

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

The map is drawn on a grid. In the upper left, section 31 is labeled. In the upper middle, section 32 is labeled with 'T4N R18E' below it. In the lower middle, section 5 is labeled with 'T3N R18E' below it. A point of diversion is marked with an 'X' and labeled 'POD'.

Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

Harry H. H. H.
(Applicant)

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } SS.

OCT 10 1986

Department of Water Resources
Southern Region Office

CLINT STENNETT

being first duly sworn,
deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 2nd day of Oct, 1986, and the date of the last publication was on the 9th day of Oct, 1986.

Subscribed and sworn to before me this

day of October, 1986.
(SEAL)

Robert A. Karcher
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Numer of Picas per Line 11
Number of Lines in Notice 31.5
Number of Insertions 2

Lines tabular at 31.5 5°/Pica
Lines straight at 13.84 4°/Pica
Subsequent lines at 10.40 3°/Pica
TOTAL COST 24.26

COPY OF NOTICE

(Paste Here)

Not. of Application
TITLE OF NOTICE
#37-8275 Rinker

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Res.
BILL TO

Water right app. filed by Rinker

NOTICE OF APPLICATION FOR WATER RIGHT

The following application has been filed to appropriate the public waters of the State of Idaho:

37-8275

RINKER, HARRY
C/O RINKER CO., BOX 7250,
NEWPORT BEACH, CA 92658
Source: UNNAMED STREAM
trib. to BIG WOOD RIVER
Diversion Pt: NWNENW Sec 05 T
03N R 18E; 1/3 mile east of Gimlet
Airfield.

Use: AESTHETICS
STORAGE (22.0 AF)

Date Filed: 09/12/1986
In: NENW Sec 05 T 03N R 18E

The permit will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd. N., Twin Falls, Idaho 83301, on or before OCTOBER 20, 1986.

KEN DUNN, Dir.

Publish: Wood River Journal-
October 2 & 9, 1986.

7-8 pt. per line straight 4°/Pica
7-8 pt. per line tabular 5°/Pica
7-8 pt. per line successive
insertions 3°/Pica

No 4968

MICROFILMED

OK
MB
10/10/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 29 1995
Department of Water Resources

A. GENERAL INFORMATION

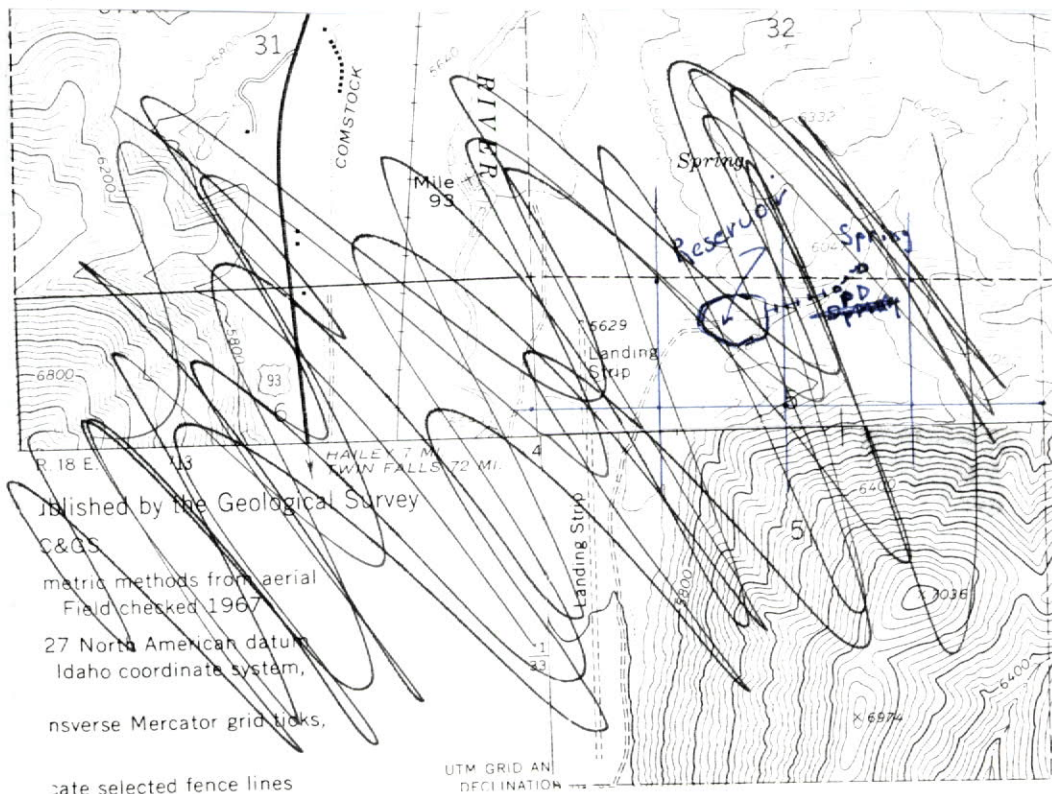
Permit No. 37-8275
Phone No. 714-979-8300
1. Owner: HARRY RINKER
Current Address: Box 7250, NEWPORT BEACH, CA. 92658-0250
2. Accompanied by: CHARLES BROCKWAY EXAM. DATE: 5-28-89
Address: 706 Sunrise Boulevard N. Twin Falls, Id. Phone No. 208-733-0938
Relationship to Permit Holder: Engineer
3. Source: unnamed Spring tributary to Big Wood River Sinks
unnamed Stream

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: NO, 37-07847 ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

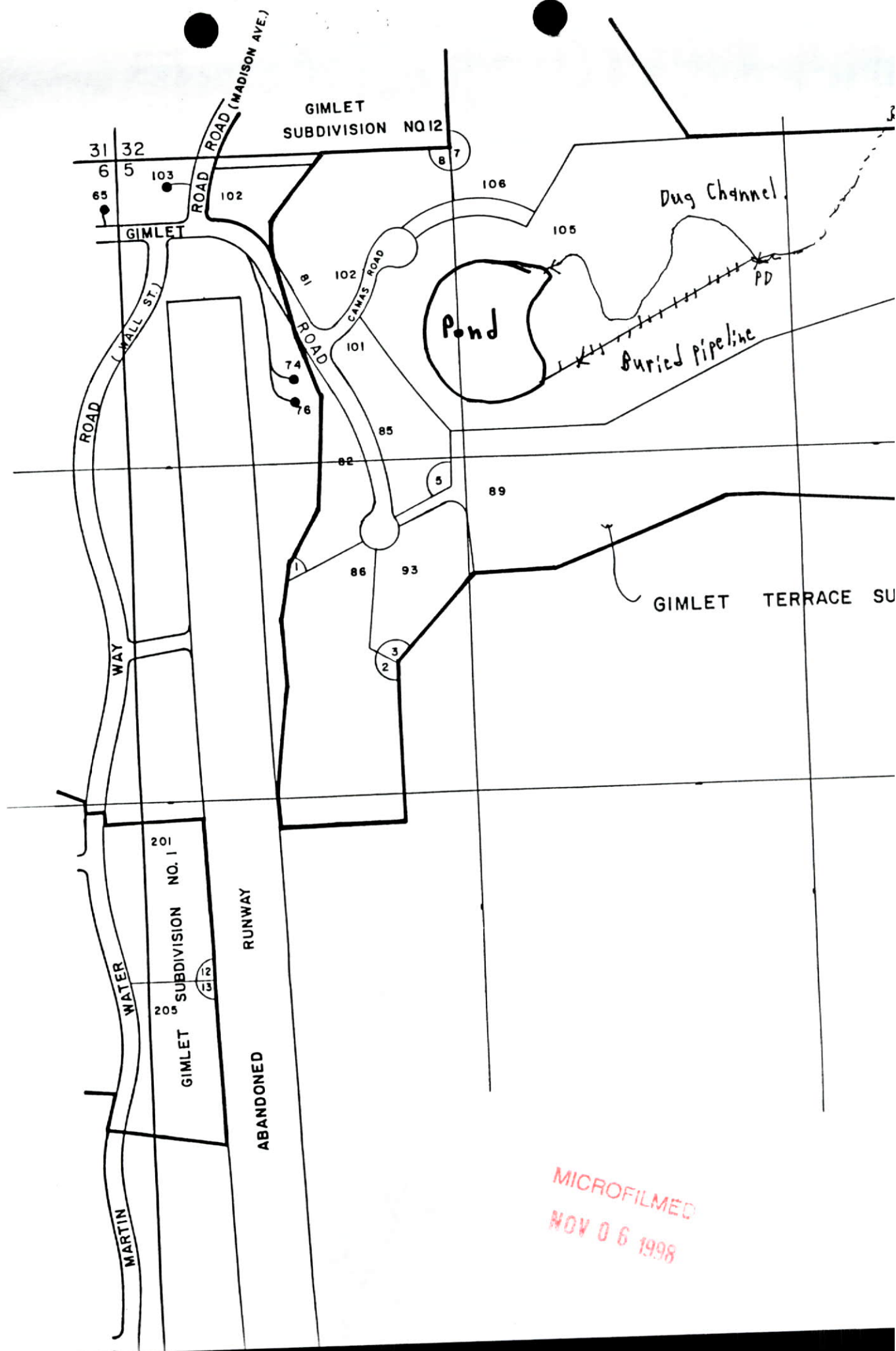
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached



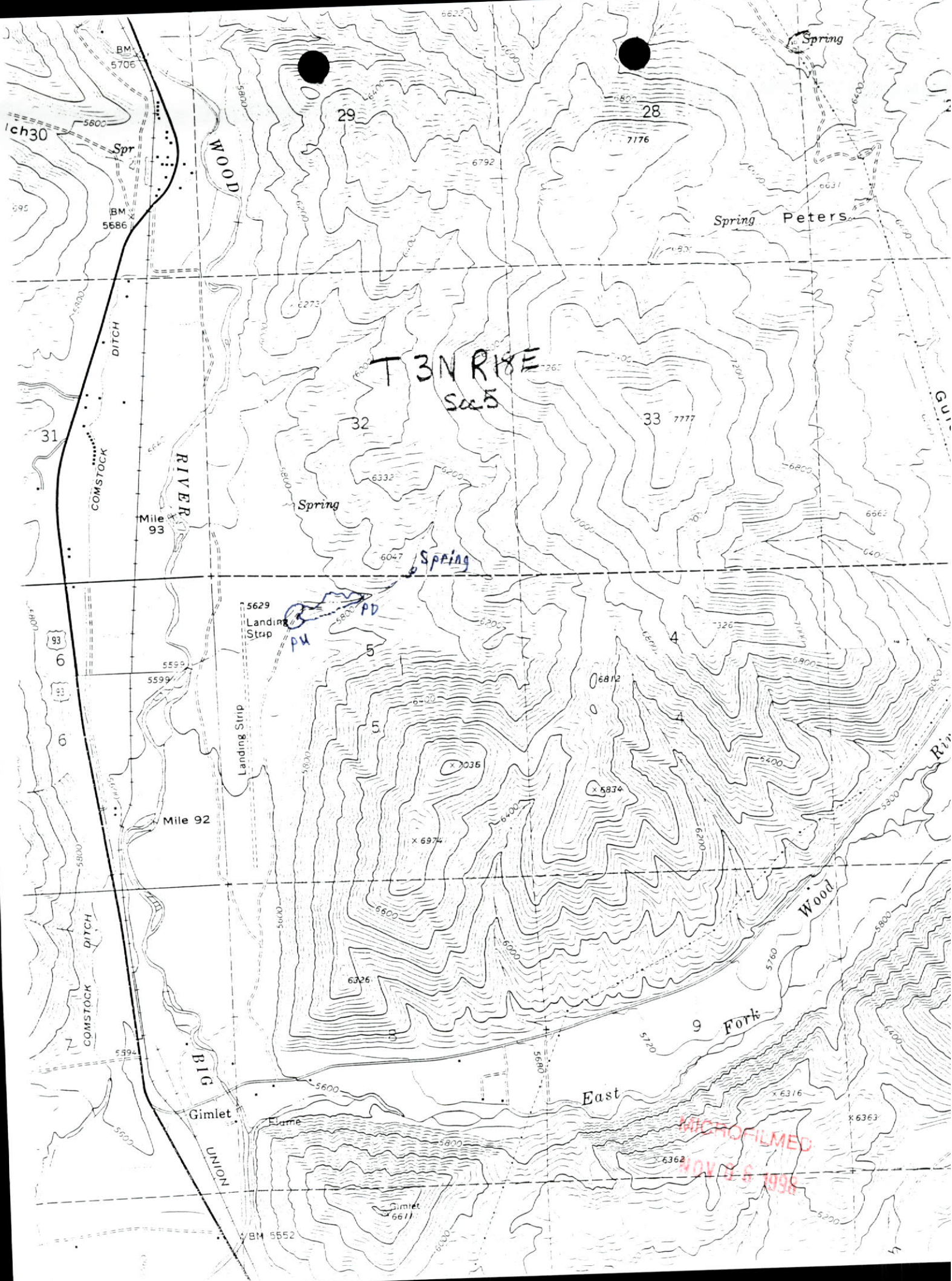
Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

MICROFILMED
NOV 9 1998



MICROFILMED
NOV 06 1998



MICROFILMED
NOV 16 1998

3432
615

PIU

PD

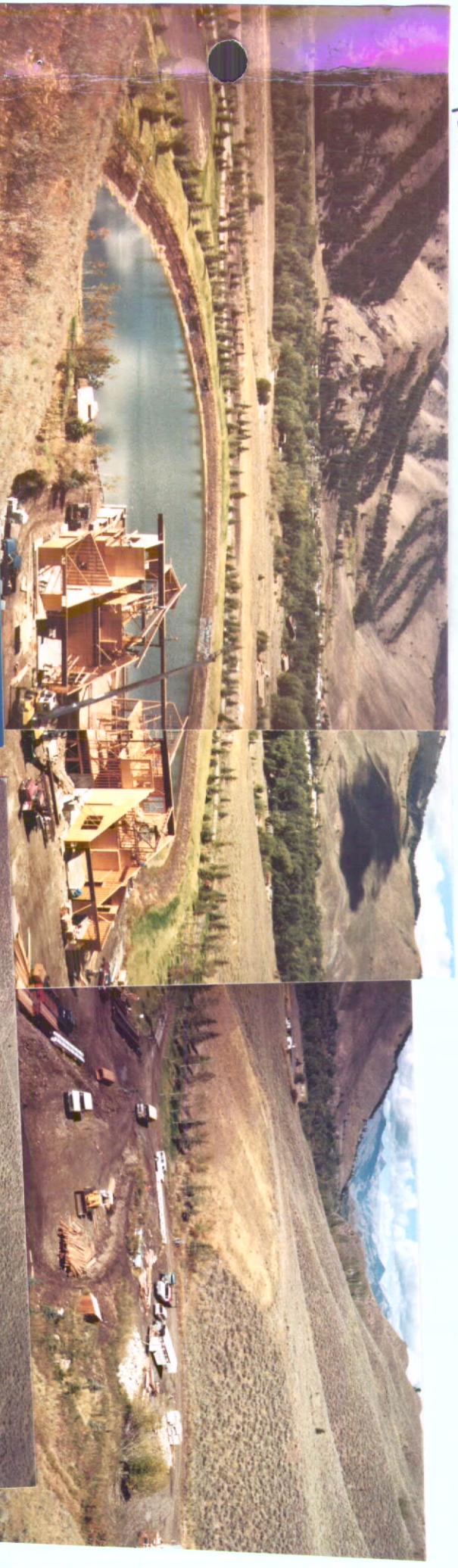
MICROFILMED

NOV 06 1998

MICROFILMED

NOV 06 1998

Reservoir



Spring Area



Looking Up toward Spring



Reservoir outlet & Control

Harry Kinke



Reservoir from Hill



Inlet from Spring
to Reservoir

MICROFILMED
NOV 06 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 25 1986

APPLICATION TO CONSTRUCT A SMALL DAM

Required for construction or alteration of a dam 20 feet or less in height and capable of storing less than 100 acre-feet of water.

1. Name of owner (print or type): MR. HARRY RINKER Phone No. 714-979-8300

Post Office address: 3188 PULLMAN STREET, COSTA MESA CA. 92626

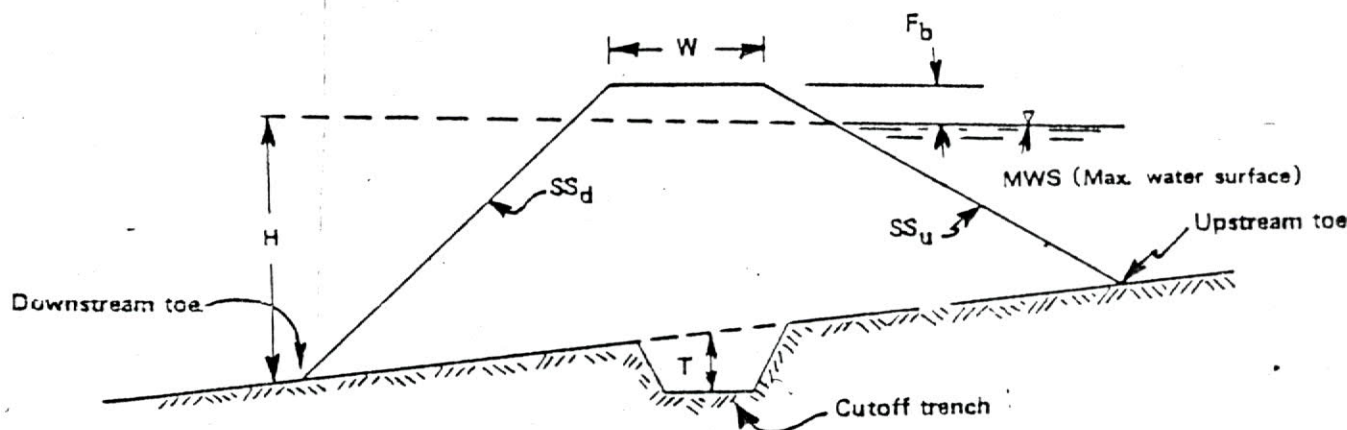
2. Describe the nature of the proposed work (new dam, raise existing dam, etc.): NEW DAM

3. RESERVOIR:

Storage capacity 15.5 acre-feet. Surface area 1.6-2.0 acres.

Source of water (stream) UNNAMED SPRING & CREEK Offstream storage: Yes No X

4. DETAILS OF DAM:



Dam type (earth, concrete, rock, etc.) EARTH

Location: Section 5 Township 3N Range 18E of SECTION

Crest width (W) 12 feet.

Freeboard (F_b) 2.0 feet. 18 ft h_v

Height of dam (H) 20 feet. Height of e.

Downstream side slope (SS_d) 2:1

Upstream side slope (SS_u) 2:1

Cutoff-Trench depth (T) 6

Length of dam 900+ feet.

5. OUTLET CONDUIT:

Low Level

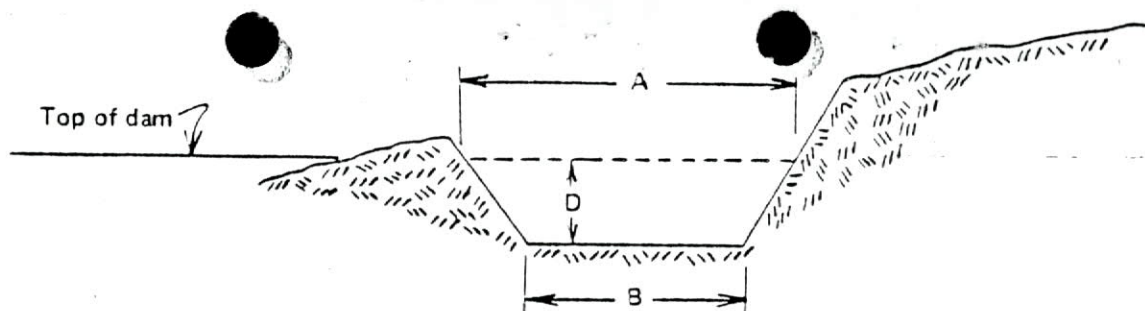
Size and type of pipe 12" drain, A/C Pipe, Class 150 drain PVC, Pipe, ASTM 3034

Size and number of cutoff collars 4, 5 feet square

Gate location (upstream, etc.) Low level outlet at overflow station and bottom of drain.
E1.74.0

MICROFILMED
NOV 06 1998

*Water Right for
22 acre feet of storage
was approved on
10/30/86*



Do you plan to use a gate or flashboards in the spillway? Yes _____ No X

Approximate natural drainage area above dam 360 acres.

Depth of spillway below top of dam (D) 3.8 feet.

Bottom width of spillway (B) 20 feet.

Top width of spillway (A) 42.5 feet.

Location: Abutment _____ Away from dam _____ Over dam X Other (describe) _____

Channel lining (earth, riprap, concrete, solid rock, etc.): riprap w/geomembrane

7. DEVELOPMENT DOWNSTREAM:

Briefly describe the type of development or land use immediately downstream from the dam. Indicate estimated distances to significant area of improvement that could be damaged if the dam failed:

Residential lots are located immediately downstream of the embankment

8. CONSTRUCTION SCHEDULE:

Proposed date for start of construction _____

7/7/86
Date

Harry Pinkis
Applicant's signature

12:35 P

FOR DEPARTMENT USE ONLY

Date application received 7/25/86

By LS

Fee \$ 20.00

Date receipted 7-28-86

Receipted by tg

ACTION OF THE DIRECTOR, THE DEPARTMENT OF WATER RESOURCES

In accordance with the provisions of Title 42, Chapter 17, Idaho Code and the Department's Rules and Regulations for Safety Dams, the above proposal is hereby APPROVED, subject to the following conditions:

1. This action does not constitute the required authorization to appropriate water under Idaho Water Law.
2. All construction at dams is subject to approval by the Department of Water Resources which reserves the right to make inspection of such work as often as it deems necessary. The applicant shall notify the Department at the following times, and such other times as it deems necessary, so that it may conduct inspections.
 - a. After clearing and excavation of foundation, and prior to placing fill material.
 - b. After installation of outlet conduit, and before placing any backfill material around conduit.
 - c. After construction is complete and before any water is stored in reservoir.

Additional conditions:

Witness my hand this 4TH day of NOVEMBER, 1986.

Norm C. Young

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 37-08275

Priority: September 12, 1986

Maximum Storage Volume:

15.5 AF

This is to certify, that HARRY RINKER

C/O GARY D SLETTE

ROSHOLT ROBERTSON & TOLMAN

PO BOX 1906

TWIN FALLS ID 83303-1906

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 12, 1986; and has submitted Proof of Beneficial Use on October 29, 1987. An examination indicates that the works have a storage capacity of 15.500 af of water from:

UNNAMED STREAM

tributary to BIG WOOD RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31		15.5 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NENW), Sec. 5, Township 03N, Range 18E
BLAINE County

PLACE OF USE: AESTHETIC STORAGE

TWN RGE SEC

03N 18E 5 Lot 3(NENW)

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. Rights 37-07847 and 37-08275 when combined shall not exceed a storage capacity of 15.5 af.
3. Aesthetic storage is for a pond.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 30th day of OCTOBER, 1992.

Acting for

KARL J. DREHER, Director

MICROFILMED

NOV 06 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 37-08275 IN THE NAME	)	ORDER RESCINDING
	)	CONDITION OF APPROVAL
OF HARRY RINKER	)	
_____	)	

WHEREAS, on September 12, 1986, Harry Rinker filed an application for permit to appropriate water from an unnamed stream tributary to sinks for aesthetic storage; and,

WHEREAS, the applicant described the proposed diverting works as an earthen dam on the stream channel; and,

WHEREAS, on October 30, 1986 the Department approved Permit No. 37-08275 with the following condition:

Use of water under this right shall be non-consumptive.

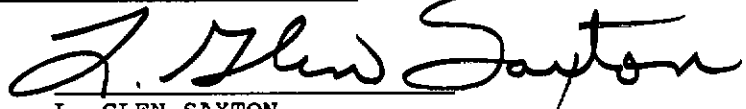
and,

WHEREAS, requiring the water use to be non-consumptive is not possible due to evaporation of water from the surface of a pond; and,

WHEREAS, there appears to be reasonable cause to rescind the condition,

IT IS, THEREFORE, HEREBY ORDERED That the condition of approval limiting the permit to non-consumptive use is RESCINDED.

Dated this 28th day of November, 1997.


L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

NOV 06 1998

03/86

RECEIVED

OCT 29 1987

Department of Water Resources
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

NOV 02 1987

For Office Use Only

Fee Received 100Date 10/29/87Receipt # 44319Receipt by M. BaldwinReviewed by S.O.Sent to region 10/30/87

S.O.

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 37-8275Name(s) of Permit Holder: HARRY S. RINKERPost Office Address: P. O. Box 7250, Newport Beach, CA 92658-7250Telephone No. (714) 979-8300Source of Water: Intercept spring run off with Dam (Gimlet Bench)

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remark _____

Recreational Pond _____

Total rate and/or volume for which proof is submitted _____ cfs 22 Acre Feet for Storage acre-feetShow the date water was first diverted and beneficially used under this permit: August 15, 1987Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ NoFee enclosed \$ 100.00
(See License Examination Fee Schedule)Flow Measurement Port: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

JIM KOONCE, GALENA ENGINEERING(208) 726-4729

(Name)

(Telephone Number)

OR. C.E. BROCKWAY P.E.1007 Warm Springs Road, Ketchum, Idaho 83340

(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

RECEIVED

FEB 29 1988

September 30, 1987

Date

Signature of Permit Holder (and title, if appropriate)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 37-8275)

IN THE NAME OF HARRY RINKER)

ORDER

WHEREAS, on October 30, 1986, the Department of Water Resources issued Permit No. 37-8275 with a condition of approval which states:

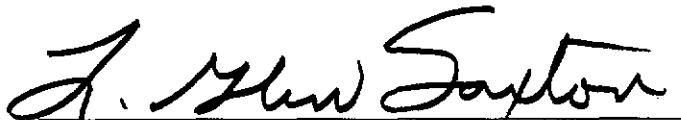
Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured;

and,

WHEREAS, the Department of Water Resources has determined that the installation of measuring devices are not required at this time;

NOW, THEREFORE, IT IS ORDERED that the condition of approval requiring installation of measuring devices on Permit No. 35-8275 be REMOVED.

Dated this 26th day of June, 1989.



L. GLEN SAXTON

Chief, Water Allocation Bureau

Form 202
6/85

RECEIVED
AUG 29 1986

APPROVED
Department of Water Resources
Division of Water Resources
1000 Main District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-8275

RECEIVED

AUG 26 1986

To appropriate the public waters of the State of Idaho

no incl. sd
Department of Water Resources
714-979-8300

1. Name of applicant Harry Rinker Phone 714-979-8300

Post office address Rinker Company, Box 7250, Newport Beach, CA 92658-0250

2. Source of water supply un-named lateral stream which is a tributary of Big Wood River

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____

Sec. 5 Township 3N Range 18E B.M. Blaine County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 22ac/ft for storage & aesthetic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) _____ and/or (b) 22
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

intercept stream with dam

b. Height of storage dam 20 feet; active reservoir capacity 21.5 acre-feet; total
reservoir capacity 22 acre-feet; period of year when water will be diverted to storage:

Jan. 1 to Dec. 31 inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? no

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

1 years (minimum 1 year).

UNRECORDED

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. storage for aesthetic pond

9. 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 the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	18E	5					J												

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. none

11. a. Who owns the property at the point of diversion? applicant

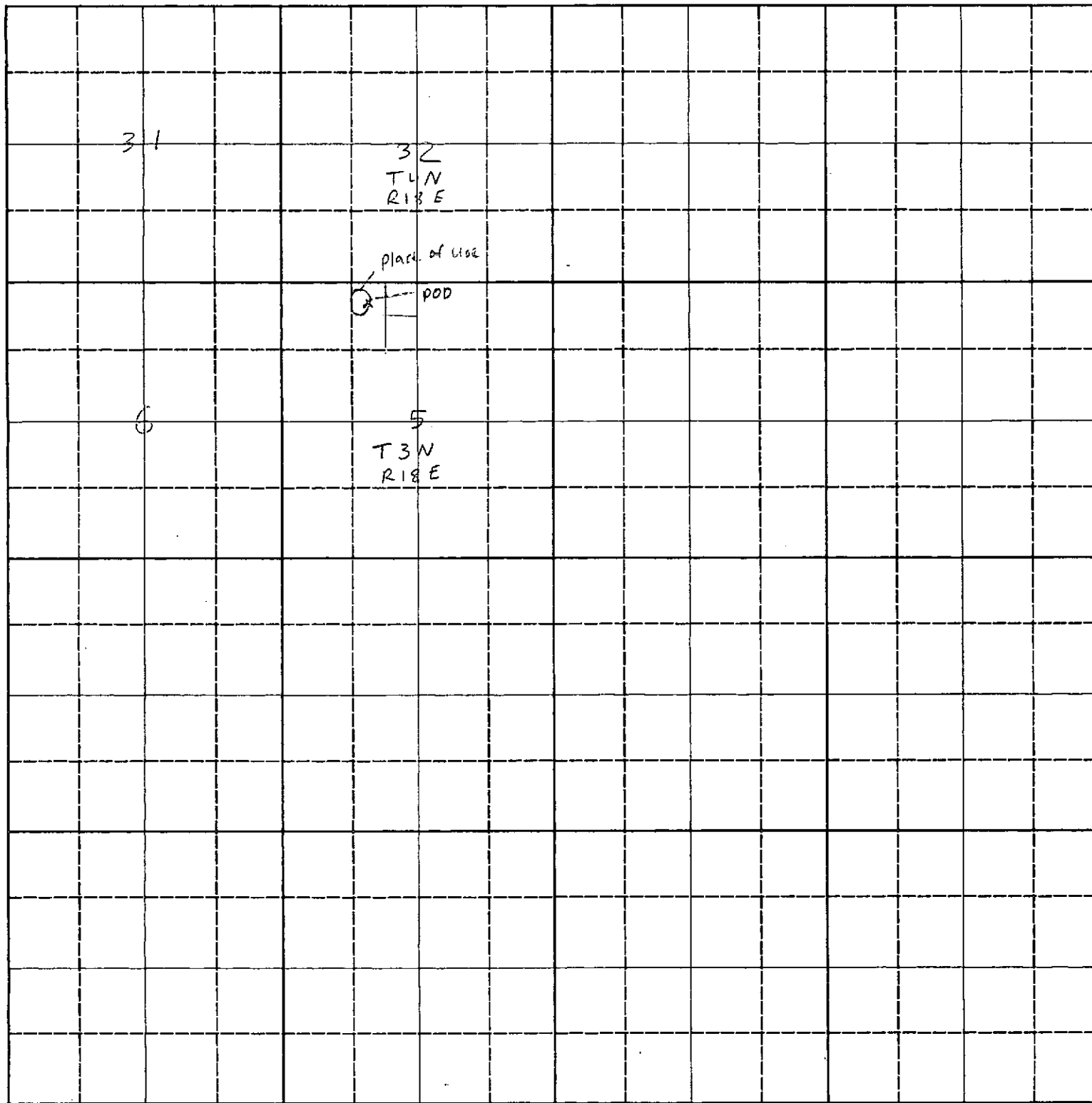
b. Who owns the land to be irrigated or place of use? applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. N/A

12. Remarks: _____

RECEIVED

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

ENCLOSURE

Harry R. Rucker
(Applicant)

Proposed Priority 9/12/86 ^{mb} 8/29/86 1:00 p
Received by [Signature] Date 8/20/86 Time 11:01 a Preliminary check by ADN
Fee \$ 45⁰⁰ Received by M. Baldwin # 38706 Date 9/12/86
Publication prepared by M. Baldwin Date 9/15/86 Published in Wood River Journal ^{10/2/86}
Publication approved M. Baldwin Date 10/10/86

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-8275, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 19 87.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other: Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
The storage of water under this permit is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
Use of water under this permit shall be non-consumptive.
Use of water under this permit is subject to control by the watermaster of State Water District No. 37, Big Wood River.

Witness my hand this 30th day of October, 1986.

[Signature]
Chief, Operations Bureau

RECEIVED

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } SS.

OCT 10 1986

Department of Water Resources
Southern Region Office

CLINT STENNETT

being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Halley, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 2nd day of Oct.

19 86, and the date of the last publication was on the 9th

day of Oct. 19 86

Subscribed and sworn to before me this 9th

day of October, 19 86.
(SEAL)

NOTARY PUBLIC

WOOD RIVER JOURNAL

Halley, Idaho

COST OF PUBLICATION

Numer of Picas per Line 11

Number of Lines in Notice 31.5

Number of Insertions 2

Lines tabular at 5/Pica

31.5 Lines straight at 13.84 4/Pica

31.5 Subsequent lines at 10.40 3/Pica

TOTAL COST 24.26

COPY OF NOTICE

(Paste Here)

Not. of Application
#37-8275 Rinker

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Res.
BILL TO

Water right app. filed by Rinker

NOTICE OF APPLICATION FOR WATER RIGHT

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37-8275

RINKER, HARRY
C/O RINKER CO., BOX 7250,
NEWPORT BEACH, CA 92658
Source: UNNAMED STREAM
trib. to BIG WOOD RIVER
Diversion Pt: NWNENW Sec 05 T
03N R 18E; 1/3 mile east of Gimlet
Airfield.

Use: AESTHETICS

STORAGE (22.0 AF)

Date Filed: 09/12/1986

In: NENW Sec 05 T 03N R 18E

The permit will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd. N., Twin Falls, Idaho 83301, on or before OCTOBER 20, 1986.

KEN DUNN, Dir.

Publish: Wood River Journal-
October 2 & 9, 1986.

7-8 pt. per line straight 4/Pica

7-8 pt. per line tabular 5/Pica

7-8 pt. per line successive

insertions 3/Pica

No 4968

MICROFILMED

OK
MB
10/10/86



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HARRY RINKER
C/O GARY D SLETTE
ROSHOLT ROBERTSON & TOLMAN
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: WATER RIGHT NO. 37-08275

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

MICROFILMED

NOV 06 1998

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

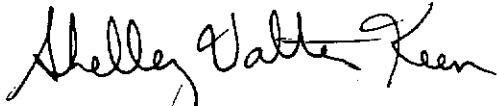
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The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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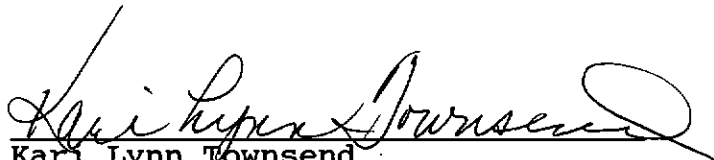
NOV 06 1998

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of **November, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 37-08275

HARRY RINKER
C/O GARY D SLETTE
ROSHOLT ROBERTSON & TOLMAN
PO BOX 1906
TWIN FALLS ID 83303-1906


Karl Lynn Townsend
Secretary

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NOV 06 1998

OK.
CAB
10/26/98

WATER RIGHT NO. 37-08275

Priority: September 12, 1986

Maximum Storage Volume:

15.5 AF

This is to certify, that HARRY RINKER
C/O GARY D SLETTE
ROSHOLT ROBERTSON & TOLMAN
PO BOX 1906

DRAFT

TWIN FALLS ID 83303-1906 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 12, 1986; and has submitted Proof of Beneficial Use on October 29, 1987. An examination indicates that the works have a storage capacity of 15.500 af of water from:

UNNAMED STREAM

tributary to **BIG WOOD RIVER**

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31		15.5 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NENW), Sec. 5, Township 03N, Range 18E
BLAINE County

PLACE OF USE: AESTHETIC STORAGE
TWN RGE SEC
03N 18E 5 Lot 3(NENW)

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. Rights 37-07847 and 37-08275 when combined shall not exceed a storage capacity of 15.5 af.
3. Aesthetic storage is for a pond.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this _____ day of _____, 19____.

KARL J. DREHER, Director

MICROFILMED

NOV 06 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 26, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARLES E BROCKWAY
2016 N WASHINGTON ST
SUITE 4
TWIN FALLS ID 83301

Via Facsimile

RE: Harry Rinker Gimlet Terrace Residence Water Rights

Dear Dr. Brockway:

As we discussed on the phone this morning, I believe we are very close to issuing water right licenses to cover the water use at Harry Rinker's Gimlet Terrace residence. Most of the water use will be covered by water right 37-07847, which must be amended before a license can be issued. With this letter I am faxing you the three-page amendment form. Please review the proposed amendment, sign it, and return it to IDWR with the \$50.00 filing fee within fourteen days.

I am also faxing to you a printout showing how we propose to license right 37-08275. Because right 37-07847 cannot exceed an annual diversion volume of 61.1 af because of the way the permit was originally issued, right 37-08275 is necessary to recognize the full volume of the reservoir for aesthetic purposes.

The last item I am faxing to you is a relinquishment form for permit 37-08525. I believe we were in agreement that there is no beneficial use of water beyond what will be covered by rights 37-07847 and 37-08275.

Finally, I recommend covering the caretaker's residence with beneficial use claim filed in the Snake River Basin Adjudication.

If you have any questions, please contact me at 208-327-7946.

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

Enclosure

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OVERLAP LICENSE REVIEW

Right #	Source	Proof due	Proof made	Priority	Exam	Use	Rate	Div Vol	Con Vol	Acres		
37-07847	Unnamed Stream	11/01/88	10/26/88	08/14/80	9/22/92							
	Groundwater											
Permitted						Irrig.	0.38 cfs	45.5 af	32.5 af	13		
						Domestic	0.22 cfs	15.6 af	n/a			
						Fire	2.00 cfs	n/a	n/a			
Totals							2.60 cfs	61.1 af	32.5 af			
Examined						Irrig.	0.29 cfs	45.5 af	32.5 af	12		
						Domestic	0.04 cfs	0.6 af	n/a	No caretaker residence		
						Fire Stor.	n/a	15.5 af	n/a			
Totals							0.33 cfs	61.1 af	32.5			
License Recomm.						Irrig.	0.26 cfs	45.5 af	32.5 af	13		
						Irrig. Stor.	n/a	15.0 af	n/a			
						Irr. Fm Stor.	n/a	15.0 af	n/a	13		
						Domestic	0.04 cfs	0.6 af	n/a			
						Fire	0.33 cfs	n/a	n/a			
						Fire Stor.	n/a	15.0 af	n/a			
						Div to Stor.	0.11 cfs	n/a	n/a			
Totals							0.33 cfs	61.1 af	32.5 af	13		
37-08275	Unnamed Stream	11/01/87	10/29/87	09/12/86	5/28/89							
Permitted						Aesth. Stor		21.5 af	n/a			
Examined						Aesth. Stor		15.5 af	n/a			
License Recomm.						Aesth. Stor		15.5 af	n/a			
37-08525	Groundwater	12/01/90	12/01/89	06/29/89	9/22/92							
Permitted						Irrig.	0.09 cfs					
						Domestic	0.04 cfs					
Examined						covered by other two rights						
License Recomm.						covered by other two rights						

MICHAEL D
NOV 06 1998

MEMORANDUM

DATE: November 28, 1997

TO: Water Right Files 37-07847 and 37-08275

FROM: Shelley W. Keen ^{SWK}

RE: Licensing recommendations

After reviewing the field report for permit 37-07847, I am recommending that some additional uses be added to the right when it is licensed. The additional uses can be added without expanding the total use contemplated under the original permit.

Although the permit did not include a storage component, storage of water in a reservoir for irrigation and aesthetic purposes is a major component of the development that actually occurred. The rate of flow into the pond is substantially less than is needed for irrigation late in the summer. Therefore, the pond is apparently being depleted to satisfy irrigation needs during that time of year. Because most of the domestic use and one acre of the irrigation use indicated on the permit were not developed, twelve acre-feet of volume that would have been used for those purposes can be licensed as irrigation storage and aesthetic storage.

Nearly all of the aesthetic storage use can be covered under right 37-07847. In order to avoid an expansion of the consumptive use under that right, however, the license will be for less than the full capacity of the storage reservoir. The remainder of the capacity can be licensed under right 37-08275.

Note that neither of the two rights recognizes an appropriation of natural flow for aesthetic purposes. Water from the unnamed stream source is diverted away from its natural course on its way to the reservoir. Because of the diversion away from the natural course, I would normally recommend a flow rate component for aesthetics. In this case, however, including a flow rate component for aesthetics would exceed the diversion volume contemplated by the original applications.

In reality, the inclusion of a flow rate for aesthetics is probably irrelevant for two reasons. First, the "aesthetic" use is incidental to the diversion of water for aesthetic storage, irrigation storage, and irrigation purposes. The flowing water can be enjoyed while it is diverted for those purposes. Second, given the location of the home, the diversion of the unnamed stream around the home is probably necessary to prevent damage to the home. Therefore, the flow of water from the diversion point to the reservoir occurs via a de facto alternate "natural" channel.

The reasons for not including a flow component for aesthetics also apply when deciding whether a diversion to storage component is needed for the surface water diversions. Therefore, the diversion to storage rate recommended for licensing is for the diversion of ground water, not surface water.

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B/U FIELD EXAM REVIEW

Cindy Zimmerman

Permit #: 37-8275 Name: Rincer Date: 3/20/97 ✓ Lots add

NAME Chng Same Or Address Change?

SOURCE Clarify source
Prelim. Order to Void - Source change.

P/D Amendment Needed? L3 (RENEW) P39
Overlap(s) _____

P/U Amendment Needed? add NWNW S5 P41
Overlap(s) _____
(Gov't use special fl's) _____ *P/D & P/U Amend? P37

~~RATE~~ NA Storage only
Permit/proof fee limits _____
Measured Quantity = _____ cfs Theoretical Quantity = _____ cfs

(HP) $8.8 \times 0.70 \times$
 $(2.31 \times \text{_____}) =$ _____ cfs

Recommended capacity _____ cfs
Recommended rate _____ cfs

VOLUME Season: (_____) 4/1 - 12/31 = _____ days
Calculations: _____

per approved dam construction appl = 15.5 AF

Flow limit: _____ cfs x _____ days/yr. x 1.9835 = _____ AF
Recommended volume 15.5 AF

USES Same Nature of Use? P46
Amendment Needed?

REMARKS Multiple p/d's in same 1/4? Use W32

CONDITIONS Measuring Device (R43) or Lockable Controlling Works (R02)
R04 Watermaster Control (R04) - WD # 37
Irrigation rate/annual volume overlap
GW irrigation replaces surface water (050)
GW irrigation supplements surface water (065)
Water Quality
002 Other _____

PRIORITY App Rcd 9/12/86 Due 11/1/87 Rcd 10/29/87
Receipt# 44319 Fee OK? (Yes/No) \$100⁰⁰
Order to Reinstate Needed? Yes/No/None? None Advanced to: _____
Priority 9/12/86 Examined 5/28/89

COMMENTS: _____

USE	CFS	VOLUME
<u>Aes. Stbr.</u>	<u>15.5</u>	<u>15.5</u>
<u>TOTAL</u>	<u>15.5</u>	<u>15.5</u>

SRBA Overlap A37-8215
Adjustment Memo _____
LICENSE LTR: P49
#1 AMEND LTR: P41/P38
#2 AMEND LTR: P42/P47

DAM SUMMARY SHEET

December 23, 1996

GIMLET

37 - 8275

INVENTORY _____ A
 BASIN _____ 37
 DAM NUMBER _____ 8275
 FED ID NUMBER _____
 DAM NAME _____ GIMLET
 COUNTY _____ BLAINE
 STREAM _____ TR-BIG WOOD RIVER
 REGION _____ S
 PURPOSE _____ A
 RISK CATEGORY _____ 3
 SIZE CATEGORY _____ 3
 Q-Q SECTION _____ NENW
 SECTION _____ 05
 TOWNSHIP _____ 03N
 RANGE _____ 18E
 LATITUDE DEC _____ 43.6281
 LONGITUDE DEC _____ 114.3375
 DAM TYPE _____ EARTH
 STORAGE CAPACITY _____ 16.00 ACFT
 HEIGHT _____ 18.00 FT
 DRAINAGE AREA _____ 0.60 SQMI
 RESERVOIR AREA _____ 2.00 AC
 YEAR COMPLETED _____ 1987
 CREST ELEVATION _____ 5,689.00 MSL
 CREST LENGTH _____ 800.00 FT
 SPILLWAY TYPE _____ GLHOLE
 SPILLWAY DEPTH _____ 4.10 FT
 SPILLWAY CAPACITY _____ 93.00 CFS
 OUTLET TYPE _____ STEEL
 OUTLET SIZE _____ 10 IN
 OUTLET CAPACITY _____ 6.00 CFS
 IDF _____ Q50
 IDF MAGNITUDE _____ 33.00 CFS
 RELEASE CAPACITY _____ 99.00 CFS

CONDITION _____ GD
 MAINTENANCE _____ ROUTINE
 INSPECTION DATE _____ 0996 MO/YR
 CERTIFICATE EXP DATE _____ 1198 MO/YR
 LAST RISK EVALUATION _____ 1094 MO/YYR
 SURVEY DATE _____ 9/23/92 MO/DD/YR
 CALL UP DATE _____
 CERT ISSUE DATE _____ 12/12/96 MO/DD/YR
 INSPECTION INTERVAL _____ 2YR
 PHASE I INSP DATE _____
 OPERATION PLAN _____ N
 SEISMIC ANALYSIS _____ N
 RESTRICTED _____
 JOINT INSPECTION _____
 QUAD NUMBER _____ X24
 QUAD NAME _____ SUN VALLEY

DAM OWNER _____ HARRY RINKER
 ADDRESS - 1 _____
 ADDRESS - 2 _____ P O BOX 7250
 CITY _____ NEWPORT BEACH
 STATE _____ CA
 ZIP CODE _____ 92658
 ZIP SUFFIX _____ 7250
 PHONE _____ 9798300
 AREA CODE _____ 714

GENERAL REMARKS : OLD NO WAS 37-7847. ✓

TECHNICAL REMARKS : 2 SPILLWAYS, 1-RPCHAN 10'W X 3'D W/ 7.2:1 SS; 1-CNOVFL INTO 12" PVC
 PIPE. TOP OF CONCRETE 4.1' BELOW DAM CREST. SPILLWAY CAP IS
 TOTAL FLOW THRU BOTH SPILLWAYS WITH 2.0' FB. REL CAP IS WITH 2.0'
 FB.

RESTRICTIONS :

ALTERNATE CONTACTS :

Per Doug Jones, dam construction application identifies 15.5 AF storage
 but storage capacity was rounded to 16.0 for this sheet.
 2/20/97 c.j.

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NOV 06 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 29 1995
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-8275

1. Owner: HARRY RINKER Phone No. 714-979-8300

Current Address: Box 7250, NEWPORT BEACH, CA. 92658-0250

2. Accompanied by: CHARLES BROCKWAY EXAM. DATE: 5-28-89

Address: 706 Sunrise Boulevard N. Twin Falls, Id. Phone No. 208-733-0938

Relationship to Permit Holder: Engineer

3. Source: unnamed Spring tributary to Big Lost River Sinks
unnamed stream

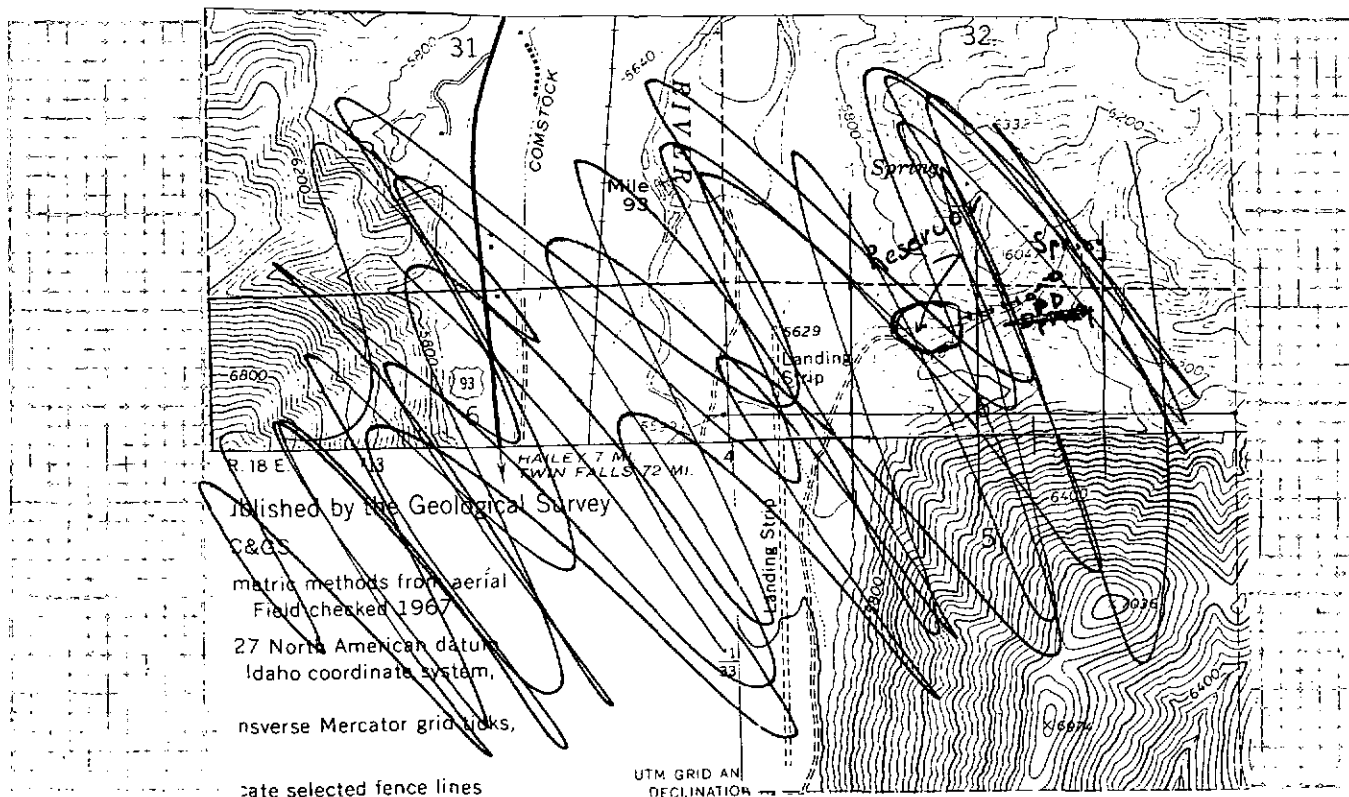
B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached

2. Other water rights with same point of diversion: none, 37-07847 ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached

(required for irrigation of 10 acres or more)

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System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Spring arises in the tree Area and runs into the Reservoir. A pump is used to convey the water from Reservoir to Irrigate Trees and grass around the Reservoir. Under this permit only storage & Aesthetic was applied for. A buried pipeline runs from the stream into the reservoir. The stream enters the reservoir north of the Rinker house, and the pipeline enters the reservoir south of the house. Any water overflowing the reservoir runs a short distance before sinking into the ground; There is no surface connection to The Big Wood River.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	3	NE	NE	NW	5	3 N	18 E	Blaine	

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	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	
3 N	18 E	5					JS	JS											
							143	174											

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Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

Measurements were made by Charles Brockway P.E. (see Attachment)

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

See Reservoir Specs 22 Applied for
Allow 15.5 Ac. Ft.

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

P/D & P/U are in Lot 6 of Gimlet Terrace Subdivision.

Spring water and groundwater are pumped from this pond for irrigation under Permit 37-07847. Pond also provides water to a fire hydrant under that permit.

This spring probably provided water under RT, 37-02152. This right was not claimed in the SRBA, and probably went unused for many years. Present uses appear to be covered by permits 37-8275 & 7847.

Based on aerial photo, pond appears to be in both Gov. Lots 3 & 4 Sec. 5. The ponds on the dug channel store a little bit of water, but this is such a small amount that I have not included it in the recommendation. The amount was not determined but appears to be less than 0.1 acre feet. Aesthetic use in dug channel could be recommended as a flow rate, but permit only asked

I. RECOMMENDATIONS

For a volume amount. Spring was measured at up to 0.18 cfs

1. Recommended Amounts at P/D - see 37-07847 exam.

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Storage & Aesthetics	Jan 1	Dec 31		15.5
for				
Totals:				15.5

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☒ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

GARY L. Funderburg J E Stanton

Signature

Gary Funderburg J E Stanton

Certification Date

10-10-89

CONSULTANT SEAL

Field Report Preparation Date

10-12-94

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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NOV 06 1998



CHARLES
BROCKWAY
ENGINEERING

October 14, 1992

Mr. Jim Stanton
Idaho Dept. of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

RECEIVED

OCT 16 1992

Department of Water Resources
Southern Region Office

Subject: Water Measurements on Gimler Terrace Spring
Permit 37-07847

Dear Jim:

Enclosed are my field notes and pertinent correspondence relative to water measurements on the spring from the canyon above Mr. Harry Rinker's residence on Gimlet Terrace Lot 6. This is the spring listed as a source in water permit 37-07847. The spring was measured on August 19, 1981 prior to development at 46.35 gpm. A measurement was made on November 6, 1987 by C. W. Robison, P.E. at 79.8 gpm. I made two additional measurements of 78.8 gpm with Sparling meter and 67 gpm with a trapezoidal flume on August 18, 1988, and a measurement on September 13, 1988 of 67 gpm using a trapezoidal flume.

I believe this completes the information which I was to furnish regarding the proof of beneficial use for this permit. As I indicated in our last meeting, Mr. Rinker is in agreement that the total acreage currently irrigated on the Subdivision will continue to be irrigated from the pond source under permit 37-07847. However, before a decision is made on the permits appurtenant to Lot 7 and other lots in Subdivision, I would like to firm up with Mr. Rinker the current uses which may be applicable to these permit.

Please call me when you have had a chance to review the data which we obtained on the field exam and data from Galena Engineers on irrigated acreage so that we can discuss possible alternatives before your final recommendation is formulated.

Sincerely,

C. E. Brockway, P.E.

cc H. Rinker

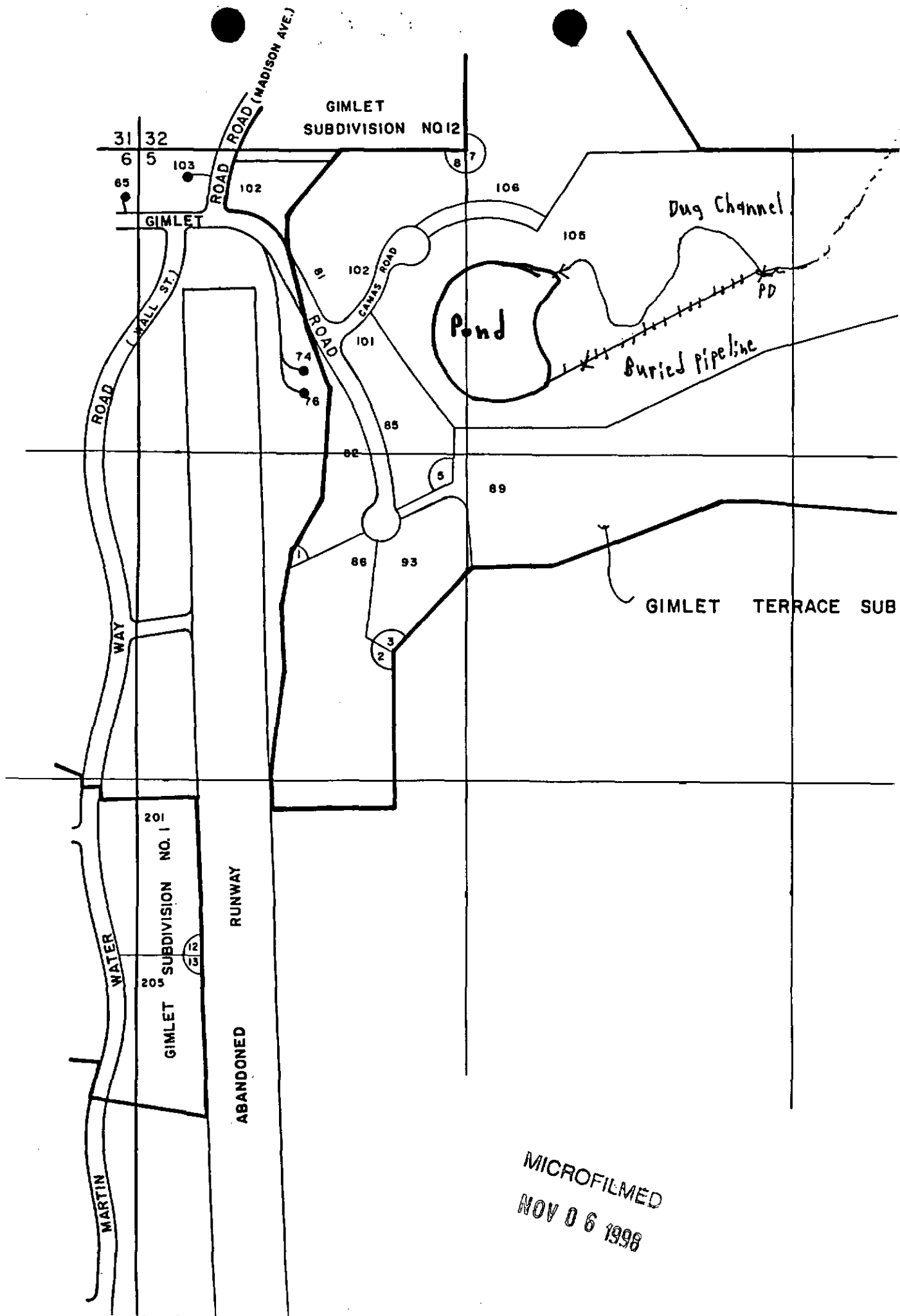
CHARLES E.
BROCKWAY,
PHD., P.E.

706 SUNRISE
BOULEVARD
NORTH

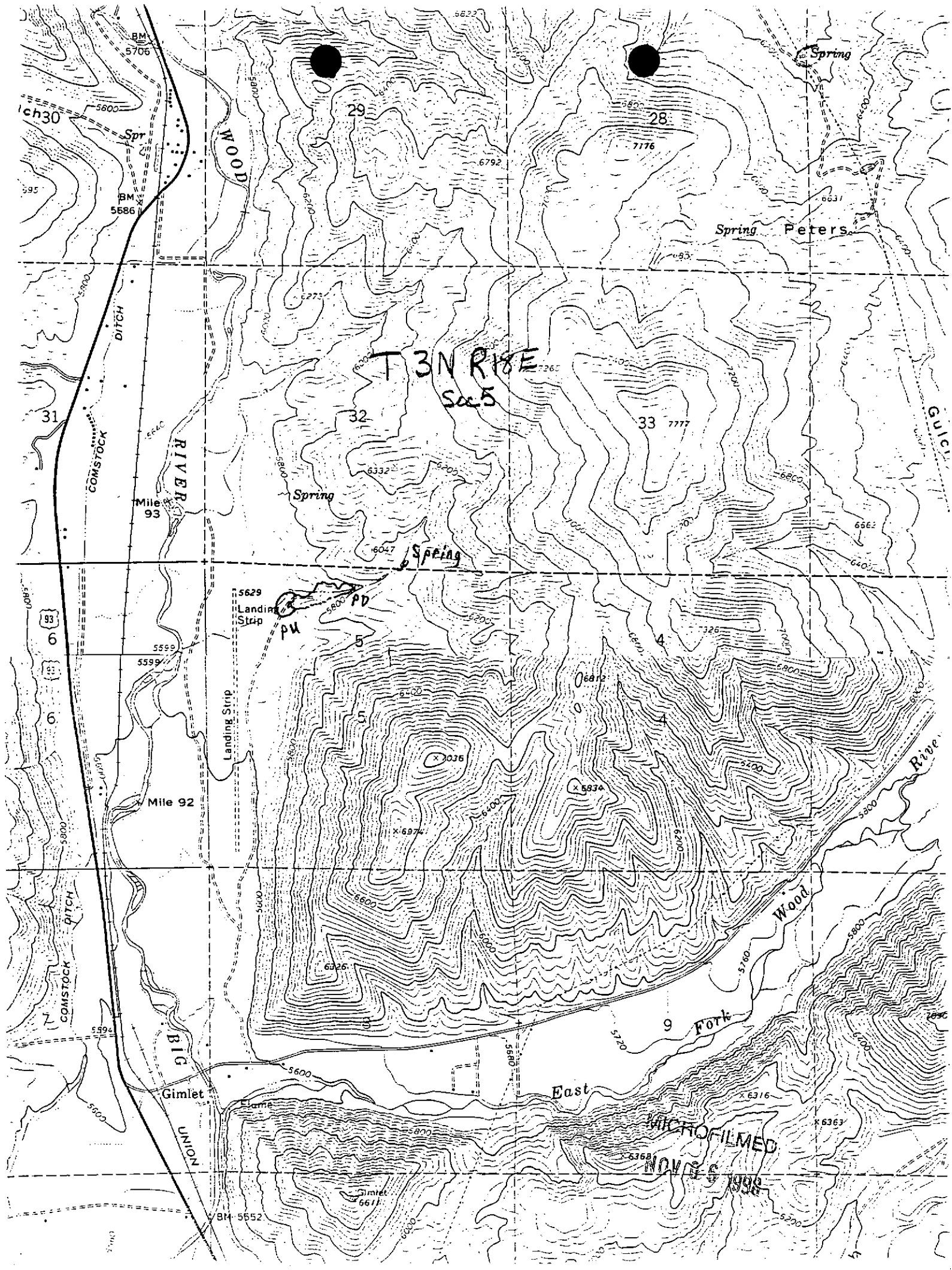
TWIN FALLS,
IDAHO 83301

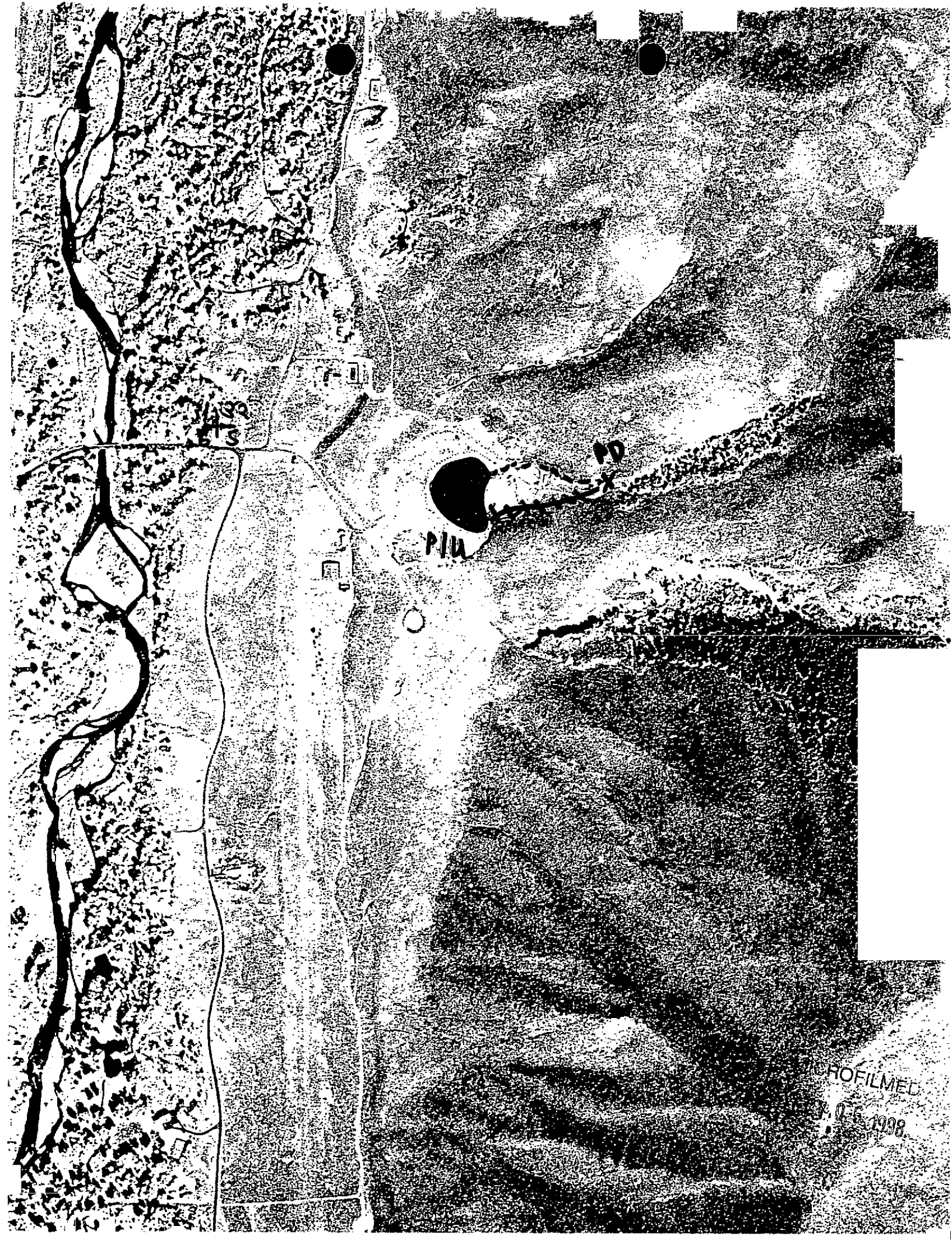
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NOV 06 1996





PIU

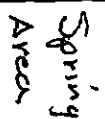
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0-5-1998

MICHO FILMED
NOV 06 1953

NOV 6 1953



looking up toward Spring



Reservoir outlet & Control



Reservoir from Hill



Harry Kinke



Inlet from Spring
to Reservoir

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NOV 06 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 25 1986

APPLICATION TO CONSTRUCT A SMALL DAM

Required for construction or alteration of a dam 20 feet or less in height
and capable of storing less than 100 acre-feet of water.

1. Name of owner (print or type): MR. HARRY RINKER Phone No. 714-979-8300

Post Office address: 3188 PHILLMAN STREET, COSTA MESA CA. 92626

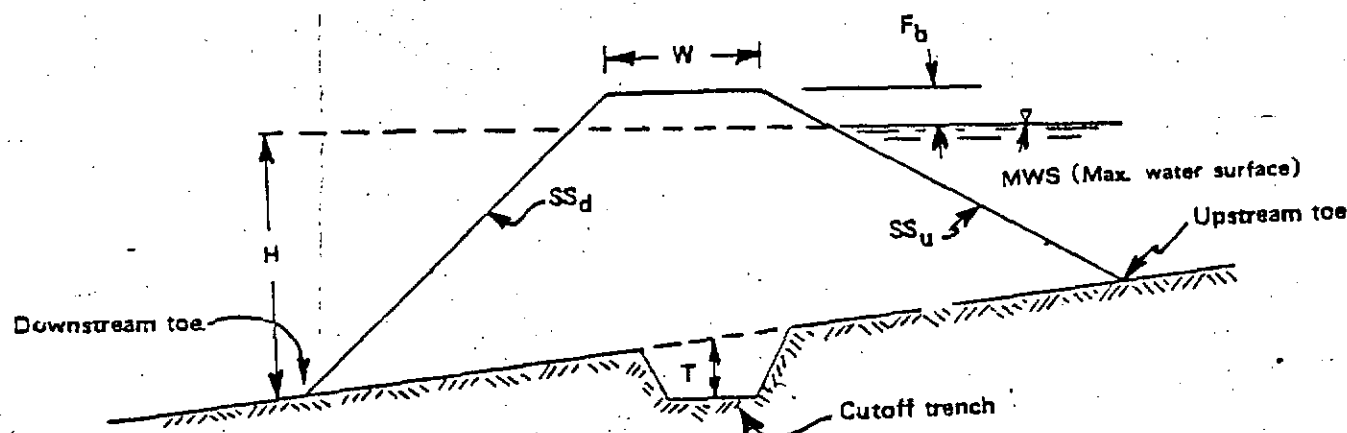
2. Describe the nature of the proposed work (new dam, raise existing dam, etc.): NEW DAM

3. RESERVOIR:

Storage capacity 15.5 acre-feet. Surface area 1.6-2.0 acres.

Source of water (stream) UNNAMED SPRING & CREEK Offstream storage: Yes No X

4. DETAILS OF DAM:



Dam type (earth, concrete, rock, etc.) EARTH

Location: Section 5 Township 3N Range 18E of SECTION

Crest width (W) 12 feet.

Freeboard (F_b) 2.0 feet. 18 ft h_y

Height of dam (H) 20 feet. Height of e.

Downstream side slope (SS_d) 2:1

Upstream side slope (SS_u) 2:1

Cutoff-Trench depth (T) 6

Length of dam 900+ feet.

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*Water Right for
22 acre feet of storage.
was approved on
10/30/86*

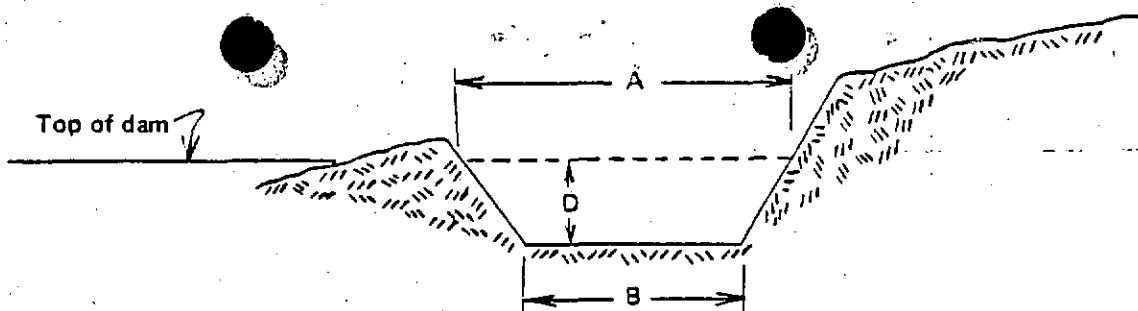
5. OUTLET CONDUIT: Low Level

Size and type of pipe 12" drain, A/C Pipe, Class 150 drain PVC, Pipe, ASTM 3034

Size and number of cutoff collars 4, 5 feet square

Gate location (upstream, etc.) Low level outlet at overflow station and bottom of drain.

E1.74.0



Do you plan to use a gate or flashboards in the spillway? Yes _____ No X

Approximate natural drainage area above dam 360 acres.

Depth of spillway below top of dam (D) 3.8 feet.

Bottom width of spillway (B) 20 feet.

Top width of spillway (A) 42.5 feet.

Location: Abutment _____ Away from dam _____ Over dam X Other (describe) _____

Channel lining (earth, riprap, concrete, solid rock, etc.): riprap w/geomembrane

7. DEVELOPMENT DOWNSTREAM:

Briefly describe the type of development or land use immediately downstream from the dam. Indicate estimated distances to significant area of improvement that could be damaged if the dam failed:

Residential lots are located immediately downstream of the embankment

8. CONSTRUCTION SCHEDULE:

Proposed date for start of construction _____

7/7/86
Date

Harry Pinker
Applicant's signature

12:35 P

FOR DEPARTMENT USE ONLY

Date application received 7/25/86

By JS

Fee \$ 20.00

Date receipted 7-28-86

Receipted by JS

ACTION OF THE DIRECTOR, THE DEPARTMENT OF WATER RESOURCES

In accordance with the provisions of Title 42, Chapter 17, Idaho Code and the Department's Rules and Regulations for Safety

Dams, the above proposal is hereby APPROVED, subject to the following conditions:

1. This action does not constitute the required authorization to appropriate water under Idaho Water Law.
2. All construction at dams is subject to approval by the Department of Water Resources which reserves the right to make inspection of such work as often as it deems necessary. The applicant shall notify the Department at the following times, and such other times as it deems necessary, so that it may conduct inspections.
 - a. After clearing and excavation of foundation, and prior to placing fill material.
 - b. After installation of outlet conduit, and before placing any backfill material around conduit.
 - c. After construction is complete and before any water is stored in reservoir.

Additional conditions:

Witness my hand this 4TH day of NOVEMBER, 1986.

Norm Cyng

UPSTREAM

WATER SURFACE ELEV. AT DESIGN FLOOD 163.5
OPERATING LEVEL 160.0

TOP OF DAM 89.0'

DOWNSTREAM

EMERGENCY SPILLWAY 85.0'

15 MIL ELASTOMERIC POND LINER
KEY IN PER M.C.T.R. SPECS.

LOW LEVEL OUTLET 74.0

FOUNDATION

TO BE EXCAVATED

Vertical (H = 5)

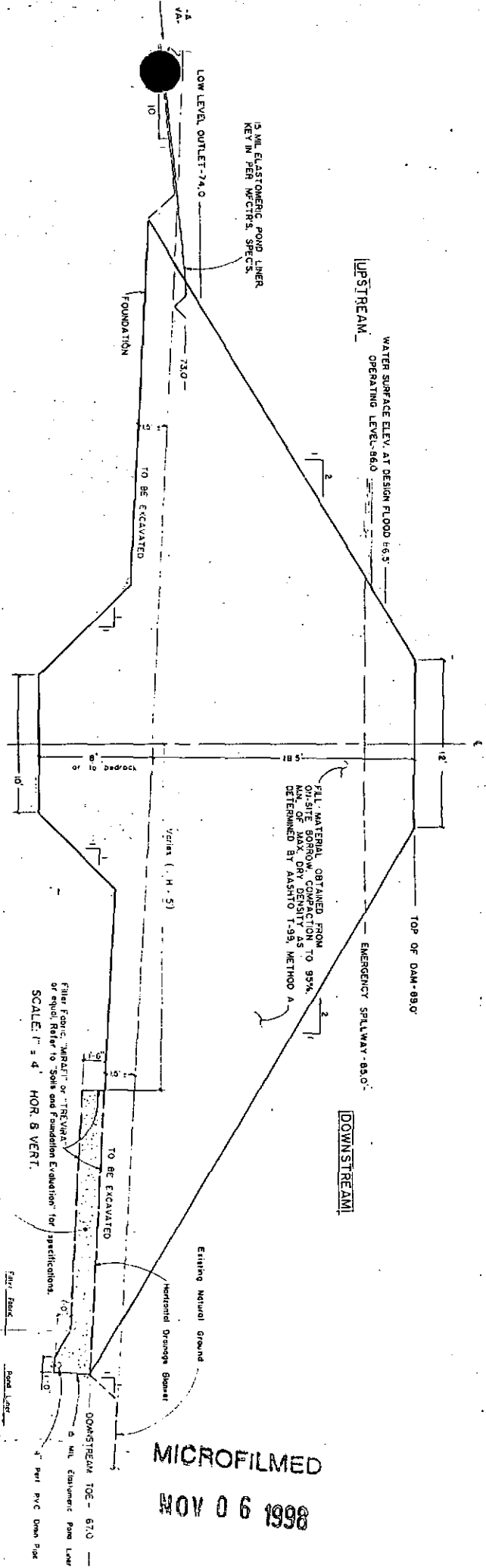
FILL MATERIAL OBTAINED FROM
ON-SITE BORROW, COMPACTION TO 95%
MAX. OF 2000 LBS. PER CUBIC YD.
DETERMINED BY AASHTO T-99, METHOD A

Filler Fabric, "ARAFLEX" or "TRENVA"
or equal. Refer to "Soils and Foundation Evaluation" for specifications.
SCALE: 1" = 4' HOR. & VERT.

Given time and areas.
3' max.

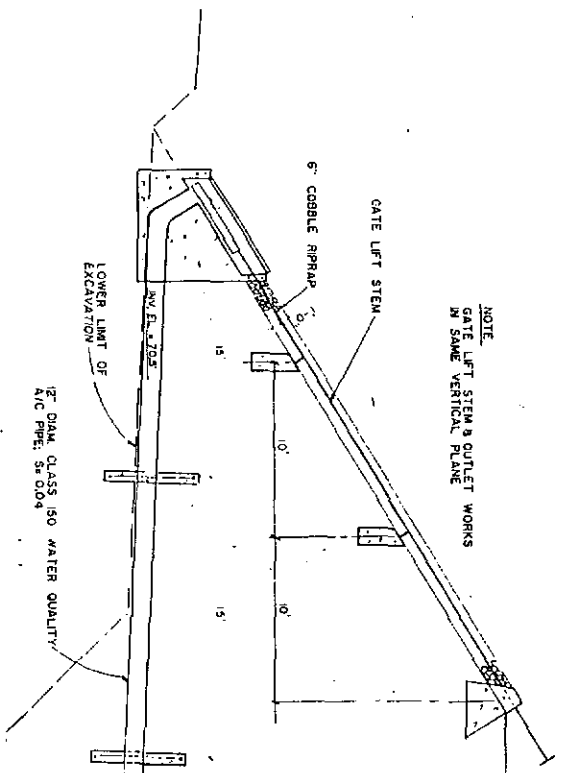
NOTE: Covered Filler Fabric and Pond
Liner 2'. Minimum at intersection

MAXIMUM DAM CROSS-SECTION



MICROFILMED
NOV 06 1998

NOTE:
GATE LIFT STEM & OUTLET WORKS
IN SAME VERTICAL PLANE



SCALE: 1" = 4' HOR. & VERT.

CONTINUE A/C PIPE ON GRADE:
SEE PLAN VIEW.

CROSS SECTION LOW LEVEL OUTLET WORKS & GATE LIFT STEM

CROSS-SECTION	GIMLET T.
Located in Gimlet	Blaine Co
Gimlet Engineering Inc.	Civil

APPR
Dated 07
Rev. 7/1
PRIN



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

37-8275

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 29, 1990

GARY D. SLETTE
Nelson, Robertson, Tolman & Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

RE: Harry S. Rinker Files

Dear Mr. Slette:

I am in receipt of your letter of January 24 to Tim Luke, including the copy of Mr. Rinker's letter of January 15 and his Limited Power of Attorney. Tim asked me to take care of your request regarding water right filings in the name of Harry S. Rinker.

I researched all water rights for Mr. Rinker and have enclosed a summary report of those found. There is one decreed water right and one license. I left these with Mr. Rinker's address as they need no further processing. There are seven permits currently being processed, one of which has been assigned a new owner. And there is one application in the name of Rinker Co., C/O Harry S. Rinker, which has been protested and returned to our regional office in Twin Falls. I have entered your name and address on all permits and the application as point of contact.

I hope this will meet your request and Mr. Rinker's intention. A copy of all letters and the Limited Power of Attorney will be included in each permit and application file. Please contact me if there is any problem with the actions I have taken. I will be happy to assist you.

Sincerely,

Pamela Skaggs

PAMELA SKAGGS
Technical Records Specialist

Enclosure
cc: Harry S. Rinker

MICROFILMED
NOV 06 1998

ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
JERRY JENSEN
F. BRUCE COVINGTON
BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
JAN 28 1991

January 24, 1991

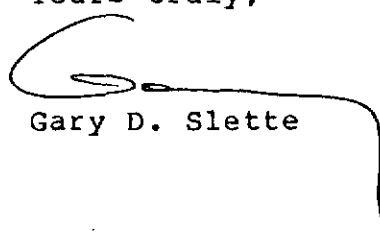
Department of Water Resources

Tim Luke
Idaho Department of Water Resources
1301 North Orchard
Statehouse Mail
Boise, ID 83720

Dear Tim:

Enclosed please find a copy of a letter that I recently received from Harry Rinker. As you are no doubt aware, Mr. Rinker possesses several different water rights. I have a Limited Power of Attorney to act on Mr. Rinker's behalf with regard to water right matters, and am enclosing a copy of that for your information. Pursuant to Mr. Rinker's request as contained in his letter, I would appreciate it if you would send me all future information concerning his water rights. If you have any question or concern regarding this request, or if you are unable to comply, please advise me at your earliest convenience.

Yours truly,


Gary D. Slette

GDS/mw
85041

cc: Harry Rinker
Nick Purdy

MICROFILMED

NOV 06 1998

File: Rinker



RINKER COMPANY

January 15, 1991

Gary Slette, Esq.
NELSON, ROSHOLT, ROBERTSON
TOLMAN & TUCKER
P. O. Box 1906
Twin Falls, Idaho 83303

Dear Gary:

It appears to me that the two enclosed letters from the Department of Water Resources are representative of what will be on-going correspondence to and from that office with various applications for water rights from time to time.

It is my intention to have you handle the processing of said applications. I am wondering if you could serve notice on the Department of Water Resources that you will be the mailing address of record and then you could either complete the forms and mail them to me for signature if it is a major decision or I herewith authorize you to sign on my behalf for routine processing. Please drop me a note if future applications and processing can be handled this way.

Trust you had a pleasant holidays.

Sincerely,

Harry S. Rinker

/lc

Encls.

cc: Nick Purdy w/o encls.

MICROFILMED

NOV 06 1998

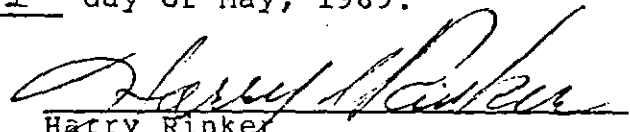
LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

Harry Rinker hereby nominates and appoints Gary D. Slette of Nelson, Rosholt, Robertson, Tolman & Tucker, P. O. Box 1906, Twin Falls, ID 83303, as attorney-in-fact with full authority to act for and on behalf of Harry Rinker to execute any and all documents required or necessary to apply for and obtain water rights for my property located in Blaine County.

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 such documents as above-mentioned. Further, I hereby declare that each and every 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 presents.

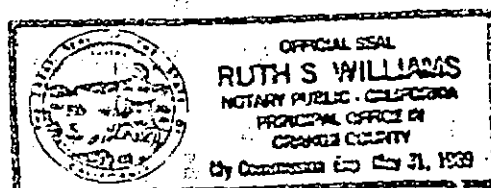
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 22nd day of May, 1989.


Harry Rinker

STATE OF California)
County of Orange) ss.

On this 22nd day of May, 1989, before me, a Notary Public, in and for said County and State, personally appeared Harry Rinker, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

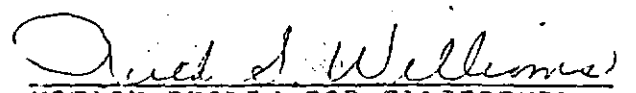
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



1526m

MICROFILMED

NOV 06 1988


NOTARY PUBLIC FOR CALIFORNIA
Residing at: Santa Ana, Ca
My commission expires: 5/31/89

37-0852



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 26, 1989

C. E. Brockway
706 Sunrise Boulevard North
Twin Falls, ID 83301

Dear Mr. Brockway:

Re: Permit No. 37-7847 - Wood River Properties
and 37-8275 - Harry Rinker

Pursuant to your letter on behalf of Harry Rinker, the department has considered your request. Enclosed are orders which address the removal of measuring device from the above referenced permit.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, reading 'Rita I. Fleck'.

RITA I. FLECK
Secretary/Records Manager

c w/enc.: Harry Rinker
Reid Newby

MICROFILMED
NOV 06 1998



CHARLES
BROCKWAY
ENGINEERING

CHARLES E.
BROCKWAY,
PhD., P.E.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208-733-0938

RECEIVED
MAY 04 1989

April 28, 1989

Mr. Gary Funderberg
Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

Subject: Water Permits, Wood River Properties, Gimlet
Bench 37-7847, 37-8275

Dear Gary:

Following our discussions regarding the examination for proof of beneficial use on these permits, I am formerly requesting on behalf of Mr. Harry Rinker that the requirement for a measuring device on the diversion be waived.

These are the only water permits, licenses or decreed rights on the stream flowing from the gulch. Historically, the stream from the gulch flowed out onto the alluvial fan and was used consumptively by native vegetation or percolated into the alluvium. There is no physical evidence that the stream ever reached the Big Wood River. The Watermaster for District 37 has never administered the stream and has classified it as a 'dry stream'.

Currently the entire stream flows into the lined recreation pond which is also used for fire protection. The outflow from the polyethylene lined pond continues to flow onto the alluvium in much the same way as it did historically. A well located above the pond is used for some irrigation and domestic use.

Since the stream historically never reached the Big Wood river, the Watermaster does not regulate a 'dry stream', and no other water users are involved, the need for any measuring device seems unnecessary. I appreciate your discussions with me on this matter and hope the Department can approve a waiver of the measuring device.

I have discussed the matter with Mr. Reid Newby, Watermaster for District 37 and will ask him to formally advise you of his recommendation on this request.

If you need further information, please call.

Sincerely,

C. E. Brockway, P.E.

CEB:
cc Harry Rinker
Reid Newby

RECEIVED

MAY 2 1989

Department of Water Resources
Southern Region Office

MICROFILMED

NOV 06 1998

RINKER, HARRY
C/O RINKER CO.
P.O. BOX 7250
NEWPORT BEACH, CA 92658-0250

CERTIFIED MAIL
August 31, 1987

138883

PROOF DUE NOTICE

RE: Permit No. 37-8275

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1987. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this Department on or before the above described proof due date, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

MICROFILMED

FEB 29 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
OCTOBER 31, 1986

RINKER, HARRY
C/O RINKER CO.
BOX 7250
NEWPORT BEACH, CA 92658-0250

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-8275

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT. ALSO ENCLOSED FOR YOUR CONVENIENCE IS THE STATEMENT OF BENEFICIAL USE FORM THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC
ENCLOSURES

MICROFILMED

September 15, 1986

Reid Newby, Watermaster
Box 1
Shoshone, ID 83352

RE: Application for Water Permit No. 37-8275

Dear Mr. Newby:

Enclosed for your information is a copy of an application for water permit which has been filed with this office.

If you have any questions or need additional information regarding this application, please feel free to contact this office.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:MB

Enclosure

MICROFILMED

September 15, 1986

Ed V. Nigbor, Director
Blaine Co. Planning & Zoning
Old County Courthouse
Hailey, ID 83333

RE: Application for Water Permit No. 37-8275

Dear Mr. Nigbor:

Enclosed for your information is a copy of an application for water permit which has been filed with this office.

If you have any questions or need additional information regarding this application, please feel free to contact this office.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:MB

Enclosure

UNRECEIVED

September 15, 1986

Galena Engineering, Inc.
Box 425
Ketchum, ID 83340

Re: Application for Permit No. 37-8275 (Harry Rinker)

Gentlemen:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 37-8275. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Wood River Journal on October 2 & 9, 1986. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Enclosed please find your receipt no. 38706 for the amount of \$45.00.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Loren O. Holmes, P. E.
Southern Region Supervisor

LOH:mb

Enclosure

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

SEPTEMBER 15, 1986

Wood River Journal
P.O. Box 988
Hailey, ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before OCTOBER 20, 1986.

Yours truly,

Mary A. Baldwin
Secretary/Office Coordinator

Encl.

NOT RECORDED

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-8275

RINKER, HARRY

C/O RINKER CO., BOX 7250, NEWPORT BEACH, CA 92658

Source: UNNAMED STREAM trib. to BIG WOOD RIVER

Diversion Pt: NWENW Sec 05 T 03N R 18E

Use: AESTHETICS STORAGE (22.0 AF) 1/3 mile east of Gimlet Airfield.

Date Filed: 09/12/1986

In: NENW Sec 05 T 03N R 18E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd. N. Twin Falls, Idaho 83301 on or before OCTOBER 20, 1986

KEN DUNN, Dir.

Published 10/2 & 10/9/86.

RECEIVED

**Water right app.
filed by Rinker**

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application has
been filed to appropriate the
public waters of the State of
Idaho:

37-8275

RINKER, HARRY
C/O RINKER CO., BOX 7250,
NEWPORT BEACH, CA 92658

Source: UNNAMED STREAM
trib. to BIG WOOD RIVER

Diversion Pt: NWNENW Sec 05 T
03N R 18E; 1/3 mile east of Gimlet
Airfield.

Use: AESTHETICS STORAGE
(22.0 AF)

Date Filed: 09/12/1986

In: NENW Sec 05 T 03N R 18E

The permit will be subject to all
prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Southern
Region, 1041 Blue Lakes Blvd. N.,
Twin Falls, Idaho 83301, on or
before OCTOBER 20, 1986.

KEN DUNN, Dir.

Publish: Wood River Journal—
October 2 & 9, 1986.

RECEIVED

SEP 19 1986

Department of Water Resources
Twin Falls, Idaho

RECEIVED

OK
MB
9/22/86

GALENA ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

RECEIVED

SEP 12 1986

TRANSMITTAL LETTER

Department of Water Resources
Snake River District Office

DATE: September 11, 1986

JOB NO: #1580

TO: Department of Water Resources

1041 Blue Lake Blvd. N.

Twin Falls, Idaho 83301

RE: Harry Rinker Terrace Dam Project

Transmitted XX Herewith

 Separate Cover

 By Carrier

REMARKS: Per your recent request, enclosed please find our check in the amount of \$45.00 to cover your filing fee with regard to the Harry Rinker Terrace Dam Project.

Thank you for your attention in this regard.

GALENA ENGINEERING, INC.

BY: Barbara Friend, Secretary

DISTRIBUTION OF SETS:

ENCLOSURE

GALENA ENGINEERING, INC.

C ENGINEERS AND LAND SURVEYORS

RECEIVED

AUG 29 1986

Department of Water Resources
Section Chief's Office

TRANSMITTAL LETTER

RECEIVED

AUG 26 1986

Department of Water Resources

DATE: August 18, 1986

JOB NO: 1580

TO: Department of Water Resources

Attn: Bobbie Fleenor

Statehouse

Boise, Idaho 83701

RE: Gimlet Terrace Dam Water Application

Transmitted ☐ Herewith

☐ Separate Cover

☒ By Carrier Express Mail

REMARKS: Enclosed please find an application for the Gimlet Terrace Dam water storage.

If you have any questions please call Jim Koonce at 726-4729.

Thank you.

GALENA ENGINEERING, INC.

BY: Wendy Styer

DISTRIBUTION OF SETS: Harry Rinker

Chuck Brockway