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DEPARTMENT OF
WATER RESOURCES

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d/b/a Sun Valley Company

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

In Re SRBA

Case No. 39576

Subcase No. 37-22256
(Formerly No. 37-862, which was split into
37-22255 and 37-22256)

**RESPONSE TO MOTION FOR ENTRY OF
SPECIAL MASTER'S REPORT AND
RECOMMENDATION**

Respondent Sinclair Oil Corporation dba Sun Valley Company ("Sun Valley")
hereby files this response to the Motion for Entry of Special Master's Report and
Recommendation, filed by the Oliver Family Trust ("Oliver") on or about February 11, 2009,
pursuant to Idaho Rule of Civil Procedure 7(b)(3) and Rules 1 and 10(h) of this Court's

Administrative Order 1. Pursuant to the Notice of Hearing accompanying the Oliver motion, a hearing on this matter has been scheduled for February 26, 2009, at 11:00 a.m.

1. On or about November 15, 2007, the “Concerned Water Users” and the Big Wood Canal Company (collectively, the “Objectors”) filed objections to several Sun Valley water right recommendations, including 37-415, 37-416, and 37-4108. In all three objections, the Objectors assert that the recommended quantity element is excessive. In their objection to water right 37-862, the “Parent Right” referred to in Oliver’s motion, the Objectors appear to make a similar objection. Therefore, on or about December 31, 2007, Sun Valley filed a response in subcase 37-862, based upon law-of-the-case concerns regarding the resolution of the excessive quantity issue.

2. Based upon a review of Sun Valley’s files and documents available from the IDWR and SRBA websites, when the split of water right 37-862 occurred, it does not appear that Sun Valley was provided with notice of the split or of a subsequent objection and response period. Additionally, despite the fact that the Notice of Completed Administrative Proceeding indicates that it was served upon “all parties in the subcases affected,” the Certificate of Mailing does not appear to list Sun Valley or its counsel, the Concerned Water Users, the Big Wood Canal Company, or the Peter Trust, another respondent in subcase 37-862.

3. Due to the nature of its concerns in subcase 37-862, Sun Valley’s position depends on whether the Objectors will renew their objections to the progeny rights 37-22255 and 37-22256. If the Objectors are allowed to object to 37-22255 and 37-22256, then Sun Valley would like to remain a respondent in those subcases, due to the law-of-the-case concerns on the issue of excessive quantity.

DATED this 19th day of February, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &
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By 
Dylan B. Lawrence – Of the Firm
Attorneys for Sinclair Oil Corporation
d/b/a Sun Valley Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of February, 2009, I caused a true and correct copy of the foregoing **RESPONSE TO MOTION FOR ENTRY OF SPECIAL MASTER'S REPORT AND RECOMMENDATION** to be served by the method indicated below, and addressed to the following:

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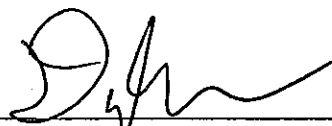
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