

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-04108

Date Received: 3/ 3/1992

Receipt No: S014205 / S014222

Received By: AL

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: SINCLAIR OIL CORP.
Address: DBA SUN VALLEY CO.
% DAVID B. LINCOLN
PO BOX 1539
BOISE ID

208-343-5454

83701-1539

2. Date of Priority: JUL 1, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	17E	14	NE	SW	NW		BLAINE

5. Description of diverting works:

6"WELL - 68 FT. DEEP; 1 1/2 H.P. PUMP @ 25 GPM CAPACITY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.050		
DOMESTIC	01/01	12/31	0.040		
HEATING	10/16	04/14	0.050		

7. Total Quantity Appropriated is:

0.140 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

5.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC/ 1 HOUSEHOLD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	17E	14	SW	NW		IRR	2.0
			SW	NW		DOMEST	
			SW	NW		HEAT	
					Section Acres		2.0
					Total Acres		2.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

HEATING USE IS DESCRIBED AS USED FOR MELTING SNOW ON WALKWAYS

PROPERTY IS ALSO KNOWN AS LOT 3, BLK 1, GREYHAWK III SUBDIVISION.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
 _____ Date: _____

MICROFILMED
FEB 23 1994

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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FEB 23 1993

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

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

CIVIL CASE NUMBER: 39576
Ident. Number A37-04/08
Date Received _____
Receipt Number 5014205 - Adm (Part)

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

FEB 26 1992

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Sinclair Oil Corp. dba Sun Valley Co. Phone (208) 343-5454

Mailing Address c/o David B. Lincoln; Elam, Burke & Boyd P.O. Box 1539 Zip 83701-1539
Boise Id

2. Date of Priority (Only one (1) per claim) July 1, 1953

3. Source of water supply (a) ground water
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 4N Range 17E Section 14,
NE 1/4 of SW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 6-inch well 68 feet deep; one and one-half
horsepower pump; 25 gallons per minute capacity

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FEB 23 1993

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims and water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to claimants (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month, and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from Jan 1 to Dec 1 amount 0.04 or _____

For Irrigation purposes from April 15 to Oct 15 amount 0.03 or _____

For Heating purposes from Oct 16 to April 14 amount 0.05 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.14 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) one household

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	17E	14			X														2
					D														

Total number of acres irrigated 2

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks:
Property and water rights acquired from Brookfield PNW, Inc., per copy attached of Warranty Deed; property is also described as Lot 3 of Greyhawk III Subdivision per plat recorded as Instrument No. 284426, Blaine County, ID

MICROFILMED
FEB 23 1983

Last Name Sinclair Oil Corp. Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

RECEIVED
FEB 23 1988
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Scale: 2 inches equals 1 mile

R I E

T
4
N

Points of Diversion and use

14

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Last Name Sinclair Oil Corp. Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use x Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 37-04108

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 5

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Vice President/General Manager
Title

of Sinclair Oil Corp., dba Sun Valley Co.
Organization

document in the space below as Vice President/General Manager of Sinclair Oil Corp., dba Sun Valley Co
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Vice President/General Manager Date 2-21-92

State of Idaho/or _____)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 27th day of February 1992

SEAL

Notary Public [Signature]

Residing at Sun Valley, Idaho 83353

My Commission Expires 4/17/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, David B. Lincoln will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address P.O. Box 1539, Boise, ID 83701-1539

Date 2/26/92

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FEB 23 1993

Last Name Sinclair Oil Corp. Ident. Number _____

Copies White-State, Yellow-Claimant

CORPORATION
WARRANTY DEED

FOR VALUE RECEIVED, Brookfield PNW Inc.

a corporation duly organized and existing under the laws of the State of California, grantor, does hereby Grant, Bargain, Sell and Convey unto
Sinclair Oil Corporation, a Wyoming corporation, dba Sun Valley Company
whose address is: P.O. Box 7, Sun Valley, ID, 83353

grantee, the following described real estate, situated in Blaine County, Idaho, to-wit:

Parcel I:

Lot 16 in Block 2 of Greyhawk II Subdivision Amended, A Replat of Lot 2 Greyhawk Subdivision, according to the official plat thereof, recorded as Instrument No. 281786, records of Blaine County, Idaho.

Also as shown on EXHIBIT "A" attached hereto and made a part hereof.

Parcel II: **PUCHNER PARCEL**

Lot 3 of Greyhawk III Subdivision, according to the official plat thereof, recorded as Instrument No. 284426, records of Blaine County, Idaho.

Also as shown on EXHIBIT "B" attached hereto and made a part hereof.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; and that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

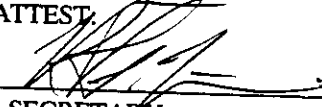
IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its (Vice) President and its (Asst.) Secretary.

Dated: October 9, 1991

By


PRESIDENT.

ATTEST

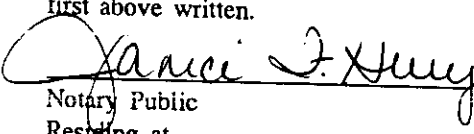

SECRETARY.

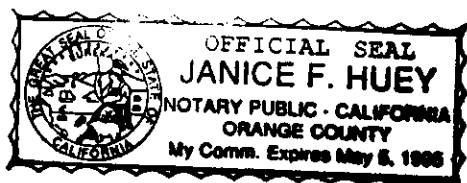
State of California

County of Orange

On this 11th day of October, 1991 before me, a Notary public in and for said State, personally appeared William B. Seith and R.T. Zimmer known to me to be the (Vice) President and (Asst.) Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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
Residing at
Commission Expires



BLAINE CO. REQUEST

FIRST AMERICAN TITLE CO.

1991 OCT 15 P 4:02

GREEN, CLERK

1500

MP

334598

Deed

MICROFILMED
FEB 23 1993

DESCRIPTION
OF
LOT 16, BLOCK 2
GREYHAWK II SUBDIVISION

RECORDED

OCT 26 1987

Department of Lands and Resources
Boise, Idaho 83725

A parcel of land lying within Sections 14 and 15, T. 4N., R. 17E., B. M., City of Ketchum, Blaine County, Idaho and being more particularly described as follows:

Commencing at the GLO brass cap marking the 1/4 corner common to said Sections 14 and 15, which point is the REAL POINT OF BEGINNING;

thence North 0°13'04" East, 677.19 feet along said section lines to a brass cap by Sawtooth Engineers;

thence North 76°32'24" West, 1253.96 feet to a USFS brass cap;

thence North 0°07'34" West, 612.92 feet to a USFS brass cap;

thence South 54°32'23" East, 120.32 feet to a USFS brass cap;

thence South 39°14'16" East, 425.68 feet to a bar;

thence North 79°33'52" East, 261.80 feet to a point on the approximate center line of Warm Springs Creek;

thence South 74°24'53" East, 265.24 feet along the center line of Warm Springs Creek to a point on the Carbon Hill Millsite boundary;

thence South 6°11'05" East, 21.02 feet to a brass cap marking Corner No. 4 of said Carbon Hill Millsite;

thence South 81°16'51" East, 207.53 feet to a 5/8" bar;

thence North 75°07'04" East, 150.36 feet to a 1/2" bar;

thence South 34°21'38" East, 440.01 feet to a 1/2" bar;

thence South 74°32'34" East, 279.35 feet to a 1/2" bar;

thence North 1°23'15" East, 619.56 feet to a point in Warm Springs Creek witnessed by a 5/8" bar lying South 1°23'15" West, 47.00 feet;

thence South 82°09'00" West, 30.40 feet to the southeast corner of Lot 14, Block 1, Greyhawk II Subdivision;

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FEB 23 1993

EXHIBIT "A"

thence North 1°23'15" East, 49.73 feet to a 1/2" bar;

thence 100.81 feet along a curve to the right with a radius of 671.64 feet, a central angle to 8°36'00", and a chord which bears North 5°41'15" East, 100.72 feet to a 1/2" bar;

thence North 83°03'50" East, 5.98 feet to a 1/2" bar marking the south side of Lloyd Drive;

thence North 88°28'00" East, 75.86 feet along Lloyd Drive to a 1/2" bar;

thence 34.57 feet along a curve to the left with a radius of 25.00 feet, a central angle of 79°13'13", and a chord which bears South 48°51'18" West, 31.88 feet to a 1/2" bar;

thence 83.88 feet along a curve to the left with a radius of 611.64 feet, a central angle of 7°51'27", and a chord which bears South 5°18'56" West, 83.81 feet to a 1/2" bar;

thence South 1°23'15" West, 46.78 feet to the southwest corner of Lot 15, Block 2, Greyhawk II Subdivision;

thence South 84°57'14" East, 143.60 feet along the approximate center line of Warm Springs Creek;

thence North 89°30'00" East, 55.30 feet;

thence North 83°20'00" East, 40.00 feet;

thence South 80°50'00" East, 72.00 feet;

thence South 74°32'45" East, 35.19 feet;

thence South 78°00'00" East, 64.00 feet;

thence South 82°45'00" East, 46.00 feet;

thence North 89°56'00" East, 25.34 feet;

thence leaving said approximate center line of Warm Springs Creek South 59°44'00" East, 79.26 feet to an iron pipe;

thence South 1°34'22" West, 398.44 feet to a 1/2" bar;

thence North 80°04'21" East, 164.34 feet to a 5/8" bar;

thence South 49°34'25" West, 186.22 feet to a 5/8" bar;

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thence South 0°02'32" West, 352.19 feet to a 5/8" bar;
thence South 59°22'39" East, 217.05 feet to a 5/8" bar;

thence South 0°14'49" West, 284.49 feet to a GLO brass cap marking
the center west 1/16 corner of said Section 14;

thence North 89°56'18" West, 1316.75 feet to the REAL POINT OF
BEGINNING, containing 41.54 acres, more or less, according to the
official plat thereof.

10/11/91

RF:cdb

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DESCRIPTION
OF
LOT 3, BLOCK 1
GREYHAWK III SUBDIVISION

Puchner
~~XXXXXXXXXX~~

A parcel of land lying within the NW 1/4, Section 14, T. 4N., R. 17E., B. M., City of Ketchum, Blaine County, Idaho and being more particularly described as follows:

Commencing at the GLO brass cap marking the center west 1/16 corner of said Section 14;

thence North 0°14'49" East, 876.29 feet to a 5/8" bar marking the REAL POINT OF BEGINNING;

thence South 80°04'21" West, 212.37 feet to a 1/2" bar;

thence North 1°34'22" East, 398.44 feet to an iron pipe;

thence North 59°44'00" West, 79.26 feet to a point in Warm Springs Creek;

thence South 88°12'00" East, 151.07 feet to a point;

thence North 0°44'56" West, 37.00 feet to a 1/2" bar on the South boundary of Lot 1, Spring Creek Subdivision;

thence North 89°15'04" East, 45.00 feet to a 1/2" bar;

thence North 80°39'54" East, 30.00 feet along the southerly R. O. W. of Puchner Lane to a brass cap;

thence North 69°15'00" East, 46.59 feet along Cimino's parcel to a bar;

thence South 0°14'49" West 15.50 feet to the brass cap marking the northwest 1/16 corner of said Section 14;

thence South 0°14'49" West 440.32 feet to the REAL POINT OF BEGINNING, containing 2.09 acres, more or less, as shown on the official plat thereof.

10/11/91

RF:cdb

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FEB 23 1993

12/15/2006

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

RIGHT NUMBER: 37-4108
NAME AND ADDRESS: SINCLAIR OIL CORP
C/O SCOTT L CAMPBELL ESQ
MOFFATT THOMAS
BOX 829
BOISE ID 83701-0829

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: *CR 1/17/10* 0.140 CFS
~~7.000 AFY~~ *out*

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/01/1953

POINT OF DIVERSION:

T04N R17E S14 NESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
HEATING	10/16 04/14	0.050 CFS
IRRIGATION	04/15 10/31	0.050 CFS
		7.00 AFY
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S14 SWNW 2.00

HEATING in BLAINE County

T04N R17E S14 SWNW

DOMESTIC in BLAINE County

T04N R17E S14 SWNW

2 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Statutory Claim

RECEIVE

JUN 17 2005

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Department of Water Resources
Southern RegionUS Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829208 345 2000
208 385 5384 Fax
208 385 5323 Direct

FACSIMILE

From: Scott L. Campbell**Date:** June 17, 2005**Re:** Water Right No. 37-4108 in the Name of Sinclair Oil Corporation**File No.:** 16845.5**Number of pages being transmitted including the cover page: 3**
Please call fax operator at (208) 345-2000 if all pages are not received.

	Name	Organization	Fax No.	Voice No.
To:	Douglas Jones, P.E.	Idaho Department of Water Resources-Southern Region	208-736-3037	208-736-3033
CC:	Wallace Huffman	Sun Valley Company	208-622-2015	208-622-2041
	Scott Mayeda	Sinclair Oil Co.	801-524-2747	801-524-2752

Message:

Please see attached letter.

PLEASE DELIVER IMMEDIATELY

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately notify us by telephone to arrange for return of the original document to us. Thank you.

RECEIVED

OCT 12 2006

DEPARTMENT OF
WATER RESOURCES

RECEIVED

002/00

JUN 17 2005

Department of Water Resources
Southern RegionBoise
Idaho Falls
Pocatello
Twin Falls*Moffatt Thomas*

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
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Gerald T. Husch
Scott L. CampbellRobert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J. Williams
Lee Radford
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David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner
John O. Fitzgerald, II
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Andrew J. Walden
Tyler J. Anderson
Russell G. Metcalf
Morgan W. Richards, of counsel
Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829June 17, 2005
via Facsimile208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.comDouglas Jones, P.E.
Idaho Department of Water Resources-Southern
Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380Re: Water Right No. 37-4108 in the Name of Sinclair Oil Corporation
MTBR&F File No. 16845.5

Dear Doug:

I am in receipt of your correspondence dated April 15, 2005, wherein you requested evidence of the priority date for water right number 37-4108, in the name of Sinclair Oil Corporation, which water right is a statutory claim based on beneficial use. If you recall, the priority date claimed was 7/1/1953. Enclosed herewith please find a copy of the Affidavit of Philip Puchner, dated June 16, 2005. As you will note from the Affidavit, Mr. Puchner developed this water right and first put the water to beneficial use in 1953. I believe this is sufficient evidence to establish the priority date as claimed.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Scott L. Campbell

SLC/tmh
Enclosurecc: Wallace Huffman (w/encl., via Facsimile)
Scott Mayeda (w/encl., via Facsimile)

RECEIVED

JUN 17 2005

AFFIDAVIT OF PHILIP PUCHNER

Department of Water Resources
Southern Region

STATE OF IDAHO)
) ss.
 County of Ada)

PHILIP PUCHNER, being first duly sworn upon oath, deposes and says:

1. I am over the age of 18 years and make this affidavit based upon personal information.
2. I am currently a resident of Bellevue, Blaine County, Idaho. I have resided in Blaine County, Idaho for 58 years.
3. In 1953, I built a house located on real property in the Southwest Quarter of the Northwest Quarter of Section 14, Township 4 North, Range 17 East, Boise Meridian, Blaine County, Idaho (the "Property").
4. Subsequent to the construction of the residence, I hired a drilling company to drill a well on the Property. I believe the well was drilled in 1952.
5. Following completion of the residence in 1953, I began pumping the well and putting the water to beneficial use. The water produced by the well was geothermal, at a temperature of approximately 104° Fahrenheit. I used the water for heating and domestic purposes, and to irrigate two (2) acres.
6. In 1979, I filed a Claim to a Water Right with the Idaho Department of Water Resources (the "Department") for this water and associated well. The Claim was assigned a number of 37-4108 by the Department.

DATED this 16th day of June, 2005.

Philip Puchner
 Philip Puchner

SUBSCRIBED AND SWORN to before me this 16 day of June, 2005.



Diana Troglia
 NOTARY PUBLIC FOR IDAHO
 Residing at Jerome
 My Commission Expires 10-22-08



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures



Idaho Department of Water Resources

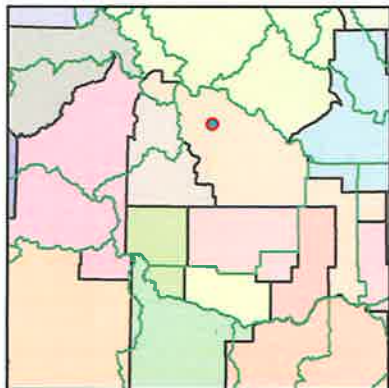
SRBA Recommendation:

37-4108

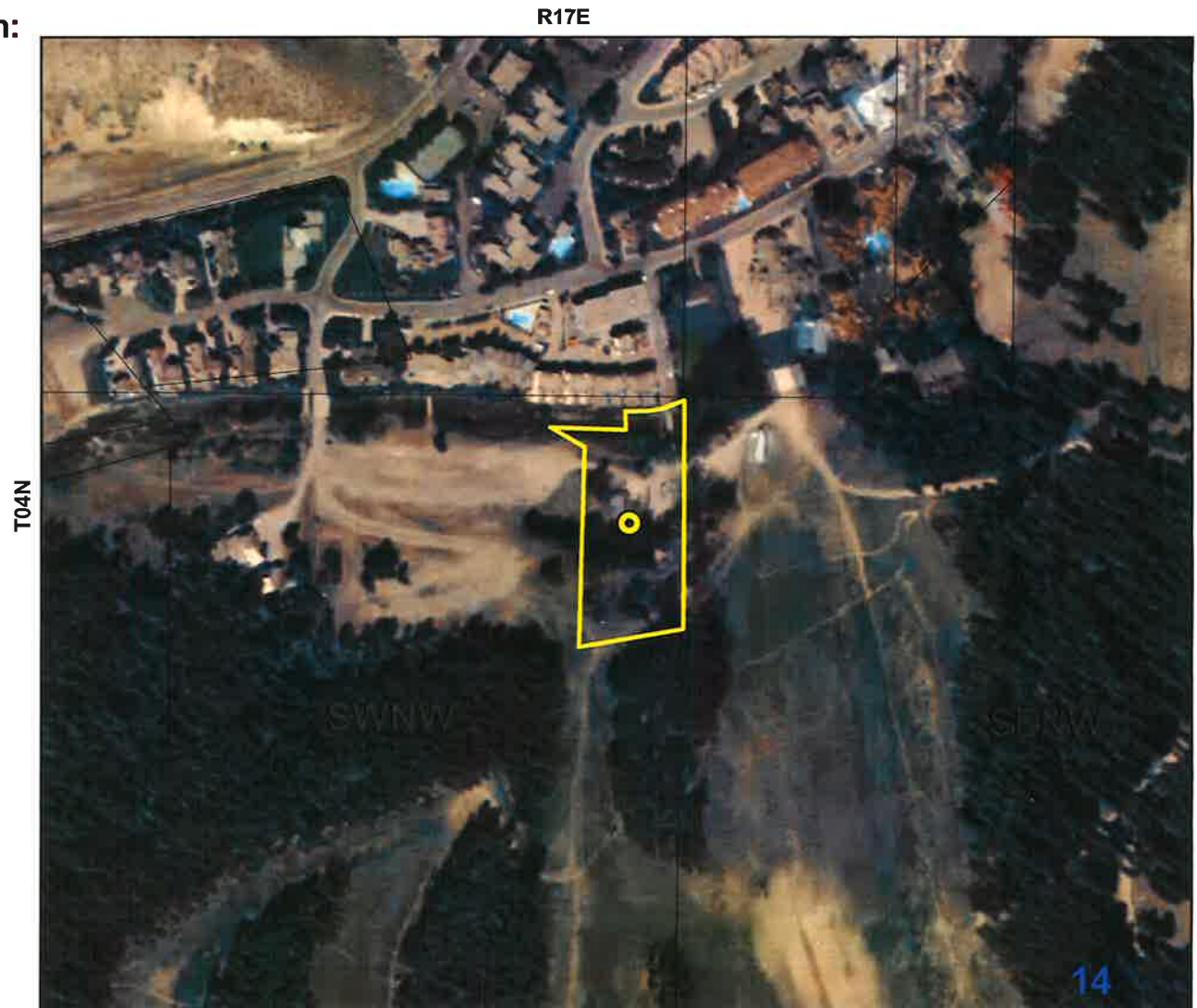
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by M. Ciscell
On Friday, December 15, 2006
2004 Aerial Photography

RECEIVED

FEB 14 2000

Department of Water Resources

ELAM & BURKE

A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

February 11, 2000

Ms. Danni Smith
Adjudication Bureau
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Re: Sun Valley Company Water Right License, Permit, and/or SRBA Claim
Nos. A37-07340, A37-04108, A37-00416, A37-00415, A37-02722A, A37-02678,
and A37-12111

Dear Danni:

I am writing this letter in response to your request concerning my representation of the Sun Valley Company in the above-referenced water right numbers. Please be advised that this firm, Elam & Burke, P.A., represents the Sun Valley Company. Mr. David Lincoln, a Shareholder with our firm, signed the initial SRBA claims for several of Sun Valley Company's water rights in the late 80's. Accordingly, Mr. Lincoln is listed as the "attorney" for Sun Valley Company on those claims. It is my understanding that for the few licenses and/or permits filed post-November 1987, my name is listed as the "attorney" for Sun Valley Company.

Mr. Lincoln is no longer handling water rights matters for this firm. Therefore, to avoid any further confusion, I ask that the Department update their records to reflect my name as "attorney" for the Sun Valley Company in each and all of the above-referenced water rights.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

ELAM & BURKE
A Professional Association


Scott L. Campbell

SLC:thm G:\Thm\WPDATA\1000\44\00004-smith (IDWR).wpd

cc: Wallace Huffman
Scott Mayeda

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

RECEIVED
DEC 10 1999
Department of Water Resources

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

Attn: Dave Tuthill
Snake River Basin Adjudication Bureau
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

December 9, 1999

Re: SRBA Claim Nos. 37-07340, 37-04108, 37-02722A, 37-02678, 37-00415,
37-00416, and 37-12111

Dear Dave:

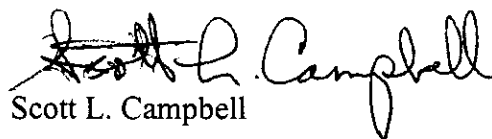
Angela Schaer and I will be filing a notice of appearance on behalf of Sun Valley Company in claim No. 37-02710, which is a domestic water right. It has recently come to our attention that our appearance has not been entered in the appropriate data bases. Hence, our client is listed as appearing pro-se and we have not received copies of pertinent documents.

The above-referenced water rights have not yet been reported. I would appreciate it if you would have someone in your bureau review these water rights to ensure that we are listed as counsel for Sun Valley Company. I am hoping that this problem can be resolved now so that we will not have problems similar to that which we experienced with water right No. 37-02710.

If you have any questions or would like to discuss this matter further, please call. Thank you for your assistance.

Very truly yours,

ELAM & BURKE
A Professional Association


Scott L. Campbell

ADS/lmt

cc: Wally Huffman
Scott Mayeda
Carl P. Burke



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

06-Mar-1992

RE: ADJUDICATION CLAIM NO. ~~A37-04108~~
A37-02678

SINCLAIR OIL CORP.
DBA SUN VALLEY CO.
C/O DAVID LINCOLN
PO BOX 1539
BOISE ID 83701-1539

DEAR CLAIMANT(S):

PLEASE FIND ENCLOSED YOUR RECEIPT AND A COPY OF A
COMPUTER GENERATED CLAIM BASED ON THE INFORMATION FROM YOUR
ORIGINAL CLAIM(S) WHICH HAS BEEN ENTERED IN OUR COMPUTER
RECORDS.

PLEASE REVIEW THE COMPUTER GENERATED CLAIM(S) FOR ACCURACY. IN
A FEW INSTANCES CLARIFICATIONS MAY HAVE BEEN ADDED BY THE DEPARTMENT
AT THE TIME OF DATA ENTRY. IF YOU HAVE ANY QUESTIONS OR OBJECTIONS
REGARDING THE COMPUTER RECORD OF YOUR CLAIM(S), PLEASE CONTACT THIS
OFFICE.

SINCERELY,


JEANIE ROBERTSON
RECORDS CLERK

/jr

Enclosures: A37-04108, A37-02678

MICROFILMED
FEB 23 1993