

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

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DEPARTMENT OF
WATER RESOURCES

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February 5, 2010

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Gerald T. Husch	Tara Martens	<i>Willis C. Moffatt, 1907-1980</i>
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Steve Clelland
Idaho Department of Water Resources
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720

Re: Standard Form 5 for Subcase No. 37-2678 (Sinclair Oil Corp. d/b/a Sun Valley Co.)
MTBR&F File No. 16845.0005

Dear Steve:

I am enclosing for your review a letter provided by Erick Powell of Brockway Engineering, which indicates that one of the two points of diversion identified in the Director's Report recommendation for the above-referenced water right is not correct. More specifically, while the point of diversion identified in Section 14, Lot 5 NWSWNW (Point B) appears accurate, the point of diversion designated in Section 14, SWNWNW (Point A) appears to be located within a condominium project and does not appear to be associated with this system. Instead, the primary spring for this system is located nearby, in Section 14, M.S. 525B (NWSWNW) (Point 1). Therefore, we believe Point A should be deleted from this recommendation, and that Point 1 should be added.

Please review this information and contact me to discuss further. Thank you for your attention to this matter.

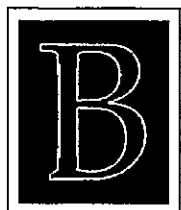
Very truly yours,



Dylan B. Lawrence

DBL/lp
Enclosure

cc: Vicki Kelly
Christopher M. Bromley
Scott Campbell



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

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Water Resources

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ROCK & FIELDS, CHTD.

February 1, 2010

Mr. Dylan Lawrence
Moffatt, Thomas, Barrett, Rock and Fields
101 S. Capitol Blvd. 10th Floor
P.O. Box 829
Boise, Idaho 83701-0829

Re: Sun Valley Company Water Right No. 37-2678 Points of Diversion
Project No. 212-12-2008

Dear Dylan:

Brockway Engineering has located the points of diversion for the Sinclair Oil Corporation water right, 37-2678. The points of diversion for this water right are shown on the attached map (Figure 1).

Water Right 37-2678

A water right license (37-2678) with a priority date of 8/9/1962 was issued to Sinclair Oil to utilize geothermal groundwater for heating. The flow rate granted by the State of Idaho through this license is 0.1 cfs. Idaho Department of Water Resources recommended two points of diversion to the Snake River Basin Adjudication court, which are shown in Figure 1 and are listed below:

Point A: T4N R17E Sec. 14 SWNWNW

Point B: T4N R17E Sec. 14 Lot 5 NWSWNW

On Thursday, April 23, 2009, I visited the Sun Valley Company and located the actual points of diversion with a GPS unit. The primary spring is located at point 1. The secondary point of diversion is located at point 2. The points of diversion locations, as measured, are listed in Table 1.

Table 1: Points of diversion for water right 37-2678 as measured on 4/23/2009.

Diversion Point	Latitude Longitude	PLSS
Point 1	43° 40' 58.89" N 114° 24' 25.96" W	T4N R17E S14 NWSWNW (MS 525B)
Point 2	43° 40' 56.80" N 114° 24' 22.71" W	T4N R17E S14 NWSWNW (Lot 5)

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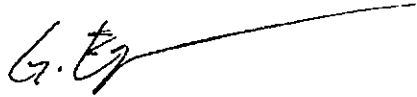
CHARLES E.
BROCKWAY,
PH.D., P.E.

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

Please note that the PLSS location for Point 1 is within MS 525B. The BLM master plat (Figure 2), provided by the BLM Shoshone office, does not accurately label this parcel as MS 525B. The Shoshone office researched this area and confirmed that the Point 1 location in Figure 1 is indeed within MS 525B.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "G. E. Powell", with a long horizontal line extending to the right.

G. Erick Powell, Ph.D., P.E.

enclosed



FIGURE 1: SUN VALLEY COMPANY PODs
WATER RIGHT 37-2678
NAIP 2004 AERIAL PHOTO

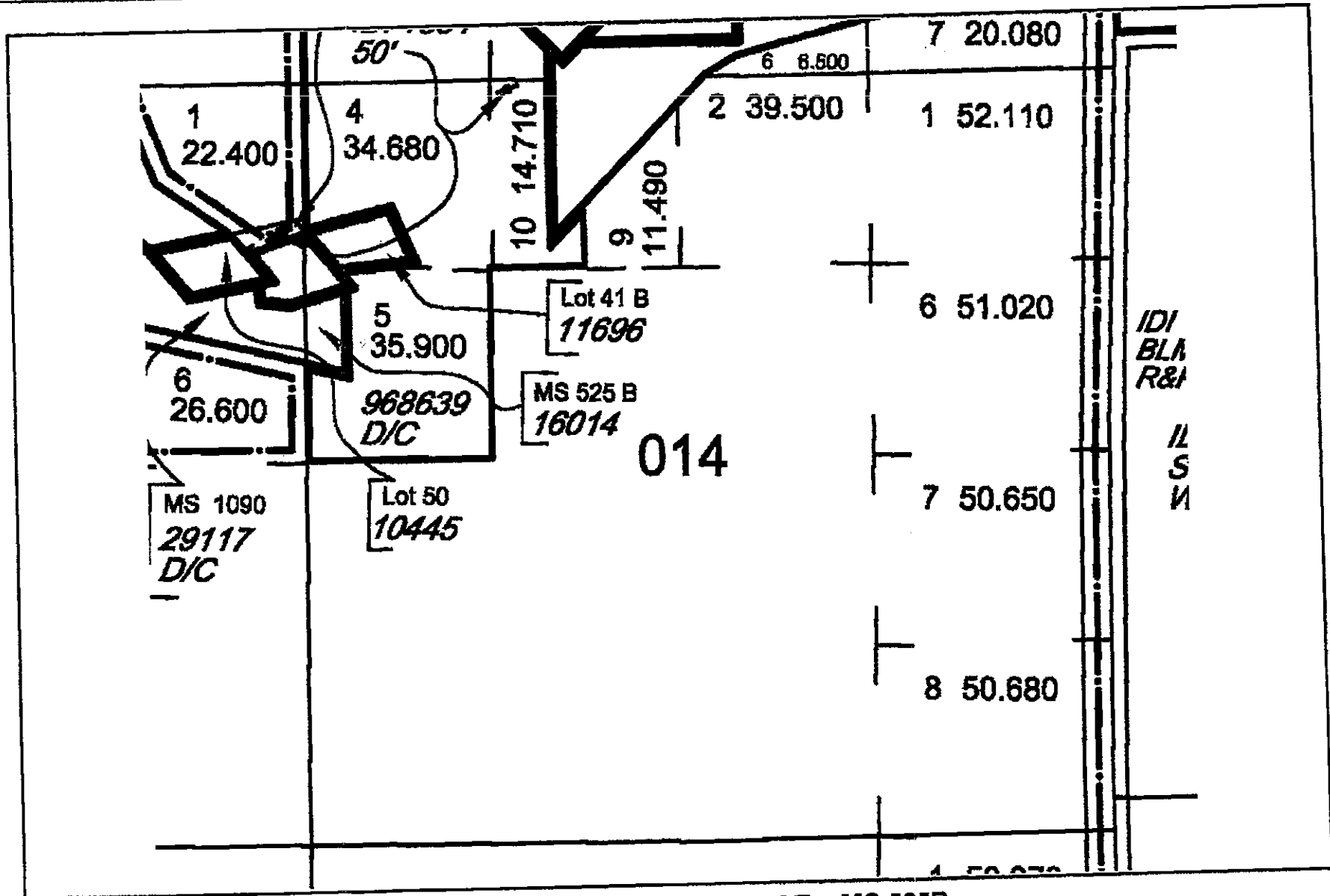


FIGURE 2: BLM MASTER PLAT – MS 525B
PLSS LOCATION FOR WATER RIGHT 37-2678 POD