



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

December 12, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

SCOTT L CAMPBELL
MOFFATT THOMAS
101 S CAPITAL BLVD 10TH FL
PO BOX 829
BOISE, ID 83701-0829

RE: Notice of Claim to a Water Right Nos. 37-415, 37-416 and 37-12130

Dear Mr. Campbell:

In a letter dated December 4, 2006, I requested additional information to assist with the review of the above referenced claims filed in the Snake River Basin Adjudication (SRBA). A large map with 1987 imagery was provided as a convenience to your client to clarify the location of water uses claimed under 37-415 and 37-146. A smaller reference map with 2004 background imagery was also provided. On December 8, 2006 the Idaho Department of Water Resources (department) received a letter from you indicating you would not be able to provide the requested information unless additional maps were provided.

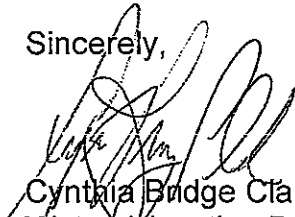
With your assistance, department staff made arrangements to perform a field exam for the referenced claims during our visit to Sun Valley for the SRBA Public Meetings. On December 5, 2006, Sandy Hemenway, a contractor for the department, met with Dave Ziegler, Ken Zimmer and James South from the Sun Valley Company to conduct a field exam for claims 37-415 and 37-416. She also met with Mark Winker to perform a field exam for claim 37-12130. All representatives were very accommodating. With their assistance we were able to gather enough information to proceed with our recommendations. Ms. Hemenway is coordinating with Mr. Ziegler to obtain information not available during the site visit. Prior to our trip to Sun Valley, Mr. Ziegler requested a map of the service area of the golf course to retain for his records. We prepared a large map of the area with 2004 background imagery and provided it to him during the field exam.

I have enclosed two large maps as requested for your use. However, we will continue with our recommendations on the above referenced claims based on the information provided as a result of the field visit. Also enclosed is a copy of the power point presentation given by Dave Tuthill at the Sun Valley Public Meetings for your reference. Page 7 outlines the current timeline for issuing recommendations and the Director's Report to the SRBA Court for Basin 37 Part 3 claims. At this point, the department

intends to finalize recommendations by January 5, 2007 and submit the Director's Report to the SRBA Court on January 8, 2007.

Thank you for your cooperation. Please contact me at 208-287-4946 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cynthia Bridge Clark', written over the printed name.

Cynthia Bridge Clark
Water Allocation Bureau

Enclosures

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
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
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Angela Schaefer Kaufmann
Kimberly D. Evans Ross
Paul D. McFarlane
Jon A. Stenquist
Tyler J. Henderson

Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Metcalf
Benjamin C. Ritchie
Rebecca A. Rainey

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

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DEPARTMENT OF
WATER RESOURCES

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Pocatello
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December 6, 2006

Cynthia Bridge Clark
Idaho Department of Water Resources
Idaho Water Center
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720

Re: Notice of Claim to Water Right Nos. 37-415 and 37-416
MTBR&F File No. 16845.5

Dear Cynthia:

I am responding to your correspondence dated December 4, 2006, which I received on December 5, 2006. I must reiterate my objection to the arbitrary and capricious timelines which the Idaho Department of Water Resources has established with regard to the review of these claims. As I indicated to you in prior correspondence, this abbreviated process does a disservice to my clients' property rights and constitutes arbitrary and capricious action by the Department.

In this regard, I want to confirm that I met with you and other representatives of the Idaho Department of Water Resources, at very short notice, on November 27, 2006. You requested at that time that we review maps and provide you with the information that you requested concerning points of diversion and places of use. I did not receive the maps until December 5, 2006. It is my understanding that December 8, 2006, is the deadline for providing this information before the Idaho Department of Water Resources will issue the Director's Reports. This is a completely unrealistic timeline.

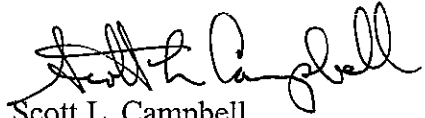
Moreover, you provided me with only one copy of the map which you requested me to utilize. It will not be possible for me to send you the only map that I am marking. I will not provide the Department with only version of the map and not retain a copy for our own use. Please provide two duplicate maps so that I can retain one for my files and send one copy to my client.

It will not be possible for me to provide the marked up map to you until we receive the two additional maps. Consequently, the sooner you provide the additional maps, the sooner we will be able to provide the information you requested.

Cynthia Bridge Clark
December 6, 2006
Page 2

Thank you for your attention to this matter.

Very truly yours,



Scott L. Campbell

SLC/dll

cc: Wallace Huffman
Scott Mayeda

Clark, Cynthia (Bridge)

From: Scott Campbell [SLC@moffatt.com]
Sent: Wednesday, November 29, 2006 10:07 AM
To: Clark, Cynthia (Bridge)
Cc: Debby Long; Tiffany Hudak; dziegler@sunvalley.com
Subject: RE: SRBA claim review

GOLF COURSE
37-415, 37-416

Cynthia,

I have a contact person for your site inspection of the Sun Valley Co. diversions. He is Dave Ziegler. His telephone number is 208-622-2117. His email address is dziegler@sunvalley.com. He will be expecting a telephone call from you this afternoon or tomorrow.

CELL 208-720-6422

Please coordinate with Tiffany Hudak if you have additional questions.

Thank you.

Scott

Scott Campbell
MOFFATT THOMAS - Idaho
208.345.2000
800.422.2889
www.moffatt.com

>>> "Clark, Cynthia (Bridge)" <Cynthia.Clark@idwr.idaho.gov> 11/22/2006 9:10 AM >>>
Scott,

I apologize that I did not get back to you yesterday. I was out sick yesterday (one way to get out of going to the Y in the morning). The claims and claimant names we have identified are the following:

37-415: Sinclair Oil Corp. dba Sun Valley Company
37-416: Sinclair Oil Corp.
37-2722A: Sinclair Oil Corp.
37-4108: Sinclair Oil Corp.
37-12111: Sinclair Oil Corp.
37-12130: Newfoundland Partners

Have a good holiday. We will see you Monday.

Thank you,
Cynthia

-----Original Message-----

From: Scott Campbell [mailto:SLC@moffatt.com]
Sent: Tuesday, November 21, 2006 8:45 AM
To: Clark, Cynthia (Bridge)
Subject: RE: SRBA claim review

Cynthia,

Thank you. I look forward to meeting with you on Monday. If possible, please provide me with the claim numbers and the claimant names for the matters you and Erika want to discuss. This information will allow me to review those claims before the meeting.

Sincerely,

Scott L. Campbell