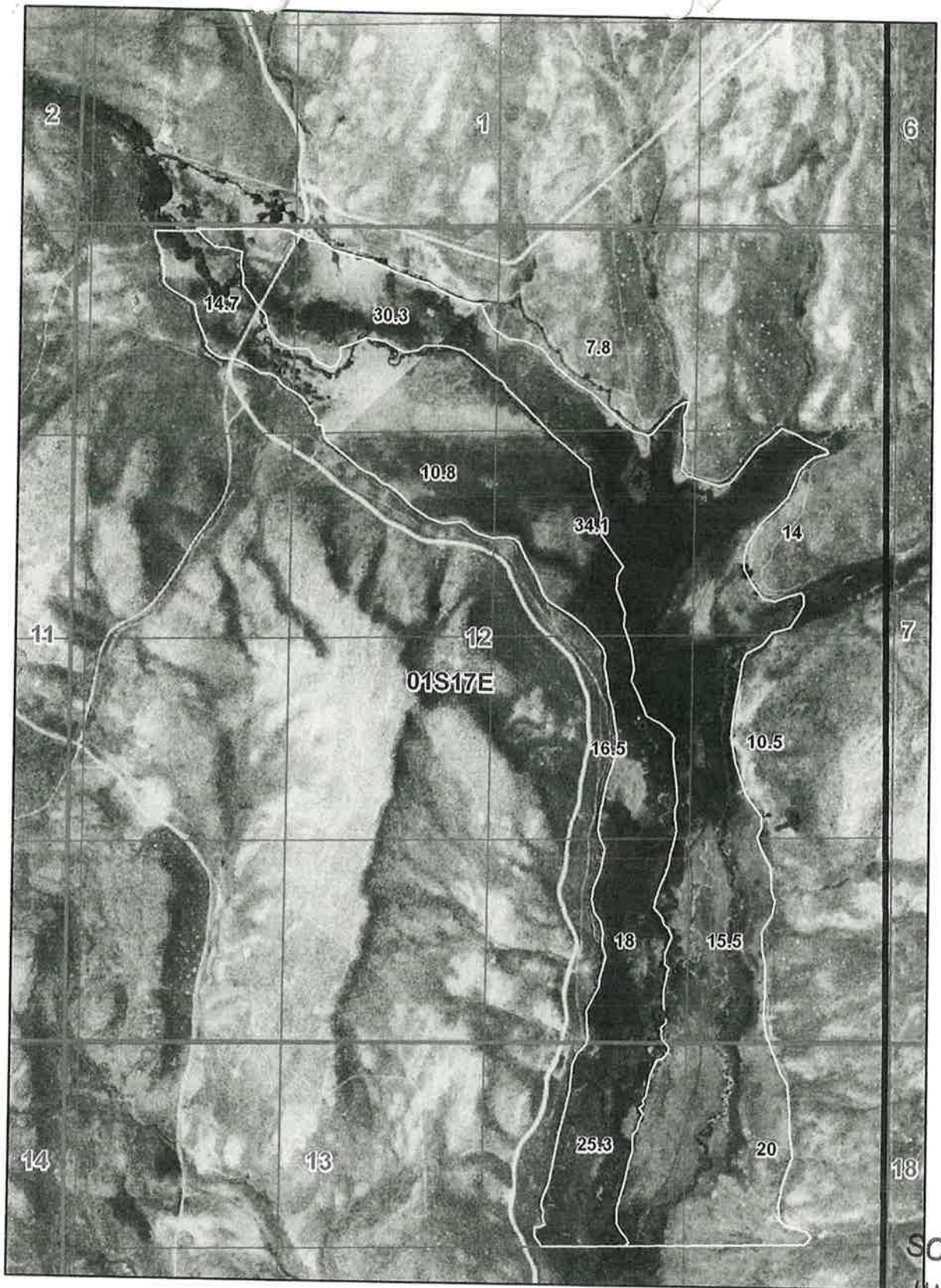
Signature _____

Address _____

Date _____

Last Name Rinker Ident. Number 37-22465

SCANNED
JAN 26 2010



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

BROCKWAY ENGINEERING, PLLC.
ALR - SEPT 29, 2008

37-22465

POU = 217.5 ACRES 101n17e
Sections_lines 37-1150 FINAL POU PER QQ
POD

SCANNED

JAN 26 2010



RECEIVED
JAN 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

Case No. 39576

) Subcases: 37-22463 & 37-22465

) ORDER GRANTING MOTIONS TO FILE
) LATE NOTICE OF CLAIM
)
)
)
)

On October 19, 2009, Harry S. and Diana J. Rinker Revocable Trust, by and through counsel, Robert E. Williams, filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on January 19, 2010. These *Motions* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices 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 claims 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 26 2010

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on January 20,
2010, with sufficient first-class postage to the following:

HARRY S & DIANE J RINKER

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 26 2010

ORDER

Page 1 1/20/10

FILE COPY FOR 01826

Deputy Clerk

Julie Murphy

COPY

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 37-22465
) (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.

SCANNED

OCT 19 2009 Page 1

☒ 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 The Harry S. and Diane J. Rinker Revocable Tru

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 Exhibit B attached hereto.

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

[Signature]

Attorney signing in representative capacity

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



Moni 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 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 Right No. 37-1150. 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.

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OCT 19 2009

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

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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) Harry S. & Diane J. Rinker Revocable Trust Phone (714) 979-8300
Mailing Address P.O. Box 7250, Newport Beach, CA Zip 92658
2. Date of Priority (Only one (1) per claim) 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 1S Range 17E Section 1,
1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of Blaine
Add'l points of diversion: NWSE S12, SWSE S12
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.

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OCT 19 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 7.63 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.63 (cfs) and / or (b) _____ (acre feet)

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

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

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	17E	12		7.8	34.1	14.0	30.3	14.7		10.8					10.5	16.5	18.0	15.5	172.2
1S	17E	13	20.0	25.3															45.3

Total number of acres irrigated 217.5

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.

37-1150 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.

SCANNED
OCT 19 2009

Last Name _____ Ident. No. _____

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 _____ Trustee _____

Of _____ Harry S. & Diane J. Revocable Trust _____ Title _____

Document in the space below as _____ Organization _____ that I have signed the foregoing
Trustee _____ of _____ Harry S. & Diane J. Revocable Trust
Title _____ Organization _____

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

Signature of Authorized Agent Harry Rinker, by Mark E. Buehler, Agent

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

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

Subscribed and sworn (or affirmed) before me this 9th day of Oct., 2009.

Notary Public Sheila D. Daniels

Residing at Kimberley, Idaho

My Commission Expires Aug. 10, 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 _____

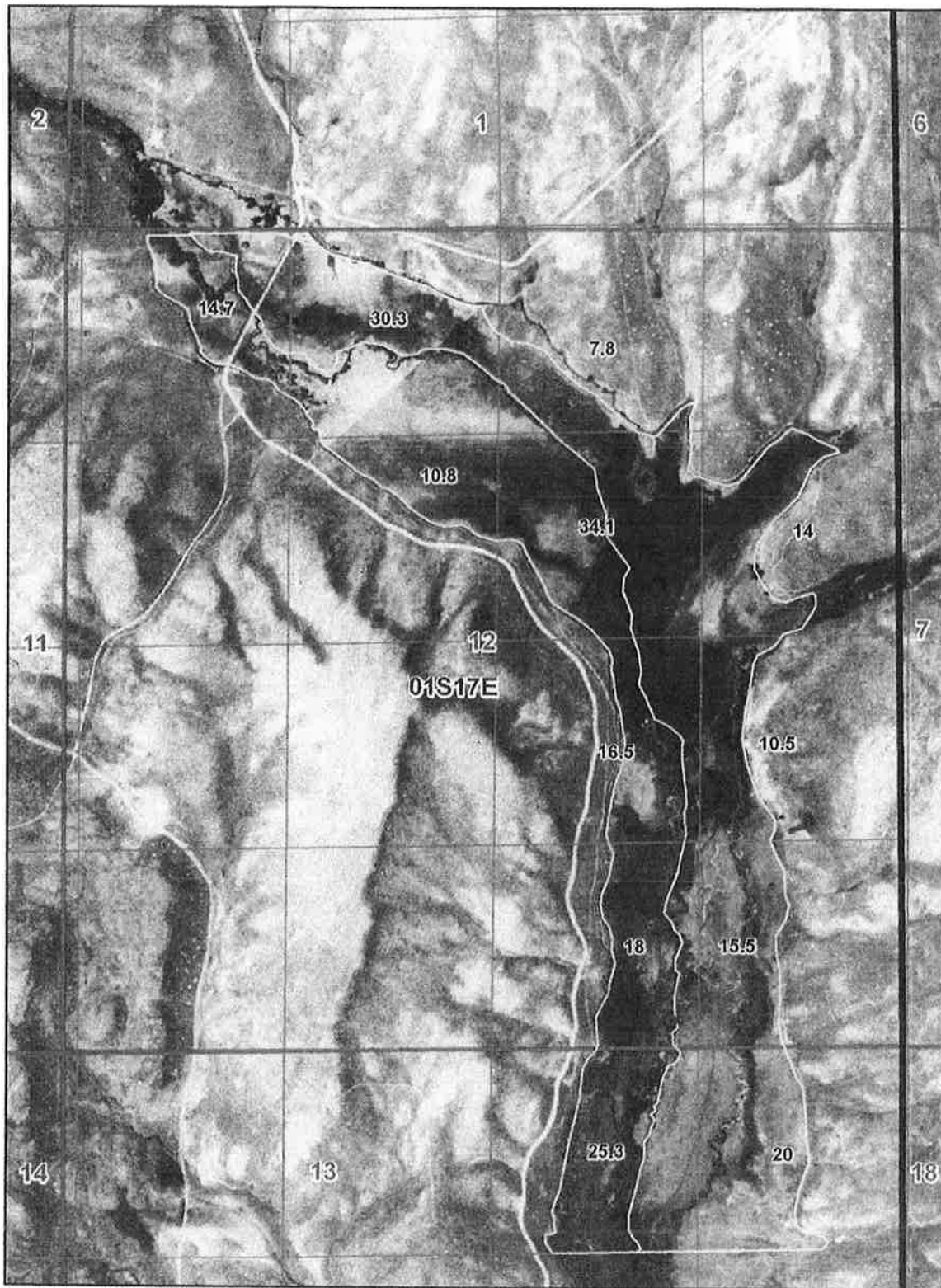
Address _____

Date _____

Last Name _____ Ident. Number _____

SCANNED

OCT 13 2009



**RINKER - ROCK CREEK
BENEFICAL USE CLAIM FOR ADDITIONAL DIVERSION RATE - SOUTH AREA
NAIP 2006 AERIAL**

BROCKWAY ENGINEERING, PLLC.
ALR - SEPT 29, 2008

POU = 217.5 ACRES 01S17E
Sections_lines 37-1150 FINAL POU PER QQ
POD

N

SCANNED

OCT 19 2009

11/05/2010

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

RIGHT NUMBER: 37-22465

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: 5.360 CFS

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

POINT OF
DIVERSION:

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

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	5.360 CFS

PLACE OF USE: IRRIGATION in BLAINE County

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

249.8 ACRES TOTAL

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

This right is limited to the irrigation of 217.8 acres within the place of use described above in a single irrigation season.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

11/05/2010

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

RIGHT NUMBER: 37-22465

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: 5.360 CFS

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

POINT OF
DIVERSION:

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

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	5.360 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R17E S12 NWNE	7.80	T01S R17E S12 SWNE 34.00
	T01S R17E S12 SENE	16.00	T01S R17E S12 NENW 30.00
	T01S R17E S12 NWNW	15.00	T01S R17E S12 SENW 11.00
	T01S R17E S12 NESE	10.00	T01S R17E S12 NWSE 17.00
	T01S R17E S12 SWSE	18.00	T01S R17E S12 SESE 16.00
	T01S R17E S13 NENE	20.00	T01S R17E S13 NWNE 25.00
	T01S R17E S13 SWNE	16.00	T01S R17E S13 SENE 14.00

249.8 ACRES TOTAL

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

This right is limited to the irrigation of 217.8 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-22465 V1

WATER RIGHT NUMBER: 37-22465 V1

Owner TypeName and Address

Current Owner

HARRY S & DIANE J RINKER REVOCABLE TRUST
 PO BOX 7250
 NEWPORT BEACH, CA 92658
 (714)979-8300

Priority Date: 03/12/1925 **1909**

Basis: Beneficial Use

Status: Active

SourceTributary

ROCK CREEK

BIG WOOD RIVER

Beneficial Use

From _____ To _____

Diversion RateAnnual Volume

IRRIGATION

04/15 to 10/31

5.360 CFS

want 7.63cfsTotal Diversion:

5.360 CFS

Location of Point(s) of Diversion

ROCK CREEK

SW1/4SW1/4

Sec. 1, Twp 01S, Rge 17E, B.M.

BLAINE County

ROCK CREEK

SW1/4SE1/4

Sec. 12, Twp 01S, Rge 17E, B.M.

BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01S	17E	12	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	174.8
				7.8	34.0	16.0	30.0	15.0		11.0					10.0	17.0	18.0	16.0	
01S	17E	13		20.0	25.0	16.0	14.0												75.0
Total Acres: 249.8																			

252 comb.**30
32.5 ac**Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 249.8 acres in a single irrigation season. Combined Right Nos.: 37-1150, 37-4192, and 37-22465.
2. K06 This right is limited to the irrigation of 217.8 acres within the place of use described above in a single irrigation season.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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 37-22465
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: 7.63 cfs *Rec = 5.36 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 acres combined
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 based upon excess flow analysis report from Brockway Engineering dated February 25, 2008. Priority date is one day after Decree entered in *S. C. Frost vs Alturas Water Co.* Combined place of use is based on aerial photographs and field inspections, and previously agreed to acreage amounts in proposed SF-5s.

06/07/2010

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

RIGHT NUMBER: 37-22465

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

VERIFIED * KKC
6-7-10

SOURCE: ROCK CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 5.360 CFS

PRIORITY DATE: 03/12/1925

POINT OF DIVERSION:

T01S R17E S1 SWSW Within BLAINE County

T01S R17E S12 SWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	5.360 CFS

PLACE OF USE: IRRIGATION in BLAINE County

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Claim No(s). 37-22465

Claim No(s). 37-22465

[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 & LOTHSPREICH LLP
PO BOX 168
JEROME ID 83338

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #37-22463 & 37-22465
Your Client: Harry S. & Diane J. Rinker Revocable Trust

Dear Mr. Williams:

The Notices of Claim to a Water Right you filed for your client referenced above were received from the SRBA Court recently. I have enclosed receipt #C089923 for the filing fees your firm paid.

Your client's Notices 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.

Please notify us in writing if your client's address changes or if there is a change in ownership of their property and water rights.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region

Enclosure: Receipt Referenced Above

SCANNED

FEB - 4 2010