

SRBA

SUBCASE SUMMARY REPORT 37-02722A

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SRBA
04-17-2009

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 37-02722A FILE#: 01347
CLAIMANT: SINCLAIR OIL CORPORATION
DBA SUN VALLEY CO
PO BOX 10

SUN VALLEY ID 83353
STATUS: DECREED DISALLOWED SPECIAL MASTER: MELANSON, JOHN M
WATER SOURCE:

ISSUES: NAME AND ADDRESS DESCRIPTION
SOURCE OF WATER
QUANTITY OF WATER USED
PRIORITY DATE
POINT(S) OF DIVERSION DESCRIPTION
PURPOSE OF USE DESCRIPTION
PERIOD OF YEAR WHEN WATER IS USED
PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.
0

**** PARTIES INVOLVED ****

SINCLAIR OIL CORPORATION C ATTY: SCOTT L CAMPBELL
SINCLAIR OIL CORPORATION O ATTY: SCOTT L CAMPBELL

**** ROA ENTRIES ****

11-14-2007	OBJ 01 F/B SINCLAIR OIL CORP	RB	01-15-2008 0001
09-09-2008	ORDER SETTING INTIAL HEARING BY TELEPHONE	1S	12-03-2008 1100
09-23-2008	ORIGINAL NOTICE OF CLAIM		
11-26-2008	NOTICE OF WITHDRAWAL OF OBJECTION		
12-03-2008	HEARING HELD	HH	12-03-2008 1100
12-03-2008	MINUTES		
12-03-2008	ORAL ORDER GRANTING WITHDRAWAL OF OBJECTION		
12-08-2008	REPORT & RECOMMENDATION OF MASTER	CB	01-28-2009
12-08-2008	NOTICE OF ISSUANCE - MASTERS R&R		
12-08-2008	CERTIFICATE OF MAILING - MASTER R&R		
12-08-2008	MASTER WAS: 701 BILYEU, BRIGETTE		
03-16-2009	FINAL ORDER DISALLOWING WATER RIGHT CLAIM		03-16-2009
03-16-2009	CERTIFICATE OF MAILING - PARTIAL DECREE		

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02722A
Date Received: 10/21/1988
Receipt No: CO13100
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SINCLAIR OIL COMPANY 208-622-4111
Address: DBA SUN VALLEY COMPANY
SUN VALLEY, ID 83353

2. Date of Priority: JAN 03, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	17E	24	NE	NE			BLAINE

5. Description of diverting works:
WELL, 12" CASING, 480' DEEP, 1/2 HP STAY-RITE SUB. PUMP (REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
M/2 RESTROOM BUILDINGS (SEE REMARKS)

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	17E	24	NE	NE		MUNI	

11. Place of use in counties: BLAINE

A37-02722A

Page 1

Date: 12/01/89

RECORDED
FEB 23 1993

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

ITEM 5 (CONT.)

WELL IS APPROXIMATELY 48 FEET DEEP, 12 INCH DIAMETER CASING WITH 480 CASING PERFORATIONS FROM 25 TO 45 FEET, PUMP IS A 1/2 H.P. STAY-RITE SUBMERSIBLE PUMP, WITH A 1 1/4 INCH DIAMETER PIPELINE DELIVERING THE WATER TO 2 RESTROOM BUILDINGS WHICH ARE LOCATED APPROXIMATELY 225 FEET FROM THE WELL.

ITEM 9 (CONT.)

MUNICIPAL WATER USE FOR TWO RESTROOM BUILDINGS LOCATED AT THE BASE OF RIVER RUN SKI-LIFT FACILITIES.

15. Basis of Claim: LICENSE
Water Right Number: 32672

MICHAEL J. WELLS
FEB 23 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED
FEB 23 1990

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number A37-02722A
Date Received 11-29-89
Receipt Number C013100 cd

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

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NOV 29 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Sinclair Oil Company dba
Sun Valley Company Phone (208) 622-4111
Mailing Address Sun Valley, Idaho Zip 83353

2. Date of Priority (Only one (1) per claim) January 3, 1966

3. Source of water supply (a) groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 4 N. Range 17 E. Section 24,
_____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well is approximately 48 feet deep,
12 inch diameter casing with 480 casing perforations from 25 to 45 feet, pump is a
1/2 h.p. Stay-Rite submersible pump, with a 1 1/4 inch diameter pipeline delivering
the water to 2 restroom buildings which are located approximately 225 feet from
the well.

CC 777
FEB 23 1993
MICROFILMED

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For municipal purposes from Jan. 1 to Dec. 31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Municipal water use for two restroom buildings located at the base of River Run ski-lift facilities

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4 N.	17 E	24	M																

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

Last Name Sun Valley Ident No. _____

Copies: White -State, Yellow-Claimant

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FEB 23 1993

Scale: 2 inches equals 1 mile

[illegible]

Last Name Sun Valley Ident No. _____

Copies: White-State, Yellow-Clean

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FEB 23 1993
State, Yellow-Clear

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____

If applicable provide IDWR Water Right Number 32672/37-2722

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am VICE PRESIDENT

Title

of Sun Valley Co. - Sinclair Oil Co that I have signed the foregoing

Organization

document in the space below as V.P. of Sinclair Oil Corp

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent William Angerson

Title and Organization _____ Date 11/1/89

State of Idaho or _____)

SS.

County of Blaine)

Subscribed and sworn (or affirmed) before me this 15th day of November 19 89

SEAL

Notary Public Elizabeth Anne Angerson

Residing at Blaine County Idaho

My Commission Expires 2/28/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Scott L. Campbell will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Scott L. Campbell

Address P.O. Box 1539, Boise, ID 83701

Date 1/3/90

NOTICED
FEB 23 1993

Last Name Sun Valley Company Ident. Number _____

Copies White-State, Yellow-Claimant



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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 8, 2006

Scott L. Campbell, Esq.
Moffatt Thomas Barrett Rock & Fields, Chtd.

Sent by email to Tiffany Hudack, tmh@moffatt.com ✓ DM

RE: Notice of Error Reply for SRBA Claim 37-2722A

Dear Scott:

I am responding to your letter in this matter dated December 4, 2006, in which you requested a copy of the Department's preliminary recommendation for water right 37-2722. I have downloaded this recommendation from the Internet and enclosed it herewith. As you recall, this is the situation that we discussed when you and Tiffany visited the office a couple of weeks ago at the invitation of Cynthia Clark.

At the meeting I had mentioned to you the fact that 37-2722A claimed a 0.04 cfs portion of the water claimed by the Sun Valley Water and Sewer District via 37-2722. I asked if you wanted this 0.04 cfs portion to be in the name of Sinclair Oil Corporation or if you would prefer to allow the entire right to be in the name of Sun Valley Water and Sewer District. You and Tiffany were planning to get back to me on this one.

For the moment we have shown 37-2722A as having been recommended as 37-2722. Please advise if you prefer a different outcome.

Sincerely,

David R. Tuthill, Jr.
Administrator, Water Management Division

Enclosure

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

12/08/2006

WATER RIGHT NO. 37-2722

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUN VALLEY WATER & SEWER DIST PO BOX 416 SUN VALLEY, ID 83353 (208)622-4438

Priority Date: 01/03/1966

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	1/01	12/31	3.63 CFS	2628 AFA
Total Diversion			3.63 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 24	Township 04N	Range 17E	BLAINE County
GROUND WATER	SWSW	Sec. 05	Township 04N	Range 18E	BLAINE County
GROUND WATER	NENE	Sec. 07	Township 04N	Range 18E	BLAINE County

Place(s) of use: Large POU Info

Conditions of Approval:

1.	C18	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.
2.	124	Place of use is within the service area of the Village of Sun Valley municipal water supply system as provided for under Idaho Law, and on Sun Valley Company, Inc. property within Section 24, T4N R17E and Section 19, T4N, R18E.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

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

December 4, 2006

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

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DEPARTMENT OF
WATER RESOURCES

David R. Tuthill Jr.
Administrator
Resource Protection Bureau
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Notice of Error Reply Process for SRBA Claim 37-2722A
MTBR&F File No. 16845.5

Dear David:

I am writing to raise my concerns with the process which the Idaho Department of Water Resources has utilized regarding the above referenced water right claim. Today I received the standard set of error reply documents from the Department concerning this water right claim. The deadline for filing the Notice of Error Reply is December 15, 2006. The preliminary recommendation for this claim says nothing except the claim will be recommended as claim 37-2722, yet this preliminary recommendation has not been provided. It will not be possible to evaluate the impact of this preliminary recommendation without this information.

Please provide me with a copy of the Department's preliminary recommendation for water right 37-2722 to enable us to determine whether to file a Notice of Error Reply for claim number 37-2722A.

Very truly yours,


Scott L. Campbell

SLC/dll

11/26/2006

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

RIGHT NUMBER: 37-2722A

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

DISALLOWED: Recommended as Right No. 37-2722.

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32672/37-2722 Priority Jan. 3, 1966 Amount 3.63 cfs

THIS IS TO CERTIFY, that SUN VALLEY COMPANY, INC.
of Sun Valley, Idaho, has complied with the terms and conditions of Permit
No. 32672/37-2722 issued pursuant to Application for Permit dated January 3, 1966,
and has submitted proof to the Department of Water Administration on November 12, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 3.63 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 3.63 cfs for Municipal from Jan. 1 to Dec. 31 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 3.63 cfs of water be diverted at
any one time, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7,
Twp. 4 N, Rge. 18 E, B.M. and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 24, Twp. 4 N, Rge. 17 E, B.M.
in the county of Blaine; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 2,626 acre feet per year ~~or~~

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SE $\frac{1}{4}$				SW $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4 N	18 E	5, 6, 7, 8, and 18	(Village of Sun Valley)																
4 N	17 E	24	(Sun Valley Company, Inc. Property)																
4 N	18 E	19	(Sun Valley Company, Inc. Property)																

Total number of acres irrigated _____

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of
October, 19 72.


Director

37 2722

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FEB 14 2000

Department of Water Resources

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

February 11, 2000

Ms. Danni Smith
Adjudication Bureau
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Re: Sun Valley Company Water Right License, Permit, and/or SRBA Claim
Nos. A37-07340, A37-04108, A37-00416, A37-00415, A37-02722A, A37-02678,
and A37-12111

Dear Danni:

I am writing this letter in response to your request concerning my representation of the Sun Valley Company in the above-referenced water right numbers. Please be advised that this firm, Elam & Burke, P.A., represents the Sun Valley Company. Mr. David Lincoln, a Shareholder with our firm, signed the initial SRBA claims for several of Sun Valley Company's water rights in the late 80's. Accordingly, Mr. Lincoln is listed as the "attorney" for Sun Valley Company on those claims. It is my understanding that for the few licenses and/or permits filed post-November 1987, my name is listed as the "attorney" for Sun Valley Company.

Mr. Lincoln is no longer handling water rights matters for this firm. Therefore, to avoid any further confusion, I ask that the Department update their records to reflect my name as "attorney" for the Sun Valley Company in each and all of the above-referenced water rights.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

ELAM & BURKE
A Professional Association


Scott L. Campbell

SLC:thm G:\Thm\WPDATA\1000\44\00004-smith (IDWR).wpd

cc: Wallace Huffman
Scott Mayeda

SD-0601-2 Last Name: SUN VALLEY

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
	SUN VALLEY CO. INC.						
		O	A37-07102	05/25/1971	GROUNDWATER	9.000	40 MUNI
		O	A37-07147	05/23/1972	GROUNDWATER	0.150	43 DOMEST
	SUN VALLEY COMPANY						
		K	A37-00415	04/25/1881	TRAIL CREEK	25.000	01 IRR
							52 AES
							16 WILDLF
		K	A37-00416	10/05/1883	TRAIL CREEK	6.500	01 IRR
							52 AES
							16 WILDLF
		K	A37-02710	07/08/1965	SPRING	0.060	43 DOMEST
		K	A37-07170	10/31/1972	WARM SPRING	2.000	10 COMMER
		K	A45-07657	06/30/1989	GROUNDWATER	0.020	10 COMMER
		~~K~~	~~A37-02722A~~	01/03/1966	GROUNDWATER	0.040	40 MUNI
		K	A37-07340	02/08/1974	WARM SPRING	0.230	10 COMMER
		K	A37-12111	06/30/1937	TRAIL CREEK	110.000	17 WILD S

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(GOLD7=This Query)

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NOA

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AUG 24 1994

Department of Fish & Game
Southern Region Office

MICROFILMED

AUG 24 1994

SD-0601-2 Last Name: SUN .LLEY

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc

SUN VALLEY COMPANY							
		K	A37-12111	06/30/1937		110.000	53 AES S
							47 REC S
SUN VALLEY FARMS							
	C		36-07833	02/26/1979	GROUNDWATER	2.870	01 IRR
	C		A36-02377	02/18/1959	GROUNDWATER	3.800	01 IRR
	C		A36-02388	11/05/1961	GROUNDWATER	4.420	01 IRR
	C		A36-02622	08/19/1965	GROUNDWATER	4.070	01 IRR
	C		A36-07833	02/26/1979	GROUNDWATER	6.910	01 IRR
	C		A36-14492	02/18/1959	GROUNDWATER	0.060	43 DOMEST
							04 STOCK
	C		A36-14493	11/05/1961	GROUNDWATER	0.040	43 DOMEST
	C		36-02622	08/19/1965	GROUNDWATER	4.070	01 IRR
	C		36-14493	11/05/1961	GROUNDWATER	0.040	43 DOMEST
	C		36-14492	02/18/1959	GROUNDWATER	0.060	43 DOMEST
							04 STOCK

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AUG 24 1994

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JAN 08 1992

Department of Water Resources

David B. Lincoln
ELAM, BURKE AND BOYD
Key Financial Center, 10th Floor
702 West Idaho Street
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorneys for Sun Valley Company

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication)
of Rights to the Use of Water)
from the Snake River Basin)
Water System)

Case No. 39576

NOTICE OF APPEARANCE

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all claimants to)
the use of water from the Snake)
River Basin Water System)

DESCRIPTIVE SUMMARY

This document contains the Notice of Appearance of David B.
Lincoln, entering an appearance on behalf of Sun Valley Company.

NOTICE OF APPEARANCE

TO: Petitioner and its attorneys of record:

YOU WILL PLEASE TAKE NOTICE That David B. Lincoln of the firm Elam, Burke & Boyd, hereby enters the appearance of said firm as attorneys of record for Sun Valley Company in the above-entitled action.

DATED This 7th day of January, 1992.

ELAM, BURKE & BOYD

By

David B. Lincoln
David B. Lincoln, of the firm
Counsel for Sun Valley Company

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing NOTICE OF APPEARANCE was mailed this 7th day of January, 1992 in an envelope with sufficient first-class postage prepaid thereon to the following:

SEE ATTACHMENT A.

David B. Lincoln
David B. Lincoln

ATTACHMENT A -- CERTIFICATE OF MAILING

Roger D. Ling
Ling Nielsen & Robinson
P.O. Box 396
Rupert, ID 83350

Roy L. Eiguren
Josephine P. Beeman
Davis Wright Tremaine
Suite 700
702 West Idaho Street
Boise, ID 83702

Craig R. Zaiss, Esq.
P.O. Box 628
Parma, ID 83660-0628

Albert P. Barker
Don A. Olowinski
Steven R. Ormiston
Hawley Troxell Ennis &
Hawley
P.O. Box 1617
Boise, ID 83701

Scott L. Campbell
Davis Wright Tremaine
702 W Idaho, Ste 700
Boise, ID 83701

Raymond D. Givens
Jeffrey C. Fereday
Givens Pursley Webb &
Huntley
P.O. Box 2720
Boise, ID 83701

Bruce M. Smith
Rosholt Robertson &
Tucker, Chartered
P.O. Box 2139
Boise, ID 83701-2139

William F. Ringert
David Hammerquist
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Judge, Magistrate Division
Valley County Courthouse
Cascade, ID 83611

U.S. Department of Justice
Environment and Natural
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RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 0013100

Date: 11/29/89
Time: 15:55:59

Received

From: ELAM, BURKE & BOYD

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE (SUN VALLEY COMPANY)	0410162 9337 6490	\$54.00
LATE FEE	0410162 9337 6490	\$50.00
OVERPAYMENT	0410162 9337 6490	\$96.00
	Total	\$200.00

CHECK 1055

Idaho Department of Water Resources

Region: STATE

Signature: 

MICROFILMED
FEB 23 1993

ELAM, BURKE AND BOYD
ATTORNEYS AND COUNSELORS AT LAW

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BOISE, IDAHO 83701
TELEPHONE 208-343-5454
TELECOPIER 208-384-5844

SCOTT L. CAMPBELL

CANYON COUNTY OFFICE
1120 SIXTH STREET SOUTH
POST OFFICE DRAWER E
NAMPA, IDAHO 83653
TELEPHONE 208-486-9222

November 28, 1989

RECEIVED
NOV 29 1989

Carter Fritschle
Sr. Water Resource Agent
Adjudication Bureau
Department of Water Resources
1301 North Orchard
Boise, Idaho 83720

Department of Water Resources

Re: Sinclair Oil Company/Water Right Filings in
Snake River Basin Adjudication

Dear Carter:

I have enclosed a Notice of Claim for Water Right for filing as an adjudication claim. I have also enclosed a check in the amount of \$200 to cover the filing fee, the variable fee, and late filing fee for this claim.

Please return to me the carbon copies of the claim forms, together with a receipt reflecting acceptance of the monies and claims by the Department of Water Resources.

If you have any questions regarding this matter, please contact me.

Very truly yours,

ELAM, BURKE & BOYD


Scott L. Campbell

SLC:jc
Enclosure

INFORMATION
FEB 23 1993

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST 2

CLAIMANT'S NAME Sinclair & Co. dba Sun Valley Co. CLA. IDENT. NO. A37-02722A

DATE RECEIVED 11-29-89 CK # 1055 AMOUNT \$ 200⁰⁰

- | | YES | NO | Required Info? |
|--|-------------------------------------|--|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☐ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☐ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☐ | ☒ N/A | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☐ | ☒ N/A | |
| Is the consumptive use correct? | ☐ | ☒ N/A | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☐ | ☒ N/A | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☐ | ☒ N/A | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☐ | ☒ N/A | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☒ | * |
| 20. Is the fee enclosed correct? | ☐ | ☒ Exempt | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ N/A | |
| 22. Should this claim be data entered? | ☐ | ☐ | |

Claim checked by: CA Date: 12-1-89

Claim must be returned to claimant: ☐ (Yes) ☐ (No)

Claimant must be notified of modifications: ☐ (Yes) ☐ (No)

Receipt Prepared by: CA Date: 11-29-89
Claim data entered by: CA Date: 11-29-89 Checked by: FEB 23 1990 Date: 11-29-89
Sent to claimant by: CA Date: 11-29-89

Comments: \$54⁰⁰ + \$50⁰⁰ late fee = \$104⁰⁰. \$96⁰⁰ overpay.

License shows Municipal use. This portion of the license appears to be "commercial" use.