

37-8322
RECEIVED

APR 28 2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

76571

RECEIVED

MAY 05 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGION

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

DEPT. OF WATER RESOURCES
SOUTHERN REGION

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable to the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- Yes N/A** * Means the item is always required and must be included with the application.
- ☒ * Completed Application for Transfer of Water Right form, Part 1.
 - ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
 - ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
 - ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
 - ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
 - ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76571
RECEIVED**APR 28 2010**DEPT. OF WATER RESOURCES
SOUTHERN REGION**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1****MAY 05 2010**DEPT. OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) Roderick H. Rinker Phone (714) 979-8300Mailing Address P.O. Box 7250, Newport Beach, CA 92658 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Charles G. Brockway, P.E. Phone (208) 736-8543Mailing Address 2016 Washington St. N. #4, Twin Falls, ID 83301 Email _____☐ Send all correspondence for this application to the representative and not to the applicant.OR ☒ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.OR ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Charles G. Brockway 4/19/10
Print Name and Title if applicable Date
Power of Attorney for Roderick H. Rinker

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
☐ Add diversion point(s)
☐ Change period of use
☒ Change place of use
☒ Other Split right
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Water is being moved to other land on applicant's property.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	37-8322	0.045/4.5	Irrigation	4/11 to 11/1	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.045 cfs and/or 4.5 ac-ft

2. Total amount of water proposed to be transferred or changed 0.045 cubic feet per second and/or 4.5 acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	18E	32					1.5												1.5

Total Acres (for irrigation use) 1.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Existing well and pump will continue to be utilized for irrigation using hand lines and/or buried sprinkler systems.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: Irrigation will be moved from previous place of use to the land shown on the attached map.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: None

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 37-8322

Current Owner: JOYCE GORDON
ERIC REMAIS
RODRICK H RINKER

Priority Date: 11/10/1987

Origin: Adjudication Recommendation

Status: Active

Basis:	License
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Source

Tributary

GROUND WATER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 11/01	0.09 CFS	9 AF
	Total Diversion	0.09 CFS	9 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NE1/4NW1/4 Sec. 32, Twp 03N, Rge 18E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S32 NENW 3.00

Total Acres: 3

Conditions of Approval:

1. 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 37-8322

(cfs/ac-ft)

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	1.5
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☒ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.: _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by P. SKINNER Date 5/5/2010 Prelim. Check by _____ Date _____

Fee Paid \$100.00 Date 5/5/2010 Received by P. SKINNER Receipt # 5031423

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____



1 inch equals 225 feet

RINKER, ROD - FAWN CREEK TRANSFER 2010 AREAS NAIP 2009 AERIAL

Legend

Points of Diversion

-  37-577AK, Pump
-  37-8322, Well
-  POD New Permit
-  Point of Injection New Permit
-  Mainline
-  Proposed House
-  Irrigation 37-577AK=2.4 ac.

-  NewDomIrrig=0.5 ac
-  Proposed Pond=1.6 ac
-  Irrigation 37-8322=1.5 ac.
-  t03n18e
-  Lot Lines



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APR 20 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Narrative in Support of Permit and Transfer Applications for Rod Rinker

C. G. Brockway, P.E.
April 19, 2010

Rodrick H. Rinker owns a portion of two irrigation water rights appurtenant to the NE1/4 NW1/4 Section 32, T. 3 N., R. 18 E.. This property is locally known as the Fawn Creek Ranch and is situated approximately 3 miles north of Hailey, Idaho.

The water rights have recently been the subject of SF-5 stipulations in the SRBA, and are described as follows:

37-577AK	7.6 acres / 0.20 cfs from the Big Wood River (Purdum Slough)
37-8322	3.0 acres / 0.09 cfs from groundwater

The Fawn Creek Ranch is divided into Lots 1A and 2A. Mr. Rinker has sold Lot 2A to Joyce Gordon and Eric Remais, who also own the adjoining Lot 1 of Riverview Ranch. In the quitclaim deed (attached), Mr. Rinker conveyed 50% of each of the above water rights and retained all interest in water right 37-11982. 37-11982 was recommended for disallowal, and the SF-5 stipulations confirm the disallowal. Because the SRBA objections to the irrigation right were pending, IDWR listed both Rinker and Gordon / Remais as joint owners of the water rights. Now that the stipulations have been executed, the rights are being split and transferred accordingly.

Mr. Rinker's share of the two rights are as follows:

37-577AK (part)	3.8 acres / 0.10 cfs from the Big Wood River (Purdum Slough)
37-8322 (part)	1.5 acres / 0.045 cfs from groundwater

In addition to the above rights, Mr. Rinker owns two (2) domestic water rights pertaining to the homestead on the property.

The intent of the applicant is to construct a small storage pond for the purposes of recreation and aesthetic use, and to reconfigure the irrigation as shown on the attached aerial map. The new pond will be covered by a new appropriation. To mitigate for the evaporative loss caused by the pond, a portion of 37-577AK will be removed from irrigation and converted to recreation and aesthetic use.

New Pond

The pond will be constructed as shown on the map. The surface area will be 1.6 acres and the average depth will be 6 feet, for a volume of 9.6 acre-feet. Approximately half the pond will be above-ground, and half below-ground. The pond will be lined with a

membrane liner to eliminate seepage, and will include one-way vents to allow subsurface water to enter the pond to prevent liner uplift. In order to maintain a maximum four day turnover time for water quality maintenance, a flow rate through the pond of 1.2 cfs is required. To provide this flow, it is proposed to acquire a non-consumptive groundwater right, diverting to the pond from a shallow groundwater sump, and returning to this same sump, or to a separate sump located within approximately 50 feet of the pumping sump. The pond will have an overflow pipe with a shutoff valve to maintain the water level at a constant height.

All evaporative loss from the pond will be mitigated by conversion of irrigated acreage from 37-577AK. This right will continue to be used for irrigation as described below.

Mitigation Calculation

Depending on the specifics of the case, IDWR has used or proposed a number of methods to determine the irrigated acreage that must be dried up in order to compensate for the evaporative losses from a pond. The general principle is to calculate the amount of depletion from the water source to be used for the pond evaporation, and then determine an equivalent depletion from the irrigated land.

It appears that IDWR has determined a methodology for pond mitigation in cases such as the one at hand. The attached e-mail chain indicates that the Allen & Robison precipitation deficit for "Open Water – Shallow Ponds" should be used, discounting months with negative values, i.e. where precipitation exceeds evaporation. The number of acres to remove from irrigation should then be determined using the precipitation deficit value for the crop. In this case we have the following values for the Hailey station:

$P_{def}(\text{shallow pond}) = 524 \text{ mm} = 1.72 \text{ afa} \text{ (without negatives)}$

$P_{def}(\text{turf}) = 597 \text{ mm} = 1.96 \text{ afa}$

The pond evaporation is $1.6 \text{ acres} \times 1.72 \text{ afa} = 2.75 \text{ af}$. The acreage to remove from irrigation is $2.75 \text{ af} / 1.96 \text{ afa} = 1.4 \text{ acres}$.

Based on this calculation, it is proposed to remove 1.4 acres of irrigation from 37-577AK, and convert the diversion rate and annual volume which is appurtenant to this 1.4 acres to recreation and aesthetic usage in the pond. The proportional rate and volume would be 0.037 cfs and 4.90 afa. This amount will be diverted to the pond and measured.

Post-Transfer Irrigation

This transfer would also reconfigure the irrigation under 37-577AK and 37-8322 as shown on the attached map. The groundwater would be used to irrigate 1.5 acres on the two parcels shown in green which have previously been irrigated from the spring source under disallowed claim 37-11982. After the required dry-up for the pond evaporation, the remainder of irrigation under 37-577AK will be $3.8 - 1.4 = 2.4 \text{ acres}$. This right will be used to irrigate the areas shown in yellow. The existing residence will

be removed and a new house constructed on the northeast shore of the pond. Around this house, 0.5 acres of domestic irrigation will be irrigated – the same amount that has been irrigated around the existing home from a domestic well for many years.

Pond System Operation

During the first year of operation, the pond will be filled either by diversion from groundwater or by natural subsurface water. The degree to which the pond fills by subsurface water will depend on the aquifer levels when the pond is constructed. IDWR will need to determine based on current policy what, if any, first-year fill mitigation will be required.

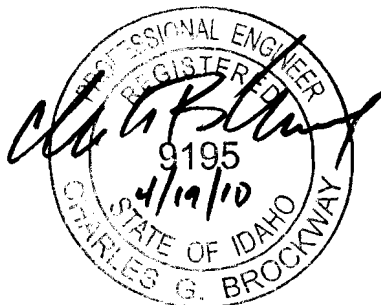
Once the pond is full, the water level will be maintained at the target maximum water level in perpetuity.

Groundwater diversion to the pond will begin on or after April 15, depending on climatic conditions and the need to maintain adequate water quality.

Flow meters with totalizing function will be installed on the discharge line of the groundwater pump and the return pipeline near the point of return to groundwater. Meters will likely be McCrometer propeller meters and will be installed according to the manufacturer's specifications to achieve the most accurate reading possible. On the discharge pipeline, a valve will be installed on the outlet of the pipe, which can be partially throttled to ensure that the pipeline runs full.

The existing pump in the Purdum Slough for 37-577AK will continue to be used for irrigation of lands as shown on the attached map. A 1-inch pipe will be installed from the mainline to the pond, which will be fitted with a flow meter with totalizer, and a regulation valve.

Beginning on or after April 15, or whenever irrigation commences, the valve from the Purdum Slough pump to the pond will be opened, allowing mitigation water to enter the pond. The valve will be set such that the flow rate to the pond does not exceed 0.037 cfs or 17 gpm. In actuality, the diversion rate to the pond will likely be lower, since the peak evaporation rate is anticipated to be 0.21 inches/day, which equates to 5.8 gpm over a 1.5-acre pond. The volume diverted to the pond will be monitored to ensure that the required mitigation volume of 4.90 ac-ft is diverted. Once this point is reached, the valve will be shut.



AFTER RECORDING MAIL TO:

Joyce E. Gordon and Eric L. Remais
PO Box 7
Hailey, ID 83333

Instrument # 557075

HAILEY, BLAINE, IDAHO

4-3-2008 03:27:00 No. of Pages: 3

Recorded for : FIRST AMERICAN TITLE

JOLYNN DRAGE

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: CORRECTION DEED

556919

YMP

245182

**QUITCLAIM DEED AND ASSIGNMENT
(WATER RIGHTS)**

File No.: NCS-337858-BOI (ab)

Date: March 27TH, 2008

For Value Received, RODRICK H. RINKER, a single man ("**Grantor**"), does hereby assign, transfer, release and forever quitclaim, without warranty or representation whatsoever, unto JOYCE E. GORDON and ERIC L. REMAIS, wife and husband (collectively "**Grantee**"), whose address is Post Office Box 7, Hailey, Idaho, 83333, and to Grantee's successors and assigns, any and all right, title and interest Grantor may own or may hereafter acquire in and to those water rights described in Exhibit "A" attached hereto and made a part hereof, as may be appurtenant to the following described real property, situated in Blaine County, Idaho, to wit:

Lot 2 and Parcel A of FAWN CREEK RANCH SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 401683, records of Blaine County, Idaho (the "**Property**").

Dated: March 27, 2008

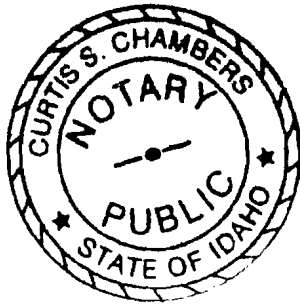


Rodrick H. Rinker

STATE OF Idaho)
COUNTY OF BLAINE)
SS.

On this 27th day of **March, 2008**, before me, a Notary Public in and for said State, personally appeared Rodrick H. Rinker, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



A handwritten signature in cursive script, appearing to read "Curtis S. Chambers".

Notary Public of Idaho
Residing at: HAILEY
My Commission Expires: 5-8-10

EXHIBIT "A"
(WATER RIGHTS)

Portions of water rights nos. 37-577AK and 37-8322, to be determined as set forth below.

The aforesaid water rights are appurtenant to Lots 1 and 2 of the Fawn Creek Subdivision. Claims to these water rights have been filed by Grantor in the ongoing SRBA Adjudication. The Idaho Department of Water Resources (IDWR) has asserted that these water rights are stacked. Grantor has filed its objection to such IDWR assertion, and has asked that the court find that these water rights are non-stacked. Whether these water rights are ultimately determined to be stacked or non-stacked, however, the same shall be equally divided between Lots 1 and 2, and the portion allocated to Lot 2 shall be conveyed by Grantor to Grantee pursuant to this Quitclaim Deed without any warranty or representation by Grantor whatsoever, and Grantee, at Grantee's expense, shall transfer such portion into Grantee's name with IDWR and shall move the points of diversion and the places of use to locations within the Property as soon as practicable after date of recordation hereof. Grantor shall cooperate in such transfer, provided that such cooperation shall be at no additional cost, expense or liability to Grantor.

Not included and not conveyed pursuant to this Quitclaim Deed are (i) the well located on Lot 1 and (ii) the spring located near the well located on Lot 1, which spring is the subject of pending IDWR claim 37-11982. Said well and spring, and any rights attendant thereto, shall be fully retained in ownership by Grantor for use on Lot 1.

Subject to the foregoing, if there are any other appurtenant water rights, not specifically mentioned above, the same shall be included, without any warranty or representation by Grantor whatsoever, in the conveyance to Grantee by Grantor pursuant to this Quitclaim Deed.

Grantor and Grantee shall reasonably cooperate in any contest with IDWR regarding the stacking or non-stacking of the water rights as referenced above, with each bearing the costs and expenses of its own legal counsel and consultants, unless otherwise agreed in writing by Grantor and Grantee.

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Roderick Rinker, hereby nominate and appoint
Charles G. Brockway as my attorney-in-fact with full authority to
act for and on my behalf to undertake any and all acts or matters pertaining to water rights
before the Idaho Department of Water Resources pertaining to the following property:
Property located in the NE 1/4 NW 1/4 Section 32, T. 3 N., R. 18 E., known as the
Fawn Creek Ranch property.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at
all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 28 day of Sept 2007.

R. R. Rinker

Signature

Signature

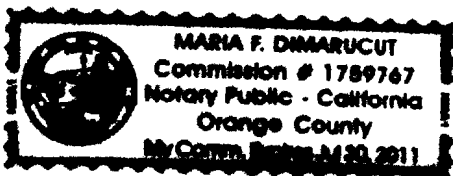
State of California)

County of Orange) ss.

On this 2nd Day of October, 2007, before me, a Notary Public
in and for said County and State, personally appeared Roderick Rinker,
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

S
E
A
L



[Signature]
Notary Public

In and for said State and County

7/30/2011

My Commission Expires