

MAR - 8 2010

By _____

Clerk

Deputy Clerk

**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**

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.

C / OBJECTOR:

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

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RESPONDENT:

United States on behalf of the
USDA Forest Service

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

IDWR CONCURRENCE:

Christopher M. Bromley
Deputy Attorney General
Attorney for IDWR

IDWR CONCURRENCE:

Steve Clelland
Sr. Water Resource Agent

11/18/09
Date

11/18/09
Date

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 SESW ~~NESE~~ 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:PURPOSE OF USEPERIOD OF USEQUANTITY

COMMERCIAL

11/01 04/10

0.230 CFS
73.50 APY

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	SESW	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	SESW
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.

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.

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

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.

SCC
CB
DBL
ON

CERTIFICATE OF SERVICE

I certify that on March 5, 2010, 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

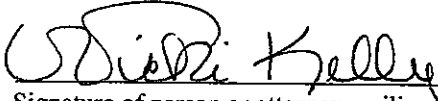
☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

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

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

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