

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

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.: 37-2678

Case No. 39576

STANDARD FORM 5

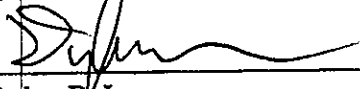
STIPULATED ELEMENTS OF A
WATER RIGHT

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.

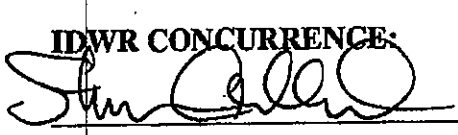
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

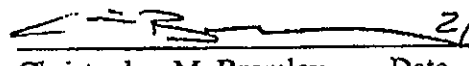
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

 2/26/10
Dylan B. Lawrence Date
Attorney for Sinclair Oil Corp.

IDWR CONCURRENCE:

 2/19/10
Steve Clelland Date
Sr. Water Resource Agent

 2/22/10
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

02/19/2010

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

RIGHT NUMBER: 37-2678

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

C/O DAVID B LINCOLM
ELAM BURKE & BOYD
PO BOX 1639
BOISE ID 83704

SOURCE: SPRINGS

TRIBUTARY: WARM SPRINGS CREEK

QUANTITY: 0.100 CFS

PRIORITY DATE: 08/09/1962

POINT OF DIVERSION:

T04N R17E S14 SWNW SWNNWNW Within BLAINE County

T04N R17E S14 NWSWNW Lot 5 Within BLAINE County

The SWNW POD described above is located within MS 525B.

SCC
CB
Shc
DBL

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

HEATING

01/01 12/31

0.100 CFS

Water is used to heat outdoor decking of ski lodge and restaurant to prevent ice and snow buildup.

PLACE OF USE: HEATING in BLAINE County

T04N R17E S14 Lot 10 NENW

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 - License

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

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

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Government Lot 10 specified in place of use located within T04N, R17E, S14, NENW, is a result of a resurvey of Govt Lot 3. There has been no change in the physical location of the POU.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code. There has been no change in the physical location of the POD

02/09/2010

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

~~Area of construction for extending the collection into the stream shall be isolated from stream flow until grouting has set up.~~

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

SC
DB
DBL

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

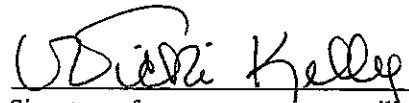
2. Copies to:

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



Signature of person or attorney mailing the form