

Superceded
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Transfer
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SCANNED
MAR 18 2004

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5560

MAY 28 1999

Department of Water Resources
Southern RegionAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Harry S. Rinker Phone (714) 979-8300

Post Office address Rinker Company, P.O. Box 7250, Newport Beach, CA 92658

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split rights

2. Describe the reason for the proposed changes Mr. Rinker is transferring 1 acre to Mr. Nickelson
 in ~~the Macakwao Subdivision~~ LOT 2 OF GIMLET WEST SUBDIVISION

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
37-00521 ~~T~~	6/1/1886	0.015	Irrigation	4/15 to 10/15
37-00522 ~~R~~	5/4/1889	0.013	Irrigation	4/15 to 10/15
37-00523 ~~P~~	5/21/1890	0.012	Irrigation	4/15 to 10/15
				to

2. Total amount of water being transferred 0.040 cubic feet per second and/or acre-feet per annum.

3. Source of water Big Wood River tributary to Malad River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		~~NE~~	~~SE~~	7	03N	18E	Blaine	Pump from minor channel
		NE	SE					of Big Wood River (Little
								Macakwao channel)

5. Lands irrigated or place of use:

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	
03N	18E	7				~~SE~~									1.0				1.0

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PART 1

6. General Information:

- a. Description of diversion system Pump from Little Macakwao channel to sprinkler irrigation system. Little Mackawao channel is a minor channel of the Big Wood River.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
1.0 acres will no longer be irrigated. Land being dried up is in Riverview Ranch Lot 2.
- d. Remarks:
This transfer being submitted in conjunction with two other transfers of surface water west and east of Highway 75. New place of use is in ~~Little Macakwao~~ ^{LOT 2 OF GIMLET WEST} subdivision. Diversion rates are the original decreed rates.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

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PART 2

TRANS NO. 5560

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-00521B

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	3.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

Priority: 06/01/1886

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 29, Township 03N, Range 18E
NWNE , Sec. 32, Township 03N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	32	SWNE	SENE	SENE	
			NESW	NESE	NWSE	
		33	NWSW	SWSW	SESW	

CONDITIONS/REMARKS:

1. SEE DECREE FOR FURTHER DESCRIPTION OF P/U.
2. P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
3. RT. IS DELIVERED FROM PURDUM SLOUGH, A SIDE CHANNEL OF BIG WOOD R
ORIGINALLY DECREED TO ISRAEL T. OSBORN IN THE FROST DECREE.

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount 0.015 cfs for Irrigation purposes from 4/15 to 10/15
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NE	29	03N	18E	Blaine	Osborn Ditch
		NW	NE	32	03N	18E	Blaine	Purdum Ditch

3. Lands irrigated or place of use: I = IRRIGATION

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	
03N	18E	32								I									--

Total acres --

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount 3.185 cfs for Irrigation purposes from 4/15 to 10/15
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NE	29	03N	18E	Blaine	Osborn Ditch
		NW	NE	32	03N	18E	Blaine	Purdum Ditch

3. Lands irrigated or place of use: I = IRRIGATION

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	
03N	18E	32			I	I					I				I	I			--
03N	18E	33										I	I	I					--

Total acres --

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PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-00523B

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	2.40 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

Priority: 05/21/1890

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 20, Township 03N, Range 18E
SWNE , Sec. 29, Township 03N, Range 18E
NWNE , Sec. 32, Township 03N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 18E 32	SWNE	SENE	SENE	
	NESW	NESE	NWSE	
33	NWSW	SWSW	SESW	

CONDITIONS/REMARKS:

1. P/U INCOMPLETE. SEE FILE.
2. P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
3. RT. DECREED FROM BIG WOOD R. BUT DIV. FROM RIVER & PURDUM SLOUGH.

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount 0.012 cfs for Irrigation purposes from 4/15 to 10/15
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	20	03N	18E	Blaine	Hiawatha Canal
		SW	NE	29	03N	18E	Blaine	Osborn Ditch
		NW	NE	32	03N	18E	Blaine	Purdum Ditch

3. Lands irrigated or place of use: I = IRRIGATION

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	
03N	18E	32			<u>I</u>					<u>I</u>									--

Total acres --

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount 2.388 cfs for Irrigation purposes from 4/15 to 10/15
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	20	03N	18E	Blaine	Hiawatha Canal
		SW	NE	29	03N	18E	Blaine	Osborn Ditch
		NW	NE	32	03N	18E	Blaine	Purdum Ditch

3. Lands irrigated or place of use: I = IRRIGATION

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	
03N	18E	32			<u>I</u>	<u>I</u>				<u>I</u>	<u>I</u>				<u>I</u>	<u>I</u>			--
03N	18E	33										<u>I</u>	<u>I</u>	<u>I</u>					--

Total acres --

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PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-00522B

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	2.80 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

Priority: 05/04/1889

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 20, Township 03N, Range 18E
SWNE , Sec. 29, Township 03N, Range 18E
NWNE , Sec. 32, Township 03N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 18E 32	SWNE	SENE	SENW	
	NESW	NESE	NWSE	
33	NWSW	SWSW	SESW	

CONDITIONS/REMARKS:

1. P/U INCOMPLETE. SEE DECREE.
2. NO WATER WAS DECREED TO SESW S33 IN THE FROST DECREE UNDER 0522.
DECREED FROM BIG WOOD R.; DELIVERED FROM RIVER & PURDUM SLOUGH.
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount 0.013 cfs for Irrigation purposes from 4/15 to 10/15
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	20	03N	18E	Blaine	Hiawatha Canal
		SW	NE	29	03N	18E	Blaine	Osborn Ditch
		NW	NE	32	03N	18E	Blaine	Purdum Ditch

3. Lands irrigated or place of use: I = IRRIGATION

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	
03N	18E	32			<u>I</u>					<u>I</u>									--

Total acres --

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount 2.787 cfs for Irrigation purposes from 4/15 to 10/15
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	20	03N	18E	Blaine	Hiawatha Canal
		SW	NE	29	03N	18E	Blaine	Osborn Ditch
		NW	NE	32	03N	18E	Blaine	Purdum Ditch

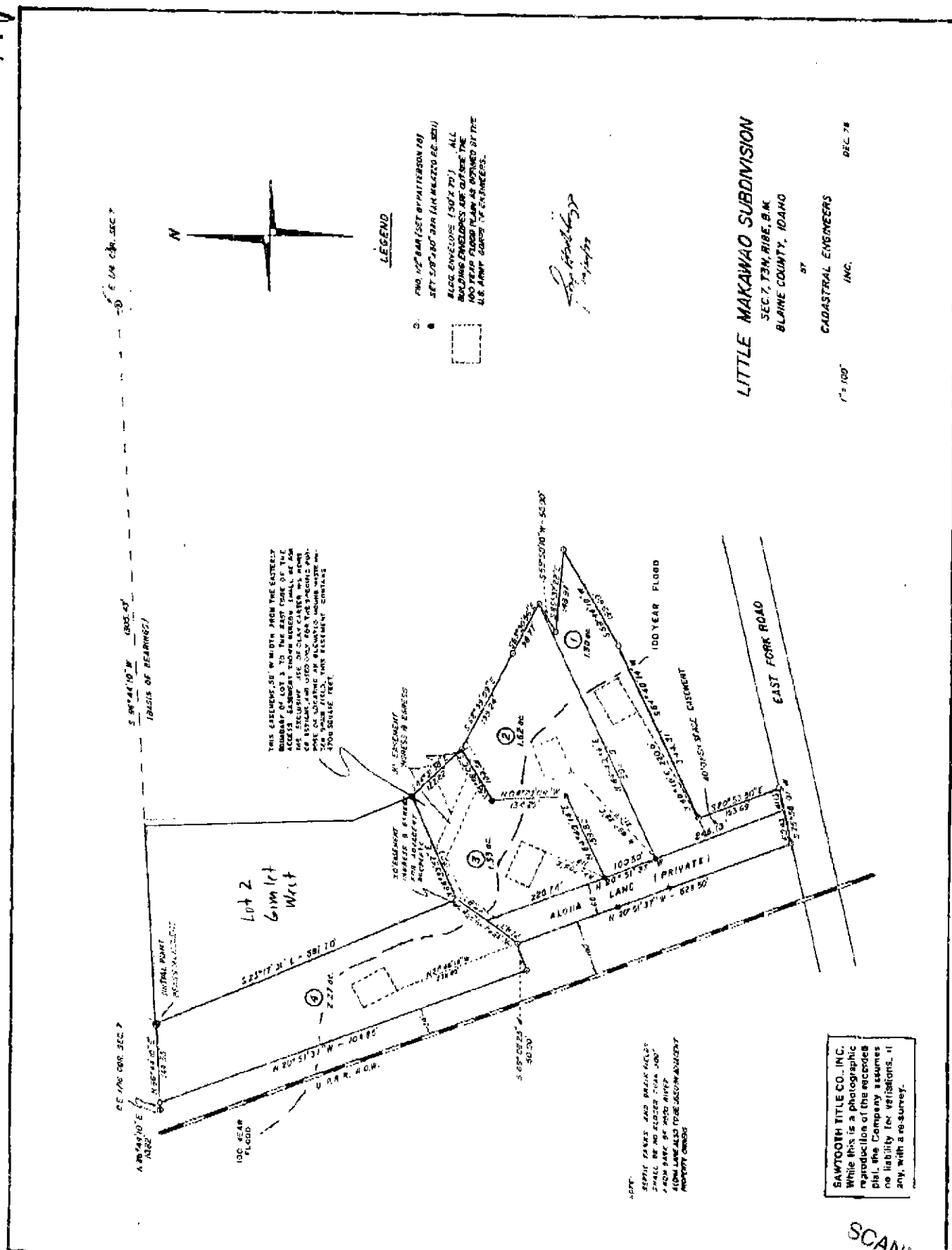
3. Lands irrigated or place of use: I = IRRIGATION

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	
03N	18E	32			<u>I</u>	<u>I</u>				<u>I</u>	<u>I</u>				<u>I</u>	<u>I</u>			--
03N	18E	33										<u>I</u>	<u>I</u>	<u>I</u>					--

Total acres --

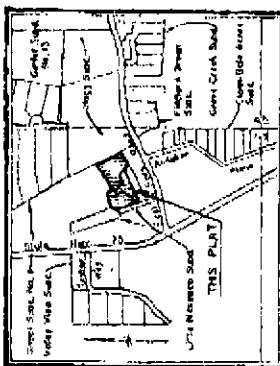
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MAR 13 2004

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SAWTOOTH TITLE CO., INC.
While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

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VICINITY MAP Scale: 1" = 1000'

LEGEND

- Round 112" Radius
- 541 112" Radius, L.S. 3424
- 1/4" 112" Radius, Witness Corner, L.S. 3424
- Easement, Width as Shown
- Cautions 20' 40' Wide Street Easement
- Easement Overlaid
- Former Lot Line
- Approximate Edge of Water
- 1/4" 112" Radius, Boundary
- Alluminum Cap Set in Concrete

NOTES

1. Survey lines and monuments shall be located no closer than 100 feet from the line of the Big Wood River.
2. West Channel Lane is a private road to be maintained by its owner. The purchaser shall be responsible for the maintenance of the road. The owner, its successors, assigns, or representatives shall be the obligation of the owner, its successors, assigns, or representatives to maintain the road. The Big Wood County is in no way obligated to accept, maintain or improve these roads and that each owner shall notify in writing any jurisdiction in interest of these facts.
3. **WARNING:** The floodplain area designated on this plat is considered by the owner, Blaine County and Capital Engineering as responsible for regulatory purposes. However, neither the owner, Blaine County or Capital Engineering represents, warrants, nor implies that areas outside the designated areas are safe from flood danger.

REPLAT OF LOTS 2 & 3, LITTLE MAKAWAO SUBDIVISION AND TAX LOTS 3459 & 3579
 L.S. 3424 & 3425
 COLLIER ENGINEERING, INC.
 455 CHINA ST. S.W.
 SHEET 1 OF 2

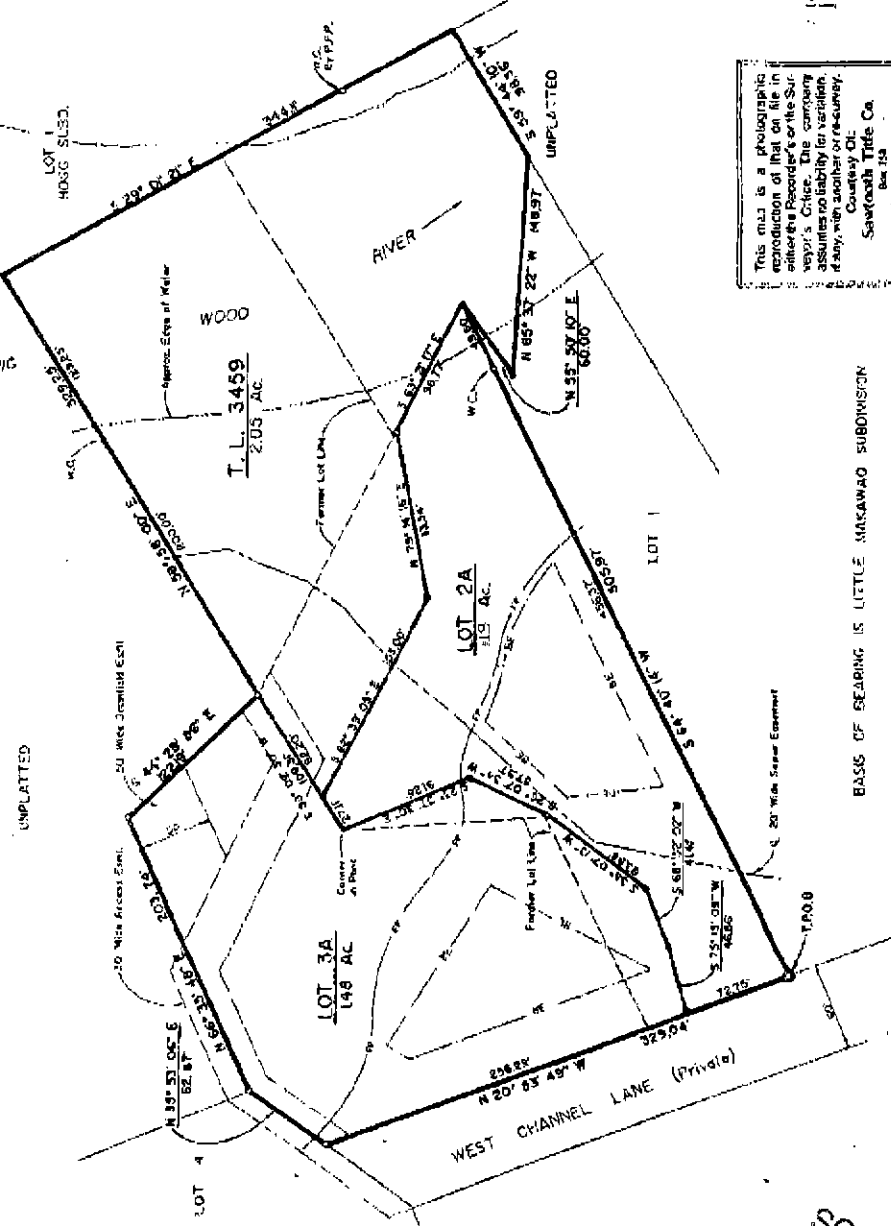
Picture: D. Fawcett, L.S. 3424

A REPLAT SHOWING SUBDIVISION AND TAX LOTS 3459 & 3579 WHEREIN LOT LINES OF LOTS 2 & 3 ARE SHOWN AND TAX LOTS 3459 AND 3579 ARE COMBINED

LOCATED WITHIN
 THE SE 1/4, SECTION 7, T.3 N., R.18 E., BM, BLAINE COUNTY, IDAHO
 DECEMBER, 1992

SCALE IN FEET
 0 25 50 100 150 200

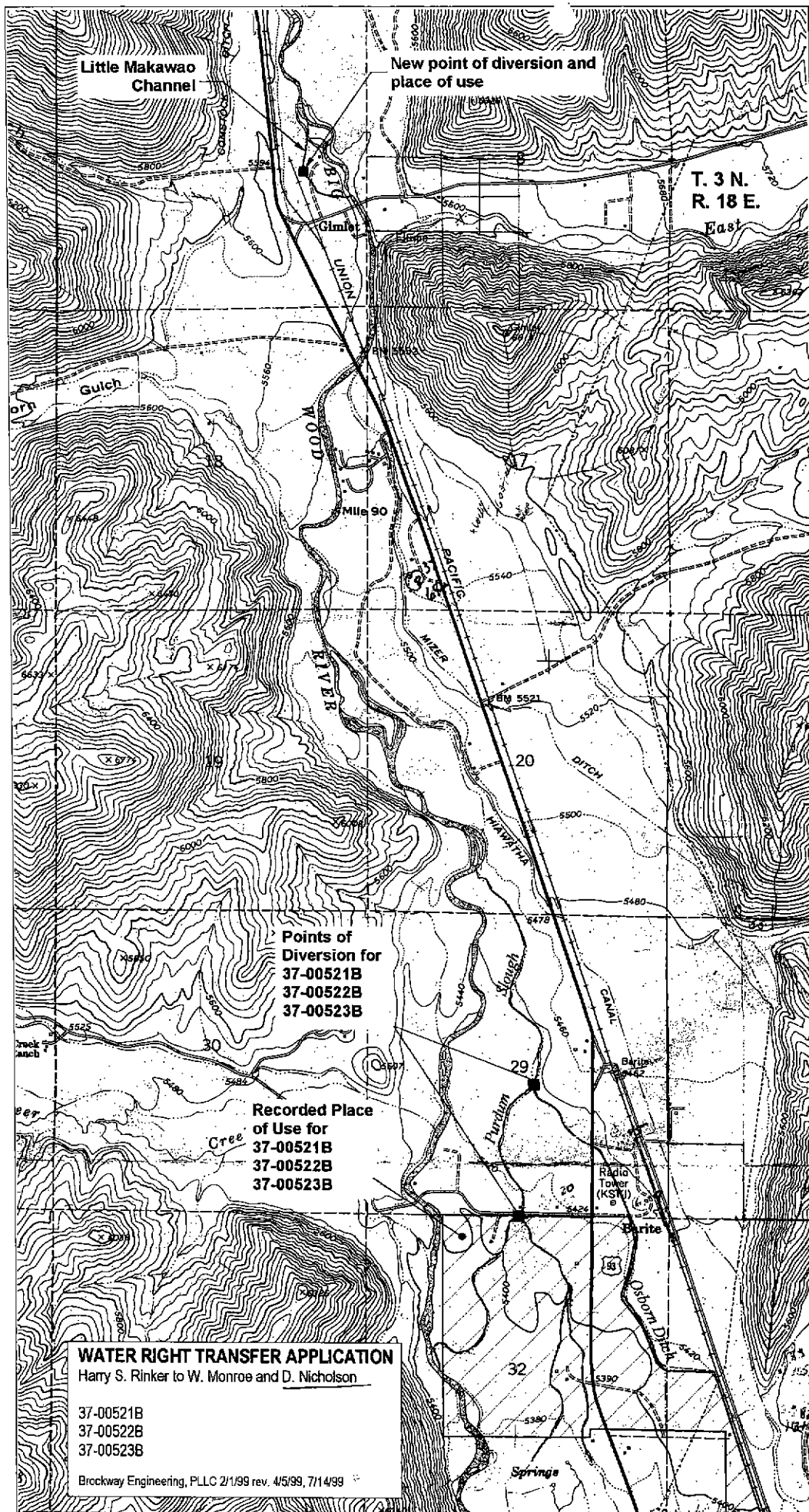
SCALE: 1" = 50'



This map is a photographic reproduction of that on file in the office of the Recorder or the Surveyor's Office. The company assumes no liability for variation if any, with another or recovery.
 Surveyor: D. Fawcett, L.S. 3424
 Recorder: D. Fawcett, L.S. 3424
 Date: 12/14/92

BASIS OF BEARING IS LITTLE MAKAWAO SUBDIVISION

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Little Mackawao
Channel

New point of diversion and
place of use - 1.0 acre

T. 3 N.
R. 18 E.
East

Guich

Gimlet

WOOD

Mile 90

WILSON

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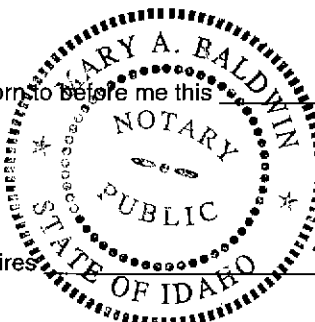
PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use Amount Hours/days/year Period of Use
 (cfs/ac-ft) _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge:
N/A
3. Describe the effects on other water uses resulting from the proposed change:
None

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this



27th

day of

(Signature of Applicant)

May

, 19 99

Mary A. Baldwin
 (Notary Public)

My commission expires

10/16/2004

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by P. SKINNER Date 5/29/99

Protest filed by _____

Prelim. check by P. SKINNER Fee \$100.00 5022238

Received by P. SKINNER Date 06/18/99

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ Approval ☐ Denial

rec'd.

by _____

Copy of transfer sent to lien holder _____

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 MAY 18 2004

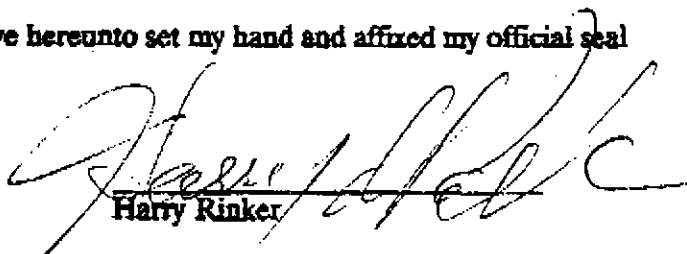
LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

I, Harry Rinker, dba Rinker Company, hereby nominate and appoint Charles E. Brockway, of Kimberly, Idaho, as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to any and all water rights I may own or seek to acquire in Blaine County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

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

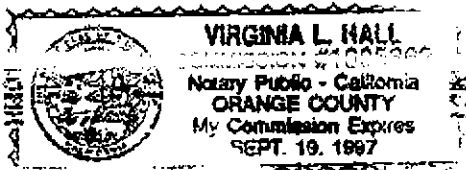
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 1st day of Sept., 1995.


Harry Rinker

CALIF
STATE OF ~~IDAHO~~)
ORANGE) ss.
County of Blaine)

On the 1st day of Sept., 1995, 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.




NOTARY PUBLIC FOR ~~IDAHO~~ CALIF.
Residing at: LAGUNA NIGUEL
My commission expires: 9/19/97

SCANNED
MAR 18 2004

RINKER TRANSFER #3 – TRANSFER TO NICKELSON

Harry S. Rinker's share of 37-00521B, 37-00522B, and 37-00523B
Riverview Ranch & Peregrine Ranch, Blaine County, Idaho

Prepared by Brockway Engineering, PLLC 4/5/99

The above surface rights are currently applicable to land west and east of Highway 75 in the vicinity of the Riverview Ranch and the Peregrine Ranch. The rights are known as the "B" parts of the original Osborn rights, and are owned jointly by Mr. Rinker and Mr. Chapman. The attached diagram shows the place of use as currently recorded. No diversion volume or acres are listed on any right. According to an SRBA claim split made in 1996, the proportionate share of the "B" rights owned by Rinker is 90.4%. The attached table shows the rights as they are currently recorded with IDWR, and Rinker's proportionate share. Rinker's total amount is 7.59 cfs. Of Rinker's portion of the "B" rights, part of the water was sold with the land to Bloom (Lot 3) and Wood (Lot 4). No transfer or change of ownership was filed to record this change.

Points of diversion listed on 37-00522B and 37-00523B are the Purdum Ditch, the Osborne Ditch, and the Hiawatha Canal. 37-00521B lists only the Purdum Ditch and the Osborn Ditch.

This transfer application (Transfer #3) is being submitted to split 1.0 acre from the "B" rights west of the highway and move it to the ~~Little Star Lake~~ subdivision, just north of East Fork road. This transfer should be processed concurrently with Transfer #1, which is being filed to clean up the acres under the "B" rights.

The diversion rate for each right which will be applicable to the new place of use (1.0 acre) was determined using the original decreed per-acre rates, as shown in the following table.

Right No.	Decreed rate per acre	Div. Rate for 1.0 ac.
37-00521B	0.01539 cfs/ac	0.015 cfs
37-00522B	0.01346 cfs/ac	0.013 cfs
37-00523B	0.01154 cfs/ac	0.012 cfs
TOTAL	0.04039 cfs/ac	0.040 cfs

LOT 2
OF
GIMLET WEST
SUBDIVISION

SCANNED
MAR 18 2004