

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-22502
Date Received: 10/13/2009
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

2. Date of Priority: 12/14/1909

3. Source: GUY CREEK Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	17E	35	SW NW	BLAINE	

5. Description of diverting works:

Headgates to ditches and gravity irrigation.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.53	

7. Total Quantity Appropriated is:
0.53 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01N	17E	35	NE SW	IRRIGATION	6.3
			SW SE	IRRIGATION	0.7
			SE SW	IRRIGATION	15.8

*split from
37-22463*

					Section Acres	22.8
01S	17E	2	SE	NE	1	IRRIGATION 2.4
					Section Acres	2.4
					Total Acres	25.2

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

10-13-09 claim data entry for number reserve to claimant for filing late claim with SRBA court. Actual data may change after claims are filed.

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.

Other water right used at the same place and for the same purposes: 37-1151B, 37-1212

This right is a split from former right 37-22463 .

Base right 37-22463 was split into 22501 for Rock Creek and 22502 for Guy Creek as they are independent systems. Diversion rate split is disproportionate. It is primarily based upon excess flow analysis.

15. Basis of Claim: Beneficial Use

SPLIT RATE CALCULATIONS FOR 37-22463

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

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

Conveyance losses for ditch 35 = 0.79 mi
@ 0.40 cfs/mile = 0.316 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

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

Conveyance losses for ditches 33 and 34
One mile long. = 0.40 cfs

Total requirement

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

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

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

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

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

11/05/2010

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

RIGHT NUMBER: 37-22502

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

SOURCE: GUY CREEK TRIBUTARY: ROCK CREEK

QUANTITY: 0.450 CFS

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

POINT OF
DIVERSION: T01N R17E S35 SWNW 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	0.450 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R17E S35	NESW	6.30	T01N R17E S35	SESW	15.80
T01N R17E S35	SWSE	0.70	T01S R17E S02 Lot 1	SENE	2.40

25.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 25.2 acres in a single irrigation season. Combined Right Nos.: 37-1212 and 37-22502.

XKC

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

This right is a split from former right 37-22463.

11/05/2010

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

SF-5

RIGHT NUMBER: 37-22502

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

VERIFIED BY KKC
71-05-10

SOURCE: GUY CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.450 CFS

PRIORITY DATE: ~~03/12/1935~~ 12/14/1909

POINT OF
DIVERSION:

T01N R17E S35 SWNW 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	0.450 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01N R17E S35 NESW 6.30	T01N R17E S35 SESW	15.80
	T01N R17E S35 SWSE 0.70	T01S R17E S02 Lot 1 SENE	2.40

25.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 25.2 acres in a single irrigation season. Combined Right Nos.: 37-1212 and 37-22502.

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

This right is a split from former right 37-22463 .

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 37-22502
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:
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:
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): Priority date should be one day after Decree entered in *S. C. Frost vs Alturas Water Co.*

04/06/2010

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

RIGHT NUMBER: 37-22502

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

VERIFIED BY KKC
4-6-10

SOURCE: GUY CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.450 CFS

PRIORITY DATE: 03/12/1925

POINT OF DIVERSION:

T01N R17E S35 SWNW 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	0.450 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R17E S35	NESW	6.30	T01N R17E S35	SESW	15.80
T01N R17E S35	SWSE	0.70	T01S R17E S02 Lot 1	SENE	2.40

25.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 25.2 acres in a single irrigation season. Combined Right Nos.: 37-1212 and 37-22502.

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

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