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Water Resources

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED

OCT 26 2005

Department of Water Resources

October 25, 2005

Matt Anders
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Objection to SRBA Claim – Goldsmith (A37-12013)
By: Sun Valley Land and Mineral, Inc. (37-4100)

Dear Matt:

I am writing in behalf of Sun Valley Mineral Company relative to water rights in the Deer Creek area of Blaine County. It has recently come to my attention that there are two competing claims for a low temperature geothermal source near the Clarendon Resort on Deer Creek in Blaine County.

Sun Valley Land and Mineral Inc. filed a claim on water right number 37-4100 claiming a priority of 09/06/1956 for 0.78 cfs. for recreation.

Sun Valley Minerals Inc. predecessor (R.B. Randall and Chloe Randall) granted a lease on February 7, 1956 to Vernon W. Goldsmith whose wife is Jewel L. Goldsmith for use of a parcel of land. The lease specifically states that “—no right to the use of the water of said springs shall be created or established in any manner which shall be prior or paramount to the rights given the Leaseee to make use of said water in the manner herein provided at any time during the term of this lease.” I believe that you have a copy of this lease agreement.

According to the IDWR water rights data base, the current listed owner of water right 37-4100 is Vernon W. Goldsmith. This ownership is incorrect since Mr. Goldsmith has no basis for ownership, only use of the water according to the agreement. The ownership should be changed to Sun Valley Land and Minerals Inc. as per the land ownership and agreement with Goldsmith.

Vernon Goldsmith filed a claim (A37-12013) for the use of this spring, claiming a priority of 07/01/1956 for 0.25 cfs for recreation.

The Goldsmith claim is in conflict with the lease agreement with the Sun Valley Land and Mineral Inc. predecessor and should be disallowed.

Please consider this letter as a formal objection to the claim. Please call me to discuss this conflict and let me know if any additional formal objection needs to be filed.

Sincerely,

Charles E. Brockway, P.E.

cc: Donna Kelsey and Jim Stone – Sun Valley Land & Mineral