

JAN 18 2011

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. 37-12111

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.

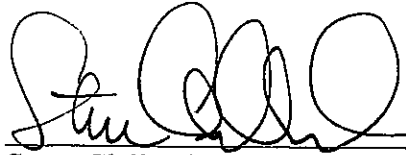
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS/OBJECTORS

Sinclair Oil Corporation

Scott H. Campbell 1/11/11
Scott Campbell, Attorney Date

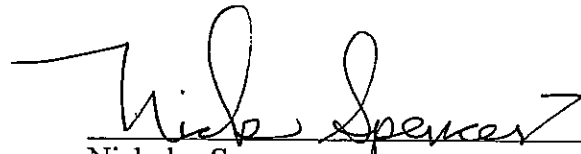
IDWR Concurrence:


Steve Clelland

IDWR Agent

1/12/11

Date


Nicholas Spencer

Deputy Attorney General, IDWR

1-12-11

Date

CERTIFICATE OF MAILING

I certify that on January 14, 2011, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

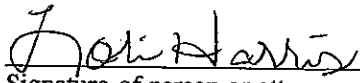
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

SINCLAIR OIL CORPORATION
Represented by:
ANDREW J WALDERA
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829

SINCLAIR OIL CORPORATION
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 37-12111

NAME AND ADDRESS:

SINCLAIR OIL CORP
DBA SUN VALLEY CO
PO BOX 10
SUN VALLEY ID 83353

SOURCE:

Source:
TRAIL CREEK

Tributary:

BIG WOOD RIVER

QUANTITY: 66.500 AFY ~~110.000 AFY~~

Operation of the reservoir under this water right allows multiple refills of the reservoir during any year. The reservoir storage capacity is limited to 66.5 acre feet at elevation 5887.9 feet NAVD 1988 Datum corresponding to the 19.5 measurement point on the inclined staff gage located on the upstream side of the dam. Flash board placement in the spillway of the dam may not at anytime exceed the 19.5 measurement point on the staff gage. This dam and reservoir cannot be operated as a flood control facility. The capacity of the storage reservoir is 81.0 AF. The reservoir may be refilled multiple times up to the total diversion volume in a single year.

PRIORITY DATE: 06/30/1937

POINT OF DIVERSION: T04N R18E S7 NESE

Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

WILDLIFE STORAGE	01/01 12/31	<u>66.50 AFY</u> ~~81.00 AFY~~
RECREATION STORAGE	01/01 12/31	<u>66.50 AFY</u> ~~81.00 AFY~~
AESTHETIC STORAGE	01/01 12/31	<u>66.50 AFY</u> ~~81.00 AFY~~

PLACE OF USE:

WILDLIFE STORAGE	within BLAINE County
T04N R18E S07 NESE	
T04N R18E S07 NWSE	
RECREATION STORAGE	within BLAINE County
T04N R18E S07 NESE	
T04N R18E S07 NWSE	
AESTHETIC STORAGE	within BLAINE County
T04N R18E S07 NESE	
T04N R18E S07 NWSE	

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 - Beneficial Use

Amended Director's Report: 37-12111

SCC
NBS

SLC