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DEPT. OF WATER RESOURCES
SOUTHERN REGION

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Attorneys for Applicant

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 74871 THE HARRY AND DIANE RINKER REVOCABLE TRUST, Applicant	SOURCE: Groundwater PETITION FOR RECONSIDERATION OF PRELIMINARY ORDER
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Comes now, the Harry and Diane Rinker Revocable Trust, Applicant, through its attorney, Robert E. Williams of Williams, Meservy & Lothspeich, LLP, and petitions for reconsideration of the preliminary order entered in this matter on the 16th day of April, 2009. This petition is brought pursuant to IDAPA 37.01.01.730.02(A), Rule 730.02(A) of the IDWR's Rules of Procedure.

In support of this Petition for Reconsideration, the Applicant shows that:

1. The Application for Transfer was filed on the 20th day of May, 2008. The Application proposed to change the point of diversion, add a point of diversion, change the place of use and split some of the water rights subject to the Application. The Application involved preexisting rights owned by the Applicant, water rights nos. 37-113K, 37-482D and

37-705 (hereinafter "Rinker Rights"). It also involved five (5) additional rights owned by South County Estates, LLC, being water rights nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 (hereinafter "South County Rights"). After the resolution of a protest filed by Tom O'Gara, John F. Stevenson, Bill Molyneux, Pete Van Der Meulen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, Pepin Corso-Harris and the Big Wood Canal Company, a Preliminary Order approving the application for transfer was entered April 16, 2009.

2. In the Preliminary Order, paragraph 4 of the Conditions of Approval for each of water rights nos. 37-113K, 37-482D and 37-705 and for each new proposed water rights nos. 37-22340, 37-22343, 37-22346, 37-22352 and 37-22349, provides that:

"This right when combined with all other rights shall provide no more than .02 cfs per acre no more than 3.5 afa per acre at the field headgate for irrigation of the lands above."

At the time of the filing of the Application, Directors' Reports in the SRBA had been issued for each of the Rinker Rights and the South County Rights. Copies of the SRBA Directors' Reports for each of the rights are collectively attached hereto as **EXHIBIT A**. The Directors' Reports for the Rinker Rights recommended a diversion rate of .045 cfs per acre. Directors' Reports for the South County Rights contained no condition limiting either per acre volume or diversion rate. Nevertheless, paragraph 4 of the Conditions of Approval of the Preliminary Order limits all rights in combination to 3.5 afa per acre and .02 cfs per acre at the field headgate. The South County Rights, without the language of paragraph 4 of the Conditions of Approval, would have allowed .081 cfs per acre diversion rate with the 1902 flood right associated therewith, or .029 cfs per acre without it. The Rinker Rights, without that the same language, would have a diversion rate of .045 cfs. Even accounting for the seepage loss

assessment levied by the District Canal Company, the diversion rate at the field headgate for both the Rinker Rights and the South County Rights would be greater than 0.02 cfs/acre without the language of paragraph 4 of the Conditions of Approval.

3. The preservation of the diversion rates of the rights as they existed at the time of the application for transfer was a material consideration for the Applicant in filing the application.

4. The Preliminary Order, by reducing the diversion rates of the South County and the Rinker Rights is in violation of Idaho Code § 42-223(9), which provides:

“No portion of any water right shall be lost or forfeited for nonuse if the nonuse results from a water conservation practice which maintains the full beneficial use authorized by the water right as defined in § 42-250, Idaho Code.”

Idaho Code § 42-250 provides that:

“Water conservation. (1) The legislature finds that voluntary water conservation practices and projects can advance the policy of the state of Idaho to promote and encourage the conservation, development, augmentation and utilization of the water resources of this state. The legislature deems it appropriate, therefore, to encourage and support voluntary water conservation practices and projects.

(2) For purposes of this section, "water conservation practice" means any practice, improvement, project or management program, that results in the diversion of less than the authorized quantity of water while maintaining the full beneficial use(s) authorized by the water right. Water conservation practices include, but are not limited to, practices that result in reductions in consumptive use as defined in section 42-202B, Idaho Code, reductions in conveyance losses, and reductions in surface and seepage losses occurring at the place of use.

(3) For the purposes of this section, "conserved water" means the quantity of water that is no longer diverted as a result of a water conservation practice. Conserved water shall not include quantities of water not diverted due to decreases in beneficial use.”

The Applicant has proposed to change the historic gravity irrigation practices under the Rinker and South County Rights to a sprinkler irrigation system. This change constitutes a

water conservation practice under Idaho Code § 42-250.

5. The Preliminary Order, by reducing the amount of the allowed diversion rate, deprives the Applicant of a valuable component of the water rights subject to the transfer application and would effectively prevent the Applicant from reestablishing gravity irrigation on the applied for place of use, or to use the historic diversion rate in peak usage periods, irrespective of future circumstances that might develop.

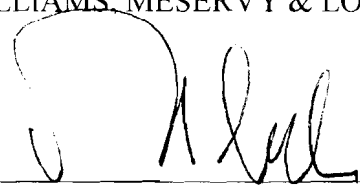
6. Paragraph 4 of the Conditions of Approval of the Preliminary Order for the water rights deprives the Applicant of the full benefit it sought via the transfer application and amounts to a denial of the transfer application.

CONCLUSION

7. The IDWR should reconsider its Preliminary Order dated April 16, 2009 and modify paragraph 4 of the Conditions of Approval for each of the water rights by removing that paragraph for the South County Rights, and eliminating the diversion rate limit on the Rinker Rights, providing for a maximum rate of diversion for the Rinker Rights of .045 cfs per acre, and .029 cfs per acre or .081 cfs per acre, in the event the flood rights are available, for the South County Rights.

DATED this 29th day of April, 2009.

WILLIAMS, MESERVY & LOTHSPREICH, LLP

By: 

ROBERT E. WILLIAMS
Attorney for Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 24th day of April, 2009, I served a true and correct copy of the foregoing document on the person(s) whose names and addresses appear below by the method indicated:

Harry and Diane Rinker Revocable Trust PO Box 7250 Newport Beach CA 92648	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Court Folder ☐ Facsimile ☐ Federal Express
James R. Laski Lawson & Laski POBox 3310 Ketchum ID 83340	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Court Folder ☐ Facsimile ☐ Federal Express
Craig Hobdey Hobdey & Hobdey PO Box 175 Gooding ID 83330	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Court Folder ☐ Facsimile ☐ Federal Express
IDWR Document Repository PO Box 83720 Boise ID 83720-0098	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Court Folder ☐ Facsimile ☐ Federal Express
IDWR – Southern Region 1341 Fillmore St Ste 200 Twin Falls ID 83301	☐ U.S. Mail, postage prepaid ☒ Hand Delivery ☐ Court Folder ☐ Facsimile ☐ Federal Express

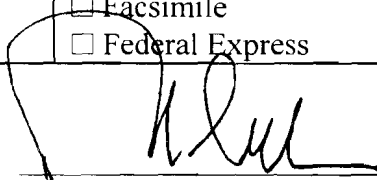

ROBERT E. WILLIAMS

EXHIBIT A

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

05/02/2008

WATER RIGHT NO. 37-113K

<u>Owner Type</u>	<u>Name and Address</u>
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Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300
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Representative	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301
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Original Owner	FREDERICK H BLECHMANN PO BOX 184 SUN VALLEY, ID 83353 (208)726-3498
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Original Owner	WESTERN OUTFITTERS INC C/O EARL D MANN 550 AMERICAN SAVINGS CENTER 820 A ST TACOMA, WA 98402 (206)572-4161
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Priority Date: 07/10/1884
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/15 10/31 3.92 CFS

MITIGATION 04/15 10/31 0.08 CFS

Total Diversion 4 CFS

Location of Point(s) of Diversion:

BIG WOOD RIVER SWNW Sec. 36 Township 02N Range 18E BLAINE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	18E	1		NENE	36		NWNE	3		SENE	20			
	19E	6		NWNW	37		SWNW	39		SENE	6			

Place of Use Legal Description: MITIGATION same as IRRIGATION

Total Acres: 141

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.
2. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
A portion of each right has been identified as river loss resulting from the change in point of diversion authorized under this transfer: 0.01 cfs of Right 37-00482D, 0.08 cfs of Right 37-00113K and 0.03 cfs of Right 37-00705. In addition, 0.20 cfs of Right 37-00705 has been identified as river loss under a previous transfer.
- 3.

4. This right is a combination of right nos. 37-113K, 37-113L and 37-113M.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
To mitigate for the depletion of water resulting from the diversion and use of water under this right and to prevent injury to other water right holders, the right holder shall cease diverting and using .08 cfs of this right, which shall remain undiverted in the Big Wood River.
- 7.
8. Rights 37-00113K, 37-00482D and 37-00705 when combined shall not exceed a total diversion rate of 6.38 cfs and a total annual diversion volume of 493.5 af at the field headgate.
9. Rights 37-00113K, 37-00482D and 37-00705 when combined shall not exceed the irrigation of 141.0 acres.
The right holder shall maintain a measuring device and lockable controlling works of a
10. R43 type approved by the Department at both the diversion from the river and the rediversion from the canal that will provide suitable control of the diversions.
Use of water under this water right will be regulated by the watermaster of State Water
11. District No. 37, Big Wood River, and subject to the policies and procedures of Wood River Valley Irrigation District #45.
12. Approval of Transfer 5037 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dates:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

04/30/2008

WATER RIGHT NO. 37-481C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTH COUNTY ESTATES LLC PO BOX 1539 KETCHUM, ID 83340 (208)726-7111

Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
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Priority Date: 08/01/1882
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	3.014 CFS	
Total Diversion			3.014 CFS	

Location of Point(s) of Diversion:

BIG WOOD RIVER SWNW Sec. 36 Township 02N Range 18E BLAINE County

IRRIGATION Use:
Acre Limit: 289

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	19E	6		NESW	24	6	NWSW	33	7	SWSW	12		SESW	39
				SWSE	8.5									
		7		NWNE	31		SWNE	38		SENE	15			
				NENW	28		SENE	5.5						
				NESE	35		NWSE	20						

Total Acres: 289

Conditions of Approval:

- 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.
1. C18
 2. E56 The rights listed below are limited to the irrigation of a combined total of 289 acres in a single irrigation season. Combined Right Nos.: 37-482H, 37-481C, 37-483C, 37-577BT, and 37-2630.
 3. G05 Water diverted from Headgate #45 delivered through District Canal.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

05/02/2008

WATER RIGHT NO. 37-482D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300
Representative	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301
Original Owner	FREDERICK H BLECHMANN TRUST PO BOX 184 SUN VALLEY, ID 83353 (208)726-3453

Priority Date: 08/01/1884
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.49 CFS	177.9 AFA
MITIGATION	04/15	10/31	0.01 CFS	
Total Diversion			0.5 CFS	

Location of Point(s) of Diversion:

BIG WOOD RIVER SWNW Lt 3 Sec. 36 Township 02N Range 18E BLAINE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	18E	1		NENE	36		NWNE	3		SENE	20			
	19E	6		NWNW	37		SWNW	39		SENE	6			

Place of Use Legal Description: MITIGATION same as IRRIGATION

Total Acres: 141

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.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. Approval of Transfer 5037 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. To mitigate for the depletion of water resulting from the diversion and use of water under this right and to prevent injury to other water right holders, the right holder shall cease diverting and using .01 cfs of this right, which shall remain undiverted in the Big Wood River.
7. Rights 37-00113K, 37-00482D and 37-00705 when combined shall not exceed a total

diversion rate of 6.38 cfs and a total annual diversion volume of 493.5 af at the field headgate.

8. Rights 37-00113K, 37-00482D and 37-00705 when combined shall not exceed the irrigation of 141.0 acres.

9. A portion of each right has been identified as river loss resulting from the change in point of diversion authorized under this transfer: 0.01 cfs of Right 37-00482D, 0.08 cfs of Right 37-00113K and 0.03 cfs of Right 37-00705. In addition, 0.20 cfs of Right 37-00705 has been identified as river loss under a previous transfer.

10. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River, and subject to the policies and procedures of Wood River Valley Irrigation District #45.

11. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at both the diversion from the river and the redirection from the canal that will provide suitable control of the diversions.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

04/30/2008

WATER RIGHT NO. 37-482H

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTH COUNTY ESTATES LLC PO BOX 1539 KETCHUM, ID 83340 (208)726-7111
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	SAWTOOTH TITLE CO INC TRUSTEE C/O G CHAPMAN PETERSEN & ASSOCIATES RT 5 SPRINGWOOD LN BARRINGTON HILLS, IL 60010 (312)426-4646

Priority Date: 08/01/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	3.012 CFS	
Total Diversion			3.012 CFS	

Location of Point(s) of Diversion:

BIG WOOD RIVER SWNW Sec. 36 Township 02N Range 18E BLAINE County

IRRIGATION Use:

Acre Limit: 289

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	19E	6		NESW 24	6	NWSW 33	7	SWSW 12		SESW 39				
				SWSE	8.5									
		7		NWNE 31		SWNE 38		SENE 15						
				NENW 28		SENE 5.5								
				NESE 35		NWSE 20								

Total Acres: 289

Conditions of Approval:

- 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.
1. C18 The rights listed below are limited to the irrigation of a combined total of 289 acres in a single irrigation season. Combined Right Nos.: 37-482H, 37-481C, 37-483C, 37-577BT, and 37-2630.
 2. E56
 3. G05 Water diverted from Headgate #45 delivered through District Canal.

Dates:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

04/30/2008

WATER RIGHT NO. 37-483C

Owner Type **Name and Address**

Current Owner SOUTH COUNTY ESTATES LLC
PO BOX 1539
KETCHUM, ID 83340
(208)726-7111

Attorney JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM, ID 83340
(208)726-4421

Priority Date: 08/01/1902

Basis: Decreed

Status: Active

Source **Tributary**

BIG WOOD RIVER MALAD RIVER

Beneficial Use **From** **To** **Diversion Rate** **Volume**

IRRIGATION 04/15 10/31 15.086 CFS

Total Diversion 15.086 CFS

Location of Point(s) of Diversion:

BIG WOOD RIVER SWNW Sec. 36 Township 02N Range 18E BLAINE County

IRRIGATION Use:
Acre Limit: 289

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	19E	6		NESW 24	6		NWSW 33	7		SWSW 12			SESW 39	
				SWSE	8.5									
		7		NWNE 31			SWNE 38			SENE 15				
				NENW 28			SENE 5.5							
				NESE 35			NWSE 20							

Total Acres: 289

Conditions of Approval:

- 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.
1. C18 The rights listed below are limited to the irrigation of a combined total of 289 acres in a single irrigation season. Combined Right Nos.: 37-482H, 37-481C, 37-483C, 37-577BT, and 37-2630.
 2. E56
 3. G05 Water diverted from Headgate #45 delivered through District Canal.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

04/30/2008

WATER RIGHT NO. 37-577BT

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTH COUNTY ESTATES LLC PO BOX 1539 KETCHUM, ID 83340 (208)726-7111

Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
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Original Owner W T RILEY
Original Owner D H CRONE

Priority Date: 03/24/1883
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	2.2 CFS	
Total Diversion			2.2 CFS	

Location of Point(s) of Diversion:

BIG WOOD RIVER SWNW Sec. 36 Township 02N Range 18E BLAINE County

IRRIGATION Use:

Acre Limit: 289

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	19E	6		NESW 24	6	NWSW 33	7	SWSW 12		SESW 39				
				SWSE 8.5										
		7		NWNE 31		SWNE 38		SENE 15						
				NENW 28		SENE 5.5								
				NESE 35		NWSE 20								

Total Acres: 289

Conditions of Approval:

- 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.
1. C18 The rights listed below are limited to the irrigation of a combined total of 289 acres in a single irrigation season. Combined Right Nos.: 37-482H, 37-481C, 37-483C, 37-577BT, and 37-2630.
 2. E56
 3. G05 Water diverted from Headgate #45 delivered through District Canal.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

05/02/2008

WATER RIGHT NO. 37-705

<u>Owner Type</u>	<u>Name and Address</u>
-------------------	-------------------------

Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300
---------------	--

Representative	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301
----------------	---

Original Owner	THE BLECHMANN TRUST C/O FREDERICK H BLECHMANN PO BOX 184 SUN VALLEY, ID 83353 (208)726-3498
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Original Owner	EMMY BLECHMANN PO BOX 184 SUN VALLEY, ID 83353 (208)726-3498
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Original Owner	UWARDA D DAY C/O GAROLD E JOHNSON 820 A ST STE 550 TACOMA, WA 98402
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Priority Date: 05/31/1883
Basis: Decreed

Status: Active

Source **Tributary**
BIG WOOD RIVER MALAD RIVER

Beneficial Use **From** **To** **Diversion Rate** **Volume**
IRRIGATION 04/15 10/31 2.17 CFS 493.5 AFA
MITIGATION 04/15 10/31 0.03 CFS
Total Diversion 2.2 CFS

Location of Point(s) of Diversion:

BIG WOOD RIVER SWNW Lt 3 Sec. 36 Township 02N Range 18E BLAINE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	18E	1	1	NENE	36	2	NWNE	3		SENE	20			
	19E	6	4	NWNW	37	5	SWNW	39		SENW	6			

Place of Use Legal Description: MITIGATION same as IRRIGATION

Total Acres: 141

Conditions of Approval:

- 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.
1. C18
 2. R59 This right when combined with all other rights shall provide no more than 3.5 afa per

acre at the field headgate for irrigation of the lands above.

- Approval of Transfer 5037 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River, and subject to the policies and procedures of Wood River Valley Irrigation District #45. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at both the diversion from the river and the redirection from the canal that will provide suitable control of the diversions. A portion of each right has been identified as river loss resulting from the change in point of diversion authorized under this transfer: 0.01 cfs of Right 37-00482D, 0.08 cfs of Right 37-00113K and 0.03 cfs of Right 37-00705. In addition, 0.20 cfs of Right 37-00705 has been identified as river loss under a previous transfer. Rights 37-00113K, 37-00482D and 37-00705 when combined shall not exceed a total diversion rate of 6.38 cfs, a total annual diversion volume of 493.5 af at the field headgate, and the irrigation of 141.0 acres.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
 4. T07 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 5. T08 To mitigate for the depletion of water resulting from the diversion and use of water under this right and to prevent injury to other water right holders, the right holder shall cease diverting and using .03 cfs of this right, which shall remain undiverted in the Big Wood River.
 6. Rights 37-00113K, 37-00482D and 37-00705 when combined shall not exceed a total diversion rate of 6.38 cfs and a total annual diversion volume of 493.5 af at the field headgate.
 7. Rights 37-00113K, 37-00482D and 37-00705 when combined shall not exceed the irrigation of 141.0 acres.
 - 8.

Dates:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

04/30/2008

WATER RIGHT NO. 37-2630

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTH COUNTY ESTATES LLC PO BOX 1539 KETCHUM, ID 83340 (208)726-7111

Attorney	JAMES P SPECK SPECK & LANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
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Original Owner	CURTIS J BARKER PO BOX 125 BELLEVUE, ID 83313 (208)788-2846
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Priority Date: 02/02/1960

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	3.75 CFS	1011.5 AFA
Total Diversion			3.75 CFS	

Location of Point(s) of Diversion:

GROUND WATER NWNWSW Sec. 06 Township 01N Range 19E BLAINE County

IRRIGATION Use:
Acre Limit: 289

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	19E	6		NESW 24	6		NWSW 33	7		SWSW 12			SESW 39	
				SWSE	8.5									
		7		NWNE 31			SWNE 38			SENE 15				
				NENW 28			SENE 5.5							
				NESE 35			NWSE 20							

Total Acres: 289

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.
2. E56

The rights listed below are limited to the irrigation of a combined total of 289 acres in a single irrigation season. Combined Right Nos.: 37-482H, 37-481C, 37-483C, 37-577BT, and 37-2630.