

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

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FEB 08 2010

DEPARTMENT OF
WATER RESOURCES

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
David B. Lincoln
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
Christine E. Nicholas
Bradley J. Williams
Lee Radford
Michael O. Roe
Nancy J. Garrett
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGraham
David P. Gardner
Julian E. Gabiola
Tara Martens
Kimberly D. Evans Ross
Mark C. Peterson

Tyler J. Anderson
Jon A. Stenquist
Jason G. Murray
Rebecca A. Rainey
Paul D. McFarlane
Tyler J. Henderson
C. Edward Cather III
Andrew J. Waldera
Dylan B. Lawrence
Benjamin C. Ritchie
Matthew J. McGee
David J. Dance
Robert E. Bakes, *of counsel*
Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

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

February 5, 2010

Vicki Kelly
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

Re: Standard Form 5 for Subcase Nos. 37-7170, 37-7340 (Sinclair Oil Corp. d/b/a Sun Valley Co.)
MTBR&F File No. 16845.0005

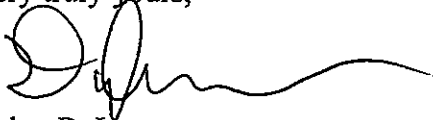
Dear Vicki:

Enclosed are the Standard Forms 5 for the above-referenced water rights. As you requested in your previous e-mail, I am returning them directly to you. Please secure any remaining required signatures and file them with the SRBA district court.

You will note that this letter does not include the Standard Form 5 for 37-2678. It appears that there is still an issue to resolve with respect to the point of diversion for that water right, which will be the subject of a separate forthcoming letter. At your request, I will send that letter to Steve Clelland.

Please do not hesitate to contact me with any questions or to discuss further. Thank you for your attention to this matter.

Very truly yours,



Dylan B. Lawrence

DBL/lip

Enclosures (2)

cc: Christopher M. Bromley
Steve Clelland
Scott Campbell

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FEB 08 2010

DEPARTMENT OF
WATER RESOURCES

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

Subcase No.: 37-7170

Case No. 39576

STANDARD FORM 5

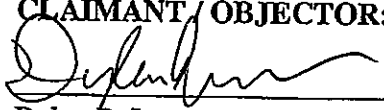
STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

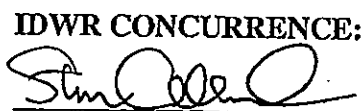
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:

 1/29/10
Date

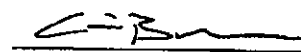
Dylan B. Lawrence
Attorney for Sinclair Oil Corp.
dba Sun Valley Company

IDWR CONCURRENCE:

 11/18/09
Date

Steve Clelland
Sr. Water Resource Agent

IDWR CONCURRENCE:

 11/18/09
Date

Christopher M. Bromley
Deputy Attorney General
Attorney for IDWR

09/04/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7170

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

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 2.000 CFS
638.70 AFY

PRIORITY DATE: 10/31/1972

POINT OF
DIVERSION:

T04N R17E S14 SENW ~~NENW~~ Lot 10 Within BLAINE County

GPS coordinates for point of diversion are 43 40' 59.38" N, 114 24' 08.92" W.

Sec
CB
DBL

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	11/01 04/10	2.000 CFS 638.70 AFY
Commercial use is for snow-making purposes.		

PLACE OF USE: COMMERCIAL in BLAINE County

T04N R17E S13	SWSW	T04N R17E S14 Lot 9	NENW
T04N R17E S14 Lot 4	NWNW	T04N R17E S14 Lot 5	SWNW
T04N R17E S14	SENW	T04N R17E S14	NESW
T04N R17E S14	NWSW	T04N R17E S14	SWSW
T04N R17E S14	SESW	T04N R17E S14 Lot 7	NESE
T04N R17E S14	NWSE	T04N R17E S14	SWSE
T04N R17E S14 Lot 8	SESE	T04N R17E S23 Lot 1	NENE
T04N R17E S23	NWNE	T04N R17E S23	SWNE
T04N R17E S23	NENW	T04N R17E S23	NWNW
T04N R17E S23	SWNW	T04N R17E S23	SENW
T04N R17E S24	NWNW		

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.

09/04/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Government Lot 9 specified in place of use located within T04N, R17E, S14, NENW, in Trans. 4865, is a result of a resurvey of Government Lot 3. There has been no change in physical location of the POU.

~~The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this transfer.~~

SCW
CB
DBL

CERTIFICATE OF SERVICE

I certify that on _____, 2009, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Dylan Lawrence
Moffatt Thomas
P.O. Box 829
Boise, ID 83701-0829

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form

RECEIVED

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DEPARTMENT OF
WATER RESOURCES

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

) Subcase No.: 37-7340
)
)

Case No. 39576

) STANDARD FORM 5
)
)

) STIPULATED ELEMENTS OF A
) WATER RIGHT
)

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The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:

 1/29/10
Dylan B. Lawrence Date

Attorney for Sinclair Oil Corp.
dba Sun Valley Company

RESPONDENT:

United States on behalf of the
USDA Forest Service

David L. Negri Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

 11/18/09
Steve Clelland Date

Sr. Water Resource Agent

IDWR CONCURRENCE:

 11/18/09
Christopher M. Bromley Date

Deputy Attorney General
Attorney for IDWR

09/04/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7340

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

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.230 CFS
73.50 APY

PRIORITY DATE: 02/08/1974

POINT OF DIVERSION:

T04N R17E S14 SENW ~~NENW Lot 10~~ Within BLAINE County

GPS coordinates for point of diversion are 43 40' 59.38" N, 114 24' 08.92" W.

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	11/01 04/10	0.230 CFS 73.50 APY
Commercial use is for snow-making purposes.		

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T04N R17E S13	SWSW	T04N R17E S14 Lot 9	NENW
T04N R17E S14 Lot 4	NWNW	T04N R17E S14 Lot 5	SWNW
T04N R17E S14	SENW	T04N R17E S14	NESW
T04N R17E S14	NWSW	T04N R17E S14	SWSW
T04N R17E S14	SESW	T04N R17E S14 Lot 7	NESE
T04N R17E S14	NWSE	T04N R17E S14	SWSE
T04N R17E S14 Lot 8	SESE	T04N R17E S23 Lot 1	NENE
T04N R17E S23	NWNE	T04N R17E S23	SWNE
T04N R17E S23	NENW	T04N R17E S23	NWNW
T04N R17E S23	SWNW	T04N R17E S23	SENW
T04N R17E S24	NWNW		

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IDAHO DEPARTMENT OF WATER RESOURCES
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CB
DBL

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Dylan Lawrence
Moffatt Thomas
P.O. Box 829
Boise, ID 83701-0829

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form