

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: A37-00416
Date Received: 3/07/1989
Receipt No: 0005686
Received By: _____

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

1. Name: SINCLAIR OIL COMPANY 208-622-4111
Address: DBA SUN VALLEY COMPANY
SUN VALLEY, ID 83353

2. Date of Priority: OCT 05, 1883

3. Source: TRAIL CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	18E	5		NE	NW		BLAINE
		7		SE	NE		BLAINE

5. Description of diverting works:
DIVERSION SYSTEM CONSISTS OF DITCHES, PONDS, & A PUMPING STATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.500		
AESTHETIC	03/01	12/15	6.500		
WILDLIFE	03/01	12/15	6.500		

7. Total Quantity Appropriated is:
6.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 975.0 Acre Feet Per Annum.

9. Non-irrigation uses:
LANDSCAPING & AESTHETIC ELEMENT IN THE SUN VALLEY RESORT COMPLEX.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	18E	5	NE		NW		IRR	0.3
			SE		NW		IRR	1.4
			NE		SW		IRR	1.4
			SW		SW		IRR	0.8
			SE		SW		IRR	0.3
			Section Acres					4.2
		7	SE		NE		IRR	1.0
			SE		NE		AES	
			SE		NE		WILDLF	
			NE		SE		IRR	3.8
			NE		SE		AES	
			NE		SE		WILDLF	
			Section Acres					4.8
		8	NW		NW		IRR	0.3
			SW		NW		IRR	2.8
			SW		NW		AES	
			SW		NW		WILDLF	
			NW		SW		IRR	0.4
			NW		SE		IRR	0.4
			Section Acres					3.9
			Total Acres					12.9

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:
37-00415

14. Remarks:
EXHIBIT A CONSISTS OF A USGS MAP WITH NOTATIONS INDICATING THE
DIVERSION WORKS AND PLACE OF USE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

<u>S. C. FROST, ET. AL.</u>		<u>ALTURAS WATER COMPANY, ET. AL.</u>
Decree Plaintiff	vs	Decree Defendant

A37-00416 Page 2 Date: 03/07/89

MICROFILMED
FEB 22 1993

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: _____

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 _____

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 A37-00416Date Received 3-7-89 4Receipt Number C005686

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

RECEIVED
MAR 07 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Sinclair Oil Company dba
Sun Valley Company Phone (208) 622-4111

Mailing Address Sun Valley, Idaho Zip 83353

2. Date of Priority (Only one (1) per claim) October 5, 1883

3. Source of water supply (a) Trail Creek
which is tributary to (b) Big Wood River

4. a. Location of existing point of diversion is: Township 4N. Range 18E. Section 5,
1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: SE1/4 of NE1/4, Sec 7, T.4N., R.18E., B.M.

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. See Exhibit A for detailed description of main diversion works. Diversion system also consists of a pumping station and a system of ditches and ponds (as indicated on map).

COPY

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Nov. 1 amount 6.5 or _____

For Aesthetic purposes from March 1 to Dec. 15 amount 6.5 or _____

For Wildlife purposes from March 1 to Dec. 15 amount 6.5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.5 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 975 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) The irrigation works consist of a system of ditches and ponds which also provide a significant landscaping and aesthetic element in the Sun Valley Resort complex. The ponds

10. Description of place of use: also provide habitat for waterfowl.

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	
4 N	18 E	5					0.3			1.4	1.4		0.8	0.3					4.2
4 N	18 E	6																	
4 N	18 E	7				1.0 W,J									3.8 W,J				4.8
4 N	18 E	8					0.3	2.8 W,J			0.4				0.4				3.9
4 N	18 E	18																	

Total number of acres irrigated 12.9

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.

Water Right No. 37-0415

or None ()

14. Remarks:

Exhibit A consists of a USGS map with notations indicating the diversion works and place of use.

COPY

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FEB 22 1993

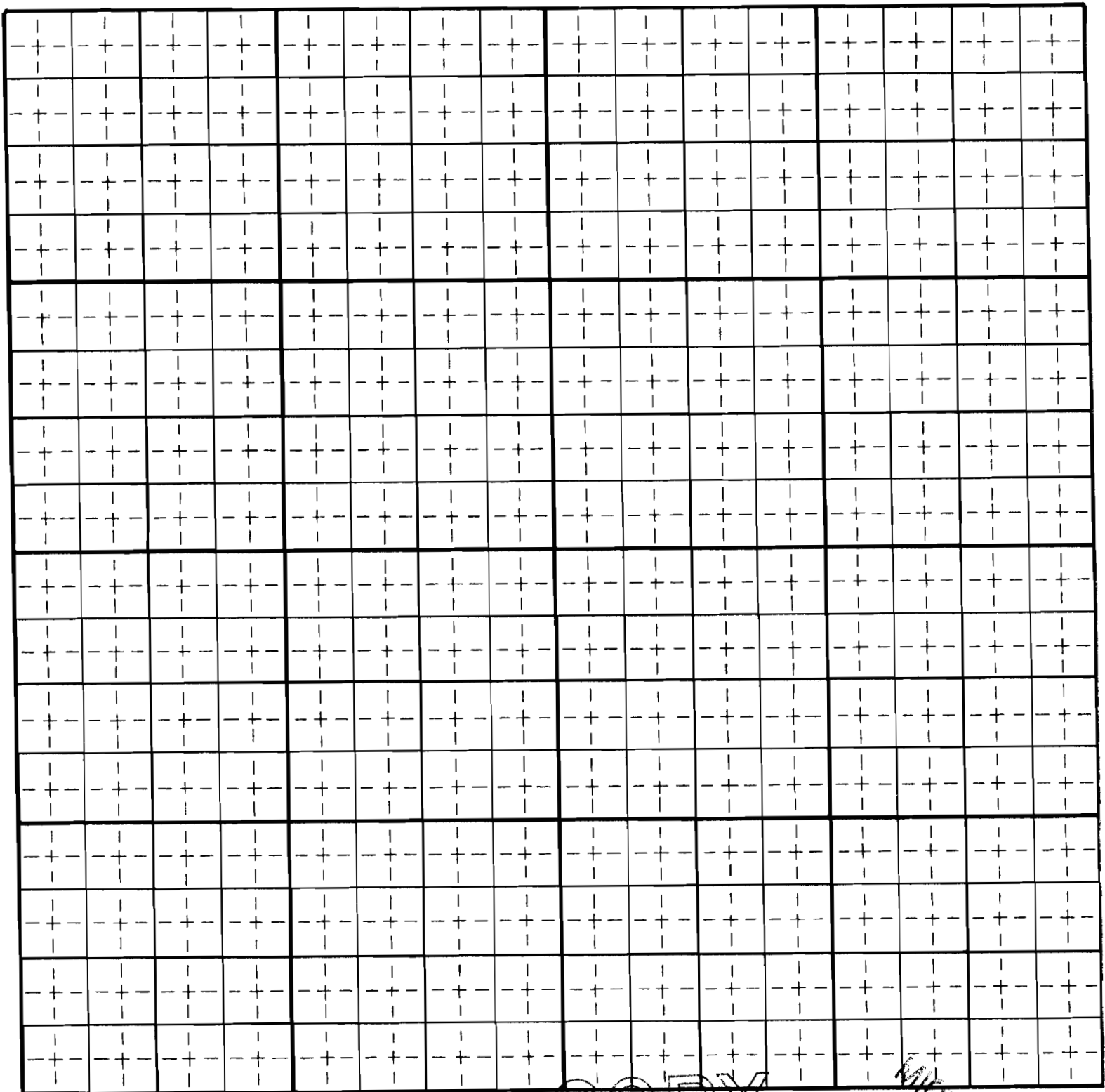
Last Name Sun Valley Company Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

SEE EXHIBIT A



COPY

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FEB 22 1993

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 37-0416
Court _____ Case Number _____ Decree Date 12/9/1909
Plaintiff vs Defendant S. C. Frost v. Alturas Water Company

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

of Sinclair Oil Company dba Sun Valley Company, that I have signed the foregoing
Organization Sinclair Oil Company dba
document in the space below as Vice President of Sun Valley Company
Title Organization

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

Signature of Authorized Agent _____

Title and Organization Vice President, Sinclair Oil Company dba Date _____
Sun Valley Company

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

Subscribed and sworn (or affirmed) before me this 9th day of February 19 89

SEAL

Notary Public _____

Residing at Ketchum, Idaho

My Commission Expires 2/28/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Scott L. Campbell 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 _____

Address P.O. Box 1559, Boise, Idaho 83701

Date _____

COPY

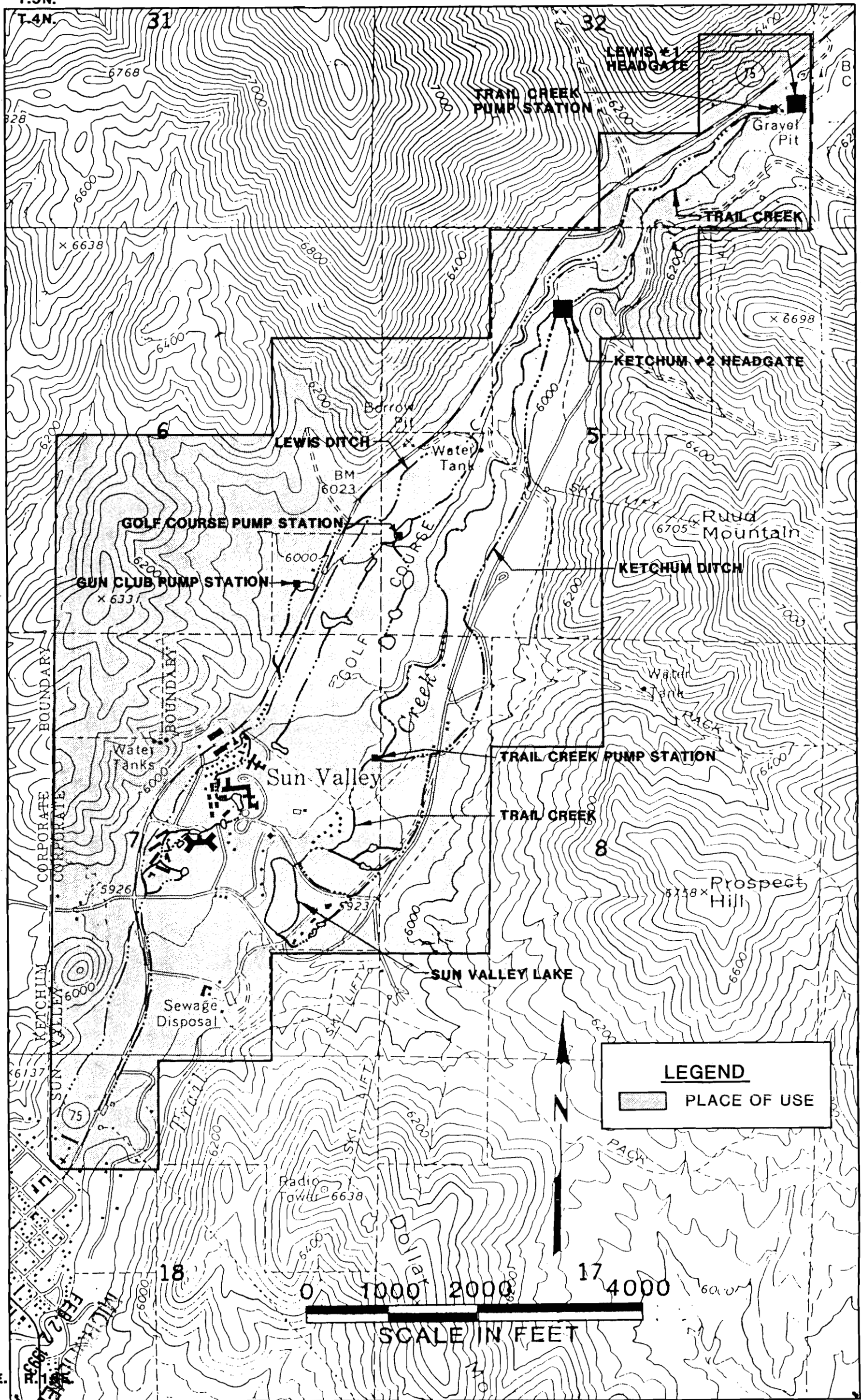
MICROFILMED
FEB 22 1993

Last Name Sun Valley Company Ident. Number _____

Copies White-State, Yellow-Claimant

T.5N.

T.4N.



R.17E.

EXHIBIT A

MEMORANDUM

To: *Claim file 37-416*

From: Cynthia Bridge Clark

Date: January 25, 2007

Re: Reference documentation in claim file 37-415

Additional correspondence, review notes and field exam located in claim file 37-415.

MEMORANDUM

To: Claim file 37-415, 37-416, and 37-12111

From: Cynthia Bridge Clark

Date: January 25, 2007

Re: SRBA Claim Review-Notice of Error

Additional information is required from claimant to verify changes requested in Notice of Error. No changes to recommendations were made prior to issuance of the Director's Report.

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Angela Schaefer Kaufmann
Kimberly D. Evans Ross
Paul D. McFarlane
Jon A. Stenquist
Tyler J. Henderson

Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Mercalf
Benjamin C. Ritchie
Rebecca A. Rainey

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

RECEIVED

JAN 19 2007

DEPARTMENT OF
WATER RESOURCES

Boise
Idaho Falls
Pocatello
Twin Falls

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

January 19, 2007
via Hand Delivery

Idaho Department of Water Resources
Idaho Water Center
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098

Re: Snake River Basin Adjudication
Water Right Nos. 37-415 and 37-416- In the Name of Sinclair Oil Corp.
MTBR&F File No. 16845.5

Dear Sir or Madam:

Enclosed please find an original Notice of Error Reply form which we are submitting on behalf of our client, Sinclair Oil Corporation, concerning water right numbers 37-415 and 37-416. A copy of each form is also enclosed. Please receive stamp the copies and return them in the enclosed self-addressed, stamped envelope.

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
Enclosure
cc: Wallace Huffman (w/encl.)

RECEIVED

JAN 22 2007

IAN 19 2007
DEPARTMENT OF
WATER RESOURCES
01/06/2007

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 01/19/2007.

Water right number: 37-416

SINCLAIR OIL COMPANY
DBA SUN VALLEY COMPANY
PO BOX 10
SUN VALLEY ID 83353
Telephone Number: (208) 622-4111

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Point of Diversion; Purpose & Period of Use; Place of Use

2. Describe the changes you wish to make in the proposed recommendation:

Point of Diversion: Include the claimed additional point of diversion off of Trail Creek for the pump station located within the SENE, Section 7, Township 4N, Range 18E, Blaine County, Idaho.

Purpose & Period of Use: Increase the quantity: (a) from 1.9 cfs to 6.5 cfs for wildlife purposes, (b) from 4.6 cfs to 6.5 cfs for irrigation purposes, and (c) from 1.9 cfs to 6.5 cfs for aesthetic purposes, as claimed. Increase the season of use: (a) from 4/15 – 10/31 to 3/1 – 10/31 for wildlife purposes, (b) from 4/15 – 10/31 to 4/1 – 10/31 for irrigation purposes, and (c) from 4/15 – 10/31 to 3/1 – 10/31 for aesthetic purposes.

Place of Use: The following place of use for irrigation was omitted from the permissible place of use identified in the preliminary recommendation and should be added to the permissible place of use:

TWP	RNG	SEC	1/4 of	1/4	Lot	Acres
4N	18E	6	SW	NE		2
			SE	NE		13
			NE	SW		7
			SW	SW		30
			NW	SE		30
			SW	SE		30
		7	NE	NW		23.1
			SW	NW		1

TWP RNG SEC 1/4 of 1/4 Lot Acres
Total 136.1

3. Give a brief explanation as to why you disagree with these portions:

Point of Diversion: Water is also diverted off of Trail Creek at the Trail Creek Pump Station, as depicted on the map submitted with the initial adjudication claim.

Purpose & Period of Use: There is no legal basis for reduction of the historical quantity of water for wildlife, irrigation, and aesthetic purposes. There is no legal basis for reduction in the season of use for wildlife, irrigation, and aesthetic purposes.

Place of Use: The above identified place of use should be included within the permissible place of use based upon the historical use of the water on those lands.

_____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 1/19/07 SIGNATURE: Scott L. Campbell

Please print your name:

Scott L. Campbell
Moffatt, Thomas, Barrett, Rock & Fields, Chartered
PO Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Attorneys for Sinclair Oil Corporation, dba Sun Valley Company

IDWR Regional Office, 322 E. Front St, PO Box 83720, Boise, Idaho 83720-0098, (208) 287-4800

RECEIVED
JAN 22 2007

MEMORANDUM

To: Claim files 37-415 and 37-416

From: Cynthia Bridge Clark

Date: November 22, 2006

Re: SRBA Claim Review notes

Overview

<u>Water Right No.</u>	<u>Corresponding Claim Nos.</u>	<u>Use</u>
37-415	37-415	irrigation, wildlife, aesthetic
37-416	37-416	irrigation, wildlife, aesthetic

37-415: Claim filed 3/7/89. Amended claim filed to add a point of diversion and additional acres to POU. Transfer no. 1741 was approved on 12/8/72. A second transfer (no number) was approved on 1/9/78, and Transfer no. 2233 on 1/24/78.

37-416: No activity since decree.

Ownership/Contacts

37-415, 37-416: Sinclair Oil Company, DBA Sun Valley Company
Recommend as claimed.

Basis of claims

37-415: Frost decree, Priority 4/25/1881, 1250 inches, Trail Creek

37-416: Frost decree, Priority 10/5/1883, 325 inches, Trail Creek

Priority Date

Evidence of Priority: Priority in decree

- 37-415: Decree priority 4/25/1881, Claim received 3/7/89
- 37-416: Decree priority 10/05/1883, Claim received 3/7/89

Recommend as claimed.

POD

WM Records:

- 37-415: Recorded delivery of 1125 inches, 22.5 cfs from Lewis Diversion no. 01, and 125 inches, 2.5 cfs from Lewis Diversion no. 01-P1 (25 cfs total)
- 37-416: Recorded delivery of 325 inches, 6.5 cfs from Ketchum Diversion no. 02

Claimed POD (names based on map in claim file):

- 37-415:
 - (1) 04N18E5 NENW (Ketchum #2 Headgate)
 - (2) 04N18E7 SENE (Trail Creek Pump Station)
 - (3) 05N18E32 NESE (Lewis #1 Headgate)
- 37-416:
 - (1) 04N18E5 NENW (Ketchum #2 Headgate)
 - (2) 04N18E7 SENE (Trail Creek Pump Station)

Water Right Records:

- 37-415: PODs of water right after Transfer no. 2233 (locations identified on map attached to Transfer no. 2233)
 - (1) 04N18E5 NESW (Labeled as Golf Course Pumps on transfer map. POD appears to have changed to Ketchum #2 Headgate upstream—claim map).
 - (2) 04N18E7 NWSE (Labeled as Grounds Pumps near a lake on transfer map. POD appears to have changed to the Trail Ck Pump Station upstream of the Sun Valley Lake—claim map).
 - (3) 05N18E32 SESE (Labeled as Lewis Headgate #1 N. Ditch on transfer map. POD on claim map also shows Ketchum #2 Headgate is similar location just north of QQ line).
- 37-416: 04N 18E 5 NENW L3 (Basis of data entry unknown. Claim references same map as claim 37-415).

Recommendation:

Based on field exam conducted on December 5, 2006, there are two points of diversion directly from Trail Creek. There are a number of pump stations at ponds along the system (see field exam), but they appear to regulate water already diverted from Trail Creek at the other two points. Two PODs were recommended for each claim based on GPS points (04N18E5 NENW (Ketchum #2 Headgate) and 05N18E32 NESE (Lewis #1 Headgate)).

Source

Trail Creek recognized in decree and claimed. Field exam performed on December 5, 2006 by Sandy Hemenway. See claim file. Recommended as claimed.

POU

- POU Comparison: No irrigation overlap. City of Ketchum and other domestic rights overlap area.
- Decree: Under rights 37-415 and 37-416, identifies 753 acres within a QQ description plus additional acreage in sections 11 and 14. Does not clarify the number of additional acres.
- A comment in the database indicates the watermaster confirmed that sections 11 and 14 cannot be served by Trail Creek and that the farm was 753 ac.
- Available information/imagery:
 - DOQQ 92, NAIP 1987, SUNV NAIP 2004
 - Not available: 57-77, NAIP 2006.
- 37-415 Notes:
 - Claimed POU differs from water right after Transfer no. 2233 and original decreed POU (see spreadsheet comparison).
 - Total acres authorized under right for irrigation under the decree and transfer = 753 acres; total acres claimed = 516.3 acres.

3/1/2007

- Rate per acre 25 cfs/753 ac = 0.03 or 1.66 inches/ac based on transfer (additional uses claimed).
- Claimed POU also includes uses other than irrigation. Transfer no. 2233 noted "Irrigation or other uses" on approval. Possible accomplished transfer of irrigation and change in nature of use.
- 37-416 Notes:
 - Claimed POU differs some from decree POU (see spreadsheet comparison).
 - Place of use authorized under decree for irrigation = 753 acres plus possible additional lands (identified in decree); total acres claimed = 12.9 acres.
 - Additional uses included in 6.5 cfs.
 - Claimed POU also includes uses other than irrigation. Possible accomplished transfer of irrigation and change in nature of use.
- Recommendation:
 - A boundary was drawn around land irrigated based on 1987 imagery and on information gathered during the December 5, 2006 field exam. The enclosed area, including buildings, roads, ponds, etc. equals 629.6 acres. An effort was made to quantify the non-irrigated area within boundary. Given the difficulty of measuring the exact area, non-irrigated areas including ponds and road were subtracted based on available imagery. Residential areas, buildings and other golf course facilities were measured using available imagery and thirty percent was attributed to non-irrigation based on department studies (Erik Norquist, IDWR). The remainder was greater than the total acres claimed under 37-415 and 37-416. Therefore, the total number of acres recommended is 529.2 acres as claimed (516.3 + 12.9 acres).
 - Irrigation: A permissible place of use for both claims was recommended due to the difficulty in measuring the place of use of each right as claimed. The POU on each claim was described to the tenth of an acre, and some acres were claimed were outside the area of the golf course. It was also difficult to determine to which claim acres per quarter quarter were appurtenant (e.g. both claims identified acres in some of the same quarter quarters). After consulting with SRBA staff, it was decided that the PPU would more accurately describe the current use of the rights even though they were not claimed as a PPU. Rights 37-415 and 37-416 are limited to irrigation of 529.2 acres when combined, and 516.3 and 12.9 respectively in a larger PPU.
 - Aesthetic & Wildlife: Authorized within the PPU boundary.

Water Use

- 37-415:
 - Water right: Use authorized after Transfer no. 2233 listed as "Irrigation or other uses".
 - Claim: wildlife, irrigation, aesthetic
- 37-416:
 - Water right: irrigation
 - Claim: wildlife, irrigation, aesthetic
- Recommendation: Recommend as claimed.

Period of Use

- Standard season: 4/15-10/31 (04N18E), 5/1-10/31 (05N18E)
- Decree: None
- Transfer no. 2233: None
- Claims:
 - 37-415: irrigation = 4/1-11/1, wildlife = 3/1-12/15, aesthetic = 3/1-12/15
 - 37-416: irrigation = 4/1-11/1, wildlife = 3/1-12/15, aesthetic = 3/1-12/15
- Recommendation: 4/15-10/31 (longest standard season of use) for all uses.

Quantity

- Decreed:
 - 37-415: 1250 inches (25 cfs)
 - 37-416: 352 inches (6.5 cfs)
- WM Records:
 - 37-415: Recorded delivery of 1125 inches, 22.5 cfs from Lewis Diversion no. 01, and 125 inches, 2.5 cfs from Lewis Diversion no. 01-P1
 - 37-416: Recorded delivery of 325 inches, 6.5 cfs from Ketchum Diversion no. 02
- Claimed:
 - 37-415: 25 cfs total for all uses.
 - 37-416: 6.5 cfs total for all uses.
- Recommendation:
 - The decreed rights authorized irrigation of 753 acres total. Therefore, the change in nature of use is reflected in a change to 223.8 acres (753 minus 529.2 acres) or 29.7% of the rate and volume. The rate for irrigation is reduced accordingly.
 - 37-415: Irrigation = 17.6 cfs, Aesthetic & Wildlife = 7.4 cfs
 - 37-416: Irrigation = 4.6 cfs, Aesthetic & Wildlife = 1.9 cfs
 - A measuring device condition was included on water right 37-415 based on the condition of approval from Transfer no. 2233.

01/04/2007

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

RIGHT NUMBER: 37-416

NAME AND ADDRESS: SINCLAIR OIL CORP
DBA SUN VALLEY CO
PO BOX 10
SUN VALLEY ID 83353

SOURCE: TRAIL CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 6.500 CFS

PRIORITY DATE: 10/05/1883

POINT OF DIVERSION:

T04N R18E S5 NENW Within BLAINE County

T05N R18E S32 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	04/15 10/31	1.900 CFS
WILDLIFE	04/15 10/31	1.900 CFS
IRRIGATION	04/15 10/31	4.600 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S05 Lot 2 NWNE	13.00	T04N R18E S05 Lot 3 NENW	12.00
T04N R18E S05 SWNW	1.80	T04N R18E S05 SENW	31.00
T04N R18E S05 NESW	22.00	T04N R18E S05 NWSW	31.00
T04N R18E S05 SWSW	39.00	T04N R18E S05 SESW	20.00
T04N R18E S06 NESE	2.20	T04N R18E S06 SESE	32.00
T04N R18E S07 NENE	37.00	T04N R18E S07 NWNE	6.00
T04N R18E S07 SWNE	35.00	T04N R18E S07 SENE	39.00
T04N R18E S07 SENW	2.00	T04N R18E S07 NESW	9.20
T04N R18E S07 SESW	17.00	T04N R18E S07 NESE	37.00
T04N R18E S07 NWSE	40.00	T04N R18E S07 SWSE	35.00
T04N R18E S07 SESE	15.00	T04N R18E S08 NENW	16.00
T04N R18E S08 NWNW	39.00	T04N R18E S08 SWNW	36.00
T04N R18E S08 SENW	1.10	T04N R18E S08 NWSW	8.00
T04N R18E S18 NWNE	8.40	T04N R18E S18 Lot 1 NENW	19.00
T05N R18E S32 NESE	1.90	T05N R18E S32 Lot 2 SWSE	12.00
T05N R18E S32 Lot 1 SESE	11.00		

WILDLIFE in BLAINE County

T04N R18E S05 Lot 2 NWNE		T04N R18E S05 Lot 3 NENW	
T04N R18E S05 SWNW		T04N R18E S05 SENW	
T04N R18E S05 NESW		T04N R18E S05 NWSW	
T04N R18E S05 SWSW		T04N R18E S05 SESW	
T04N R18E S06 NESE		T04N R18E S06 SESE	
T04N R18E S07 NENE		T04N R18E S07 NWNE	
T04N R18E S07 SWNE		T04N R18E S07 SENE	

T04N R18E S07	SENW	T04N R18E S07	NESW
T04N R18E S07	SESW	T04N R18E S07	NESE
T04N R18E S07	NWSE	T04N R18E S07	SWSE
T04N R18E S07	SESE	T04N R18E S08	NENW
T04N R18E S08	NWNW	T04N R18E S08	SWNW
T04N R18E S08	SENW	T04N R18E S08	NWSW
T04N R18E S18	NWNE	T04N R18E S18 Lot 1	NENW
T05N R18E S32	NESE	T05N R18E S32 Lot 2	SWSE
T05N R18E S32 Lot 1	SESE		
<u>AESTHETIC in BLAINE County</u>			
T04N R18E S05 Lot 2	NWNE	T04N R18E S05 Lot 3	NENW
T04N R18E S05	SWNW	T04N R18E S05	SENW
T04N R18E S05	NESW	T04N R18E S05	NWSW
T04N R18E S05	SWSW	T04N R18E S05	SESW
T04N R18E S06	NESE	T04N R18E S06	SESE
T04N R18E S07	NENE	T04N R18E S07	NWNE
T04N R18E S07	SWNE	T04N R18E S07	SENE
T04N R18E S07	SENW	T04N R18E S07	NESW
T04N R18E S07	SESW	T04N R18E S07	NESE
T04N R18E S07	NWSE	T04N R18E S07	SWSE
T04N R18E S07	SESE	T04N R18E S08	NENW
T04N R18E S08	NWNW	T04N R18E S08	SWNW
T04N R18E S08	SENW	T04N R18E S08	NWSW
T04N R18E S18	NWNE	T04N R18E S18 Lot 1	NENW
T05N R18E S32	NESE	T05N R18E S32 Lot 2	SWSE
T05N R18E S32 Lot 1	SESE		

628.6 ACRES TOTAL

This right is limited to the irrigation of 12.9 acres within the place of use described above in a single irrigation season.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

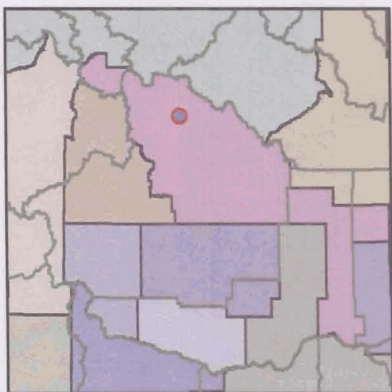
SRBA Recommendation:

37-416

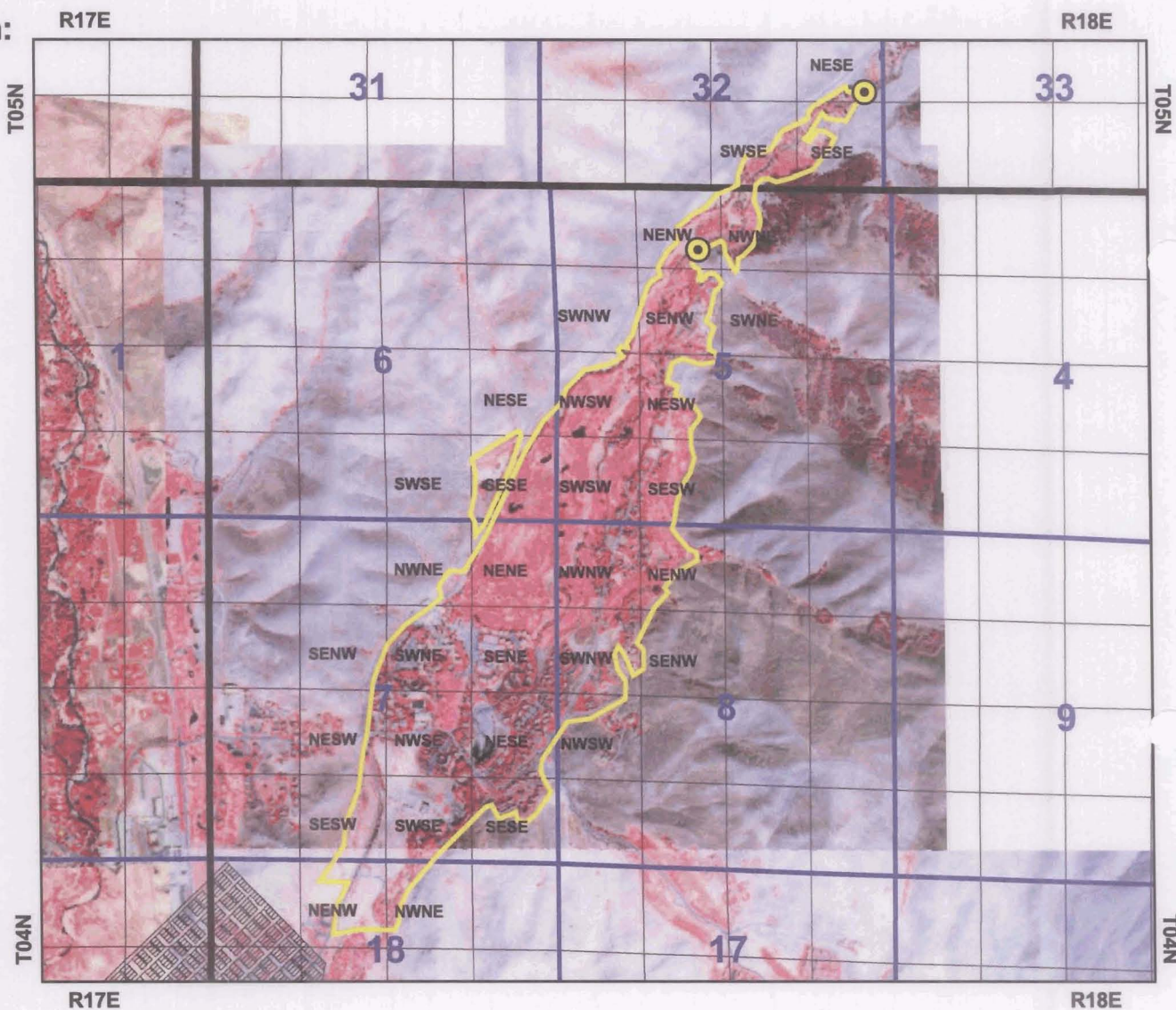
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



Prepared by C. Clark
On Thursday, January 4, 2007
1987/88 Aerial Photography

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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

37-416

ELAM & BURKE
A Professional Association
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Established in 1928

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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:

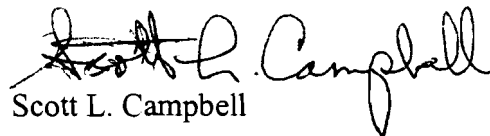
Angela Schaer and I will be filing a notice of appearance on behalf of Sun Valley Company in claim No. 37-02710, which is a domestic water right. It has recently come to our attention that our appearance has not been entered in the appropriate data bases. Hence, our client is listed as appearing pro-se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

SD-0601-2 Last Name: SUN VALLEY

STATE

First Name	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
SUN VALLEY CO. INC.					
	O A37-07102	05/25/1971	GROUNDWATER	9.000	40 MUNI
	O A37-07147	05/23/1972	GROUNDWATER	0.150	43 DOMEST
SUN VALLEY COMPANY					
	K A37-00415	04/25/1881	TRAIL CREEK	25.000	01 IRR
					52 AES
					16 WILDLF
	K A37-00416	10/05/1883	TRAIL CREEK	6.500	01 IRR
					52 AES
					16 WILDLF
	K A37-02710	07/08/1965	SPRING	0.060	43 DOMEST
	K A37-07170	10/31/1972	WARM SPRING	2.000	10 COMMER
	K A45-07657	06/30/1989	GROUNDWATER	0.020	10 COMMER
	K A37-02722A	01/03/1966	GROUNDWATER	0.040	40 MUNI
	K A37-07340	02/08/1974	WARM SPRING	0.230	10 COMMER
	K A37-12111	06/30/1937	TRAIL CREEK	110.000	17 WILD S

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NOA

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Department of Water Resources
Southern Region OfficeMICROFILMED
OCT 24 1994

SD-0601-2	Last Name: SUN VALLEY		STATE	
S	O			
E	First	W	Water	Priority
L	Name	N	Right No.	Date
			Source	Total
				Diversion
				Use
				Code Desc
	SUN VALLEY COMPANY			
		K A37-12111	06/30/1937	110.000
				53 AES S
				47 REC S
	SUN VALLEY FARMS			
		C 36-07833	02/26/1979	GROUNDWATER
		C A36-02377	02/18/1959	GROUNDWATER
		C A36-02388	11/05/1961	GROUNDWATER
		C A36-02622	08/19/1965	GROUNDWATER
		C A36-07833	02/26/1979	GROUNDWATER
		C A36-14492	02/18/1959	GROUNDWATER
				2.870
				3.800
				4.420
				4.070
				6.910
				0.060
				01 IRR
				01 IRR
				01 IRR
				01 IRR
				01 IRR
				01 IRR
				43 DOMEST
				04 STOCK
		C A36-14493	11/05/1961	GROUNDWATER
		C 36-02622	08/19/1965	GROUNDWATER
		C 36-14493	11/05/1961	GROUNDWATER
		C 36-14492	02/18/1959	GROUNDWATER
				0.040
				4.070
				0.040
				0.060
				43 DOMEST
				43 DOMEST
				04 STOCK

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(GOLD7=This Query)

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JAN 08 1992

Department of Water Resources

David B. Lincoln
ELAM, BURKE AND BOYD
Key Financial Center, 10th Floor
702 West Idaho Street
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorneys for Sun Valley Company

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)

Case No. 39576

NOTICE OF APPEARANCE

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all claimants to)
the use of water from the Snake)
River Basin Water System)

DESCRIPTIVE SUMMARY

This document contains the Notice of Appearance of David B.
Lincoln, entering an appearance on behalf of Sun Valley Company.

MICROFILMED

OCT 24 1994

NOTICE OF APPEARANCE

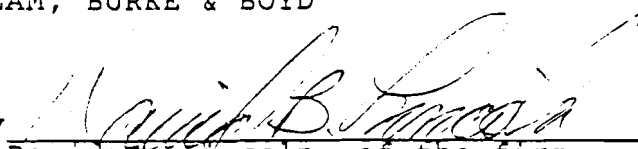
TO: Petitioner and its attorneys of record:

YOU WILL PLEASE TAKE NOTICE That David B. Lincoln of the firm Elam, Burke & Boyd, hereby enters the appearance of said firm as attorneys of record for Sun Valley Company in the above-entitled action.

DATED This 7th day of January, 1992.

ELAM, BURKE & BOYD

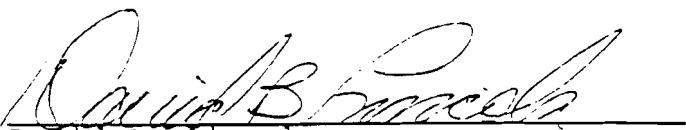
By


David B. Lincoln, of the firm
Counsel for Sun Valley Company

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing NOTICE OF APPEARANCE was mailed this 7th day of January, 1992 in an envelope with sufficient first-class postage prepaid thereon to the following:

SEE ATTACHMENT A.


David B. Lincoln

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ATTACHMENT A -- CERTIFICATE OF MAILING

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OCT 24 1994

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Park Costello & Burkett
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Robert T. Anderson
Native American Rights Fund
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Lorraine Bodi
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NOAA
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Bureau of Land Management
Idaho State Office
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Richard Moen
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General Services Administration
GSA Center
Auburn, WA 98001

ATTACHMENT A -- CERTIFICATE OF MAILING

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OCT 24 1994

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Boise, ID 83724

The Honorable Darla Williamson
Judge, Magistrate Division
Valley County Courthouse
Cascade, ID 83611

U.S. Department of Justice
Environment and Natural
Resources Division
550 W. Fort Street, Box 33
Boise, ID 83724