

4

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: A37-02710
Date Received: 10/26/1988
Receipt No: C003063
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

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

2. Date of Priority: JUL 08, 1965

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	17E	23		SE	SE		BLAINE

5. Description of diverting works:
15' TROUGH COLLECTOR, 2" PIPE TO CISTERN, PUMPHOUSE, 2 TANKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31		0.060	

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

8. Total consumptive use is 2.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ROUNDHOUSE RESTAURANT LOCATED ON BALD MOUNTAIN

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	17E	23	NE	SE		DOMEST	

11. Place of use in counties: BLAINE

A37-02710

Page 1

Date: 11/03/88

MICROFILMED
FEB 23 1993

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
SUN VALLEY SEWER AND WATER DISTRICT

14. Remarks:
THE SUN VALLEY COMPANY POSSESSES A U.S. FOREST SERVICE SPECIAL
USE PERMIT AND TERM SPECIAL USE PERMIT WHICH ENTITLE IT TO
OPERATE BALD MOUNTAIN AS A SKI RESORT. SEE EXHIBIT B. EXHIBIT C
IS A USGS MAP WHICH DESIGNATES THE POINT OF DIVERSION AND PLACE
OF USE.

15. Basis of Claim: LICENSE
Water Right Number: 32436

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 Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

MICROFILMED
FEB 23 1993

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 _____

MICROFILMED
FEB 23 1993

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

A37-02710

Date Received

10-26-88

Receipt Number

C003063

RECEIVED

OCT 26 1988

**NOTICE OF CLAIM
TO A
WATER RIGHT**

Department of Water Resources

ACQUIRED UNDER STATE LAW

Please type or print clearly

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

2. Date of Priority (Only one (1) per claim) July 8, 1965

3. Source of water supply (a) An unnamed spring
which is tributary to (b) sinks

4. a. Location of existing point of diversion is: Township 4 N. Range 17 E. Section 23,
1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: None

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. A metal trough collector approximately 15'
long connected to a 2" pipeline which runs approximately 100' to a cistern pump house
connected to a pipeline running 500' vertical rise, 1500' of slopelength to two
holding tanks (3000 gallon capacity) located in the basement of Roundhouse
Restaurant. See Exhibit A for additional information.

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FEB 23 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from Jan. 1 to Dec. 31 amount 0.06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.06 (cfs) and/or (b) 2.0 (acre feet)

8. Total consumptive use claimed is 2.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Water is used to supply domestic needs at Roundhouse Restaurant located on Bald Mountain

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	23													D				

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 _____ No X
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.
Sun Valley Sewer and Water District or None ()

14. Remarks: The Sun Valley Company possesses a U.S. Forest Service special use permit and term special use permit which entitle it to operate Bald Mountain as a ski resort. See Exhibit B. Exhibit C is a USGS map which designates the point of diversion and place of use

Last Name Sun Valley Company Ident No. _____

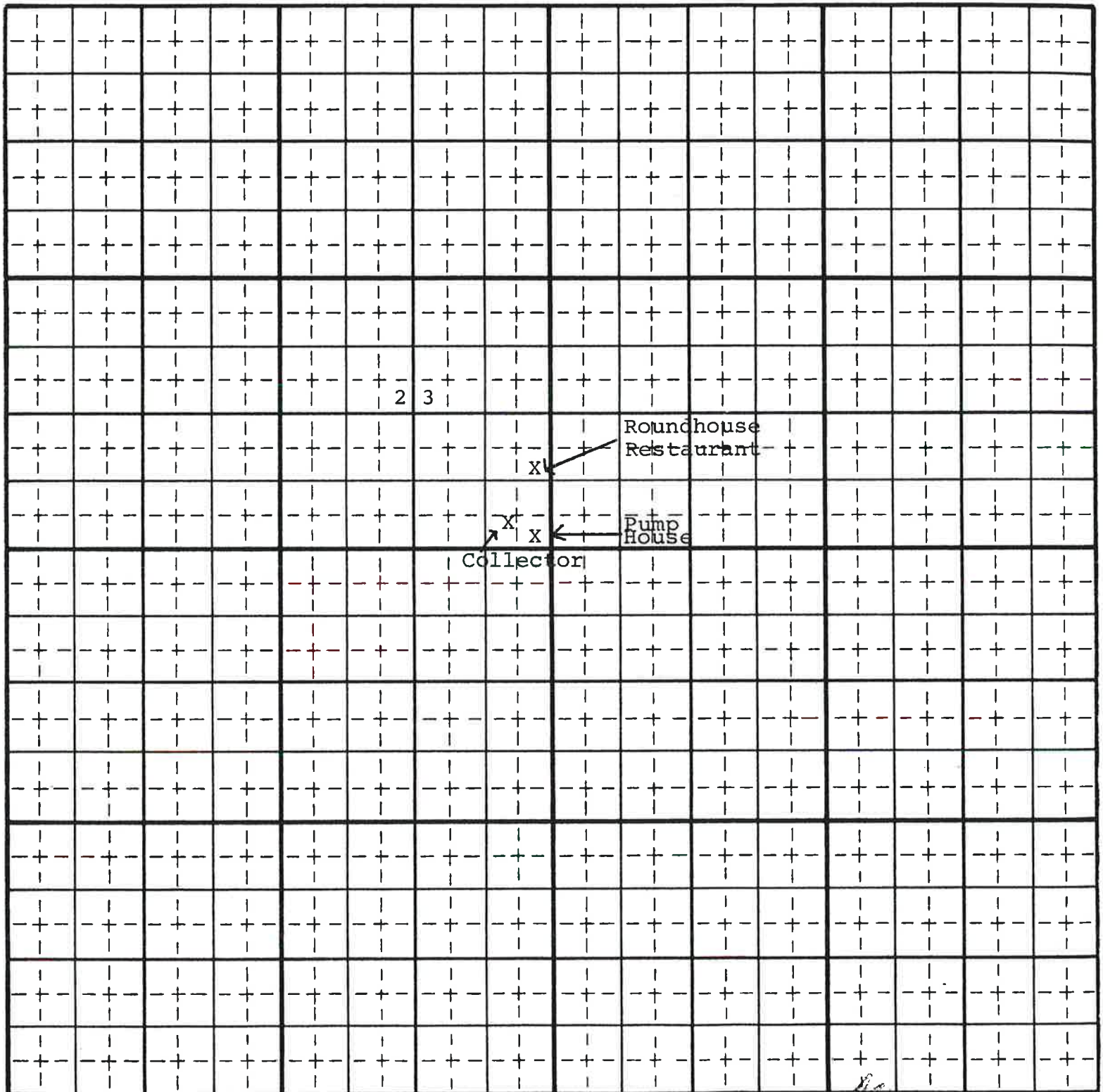
Copies: White -State, Yellow-Claimant

MICROFILMED
FEB 23 1993

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Twp. 4 N., Rge. 17 E., Section 23



MICROFILMED
FEB 23 1989

Last Name Sun Valley Company Ident No. _____

Copies: White-State, Yellow-Claymont

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 32436/37-2710
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 3

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
Sinclair Oil Corporation, a Wyoming corporation, dba Title
of Sun Valley Company Organization, that I have signed the foregoing
document in the space below as Vice President Title of Sinclair Oil Corporation, a Wyoming
Organization

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

Signature of Authorized Agent William H. Simpson

Title and Organization V.P. Sinclair Oil

Date 10/24/88

State of Idaho/or _____)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 24th day of October 19 88

SEAL

Notary Public Elizabeth Anne Wagoner

Residing at Blaine County, Idaho

My Commission Expires February 28, 1992

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 1559, Boise, ID 83701

Date October 25, 1988

Last Name Sun Valley Company Ident. Number _____

Copies White-State, Yellow-Claimant

MICROFILMED
FEB 23 1993

SRBA

SUBCASE SUMMARY REPORT 37-02710

[Return to SRBA Home Page](#)

SRBA
07-14-2011

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 37-02710 FILE#: 00205
CLAIMANT: SINCLAIR OIL CORPORATION
DBA SUN VALLEY COMPANY

SUN VALLEY ID 83353
STATUS: SUBCASE WITHDRAWN SPECIAL MASTER: BURDICK, ROGER
WATER SOURCE: SPRING TRIBUTARY: SINKS
ISSUES: PURPOSE OF USE DESCRIPTION

****** PARTIES INVOLVED ******

NO ACTIVE PARTIES TO THE SUBCASE

****** ROA ENTRIES ******

09-10-1999	OBJ 01 F/B USDA FOREST SERVICE	RB	01-12-2000 0001
12-13-1999	NTC OF APPEARANCE - CAMPBELL FOR SINCLAIR OIL		
01-05-2000	NOTICE SETTING INITIAL HEARING	1S	03-10-2000 0330
02-25-2000	ORIGINAL CLAIM FILED		
03-10-2000	HEARING HELD - INITIAL HEARING	HH	03-14-2000 0330
03-10-2000	MINUTES, INITIAL HEARING		
03-10-2000	ORDER SETTING STATUS CONFERENCE	US	05-01-2000 0400
05-01-2000	HEARING HELD - STATUS CONFERENCE	UH	05-01-2000 0400
05-01-2000	MINUTES		
05-01-2000	NOTICE SETTING STATUS CONFERENCE	US	06-19-2000 0130
06-19-2000	HEARING HELD - STATUS CONFERENCE	UH	06-19-2000 0130
06-19-2000	MINUTES - STATUS CONFERENCE		
06-20-2000	SPECIAL MASTER'S RECOMMENDATION TO WITHDRAW DIRECTOR'S REPORT RECOMMENDATION AND REMAND CLAIM TO IDWR ASSIGNED MASTER WAS: 701 BILYEU, BRIGETTE		06-20-2000
12-04-2000	ORDER WITHDRAWING DIRECTOR'S REPORT AND REMANDING CLAIM TO IDWR		
12-11-2000	RULE 60B MOTION FOR CORRECTION OF CLERICAL ERROR	MG	02-13-2001
12-11-2000	AFFIDAVIT OF COUNSEL		
02-13-2001	ORDER DENYING MOTION TO CORRECT CLERICAL ERROR I.R.C.P. 60(A)		

[Return to SRBA Home Page](#)

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

RIGHT NUMBER: 37-2710

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

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.060 CFS
2.00 AFY

PRIORITY DATE: 07/08/1965

POINT OF DIVERSION:

T04N R17E S23 SESE Lot 4 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	DOMESTIC	01/01 12/31	0.060 CFS
PLACE OF USE:	<u>DOMESTIC in BLAINE County</u>		
	T04N R17E S23 Lot 3 NESE		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

PARCEL NO. RPK04620000160A

RECEIVED

DEC 11 2000

Department of Water Resources
Southern Region

RECEIVED

DEC 05 2000

Department of Water Resources

One
Doug Jones -
Claim@R.Brown

200 DEC -4 PM 3:06

SRBA
IDWR
ID 10

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

Case No. 39576

) Subcase No. 37-02710

)
) ORDER WITHDRAWING
) DIRECTOR'S REPORT AND
) REMANDING CLAIM TO IDWR

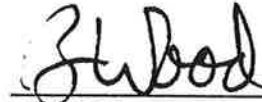
On October 26, 1988, the claimant Sinclair Oil Co. d/b/a Sun Valley Company filed a claim for the above captioned water right. The claimed purpose of use was commercial use for a restaurant establishment. On March 3, 1999, the Idaho Department of Water Resources (IDWR) issued a *Director's Report* recommending the water right as a diminimus domestic right, and was included in the *Director's Report* for domestic and stock water for Basin 37. However, the right as claimed does not qualify as a domestic purpose as the term is defined pursuant to Idaho Code § 42-111 (1) (b). Pursuant to a request by the parties that IDWR be allowed to withdraw the erroneous *Directors Report*, investigate the right and include it in the irrigation and other report for Basin 37, the Special Master issued a *Special Master's Recommendation to Withdraw Director's Report and Recommendation and Remand Claim to IDWR* on June 20, 2000. No motions to alter or amend the Special Master's recommendation were filed.

Pursuant to I.R.C.P. 53 (e)(2) and SRBA Administrative Order 1, section 13f, this Court has reviewed the Special Master's recommendation and concurs with the recommended course of action contained therein.

37-02710

THEREFORE, IT IS ORDERED that the Director's Report for 37-02710, which was included in the domestic and stock recommendation for Basin 37, is hereby withdrawn and water right 37-02710 is recommitted to IDWR to investigate and report along with the irrigation and other rights from Basin 37.

DATED: December 4, 2000.

A handwritten signature in dark ink, appearing to read "B. Wood", is written over a horizontal line.

BARRY WOOD

Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

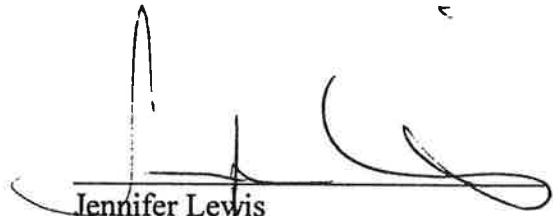
CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER WITHDRAWING DIRECTOR'S REPORT AND REMANDING CLAIM TO IDWR** were mailed on December 4th, 2000, with sufficient first-class postage, to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

US Department of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Scott L. Campbell
PO Box 1539
Boise, ID 83701

A handwritten signature in black ink, appearing to read "Jennifer Lewis", is written over a horizontal line.

Jennifer Lewis
Deputy Clerk of the Court
Snake River Basin Adjudication

CERTIFICATE OF MAILING

RECEIVED

SEP 11 2003

Department of Water Resources
Southern Region

37-11507

37-2710 etc

Marshall Fisher

Notice to Mailer of Correction in Address

Addressee's Account Number (All numbers, dates, and letters)

☐ No account number on mail

☐ Account number illegible

Addressee's Name

David B. Lincoln Lincoln

Old Address (Include apartment or suite number)

Box 1539

City, State, and ZIP Code

Boise, Id. 83701-1539

New Address (Include apartment or suite number)

Box 1308

City, State, and ZIP Code

Boise, Id. 83701-1308

This card is furnished: ☒ For address correction, as requested (your mailpiece was forwarded).
☐ In place of Form 3579 (see reason for nondelivery below).

The address portion of your mailpiece was not readily detachable. Reason for nondelivery:

☐ Moved, left no address

☐ No such street

☐ No such number

☐ Refused

☐ Attempted, not known

☐ Unclaimed

PS Form 3547, June 1995

95569 95570 218647 218648 218649

Don't see Entry
NCF

SRBA SUBCASE SUMMARY REPORT 37-02710

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SRBA
01-08-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 37-02710 FILE#: 00205
CLAIMANT: SINCLAIR OIL CORPORATION
STATUS: AT ISSUE
WATER SOURCE: SPRING, SINKS
ISSUES: PURPOSE OF USE DESCRIPTION

****** PARTIES INVOLVED ******

SINCLAIR OIL CORPORATION C ATTY: SCOTT L. CAMPBELL
USDA FOREST SERVICE O ATTY: US DEPARTMENT OF JUSTICE

****** ROA ENTRIES ******

09-10-1999	OBJ 01 F/B USDA FOREST SERVICE	RB	01-12-2000 0001
12-13-1999	NTC OF APPEARANCE - CAMPBELL FOR SINCLAIR OIL		
01-05-2000	NOTICE SETTING INITIAL HEARING	1S	03-10-2000 0330
02-25-2000	ORIGINAL CLAIM FILED		
03-10-2000	HEARING HELD - INITIAL HEARING	HH	03-14-2000 0330
03-10-2000	MINUTES, INITIAL HEARING		
03-10-2000	ORDER SETTING STATUS CONFERENCE	US	05-01-2000 0400
05-01-2000	HEARING HELD - STATUS CONFERENCE	UH	05-01-2000 0400
05-01-2000	MINUTES		
05-01-2000	NOTICE SETTING STATUS CONFERENCE	US	06-19-2000 0130
06-19-2000	HEARING HELD - STATUS CONFERENCE	UH	06-19-2000 0130
06-19-2000	MINUTES - STATUS CONFERENCE		
06-20-2000	SPECIAL MASTER'S RECOMMENDATION TO WITHDRAW DIRECTOR'S REPORT RECOMMENDATION AND REMAND CLAIM TO IDWR		06-20-2000
	ASSIGNED MASTER WAS: 701 BILYEU, BRIGETTE		
12-04-2000	ORDER WITHDRAWING DIRECTOR'S REPORT AND REMANDING CLAIM TO IDWR		
12-11-2000	RULE 60B MOTION FOR CORRECTION OF CLERICAL ERROR	MF	12-11-2000
12-11-2000	AFFIDAVIT OF COUNSEL		

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

DATE: MAR-07-2000

PAGE: A-1

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: SINKS

RIGHT NUMBER: 37-02710

NAME AND ADDRESS: SINCLAIR OIL CORPORATION
DBA SUN VALLEY COMPANY
SUN VALLEY ID 83353

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/08/1965

POINT OF DIVERSION: T04N R17E S23 SESE Within BLAINE County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC (1. HOME)	01-01 12-31	0.06 CFS

PLACE OF USE: DOMESTIC Within BLAINE County
T04N R17E S23 NESE

CONSUMPTIVE USE: 2.0 APY

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
BENEFICIAL USE
PARCEL NO. RPK04620000160A
USE FOR RESTAURANT*Status Conf. 6/19/00:**a. Scherer: claim should be recommended
in DR for irrigation + other (2003)*

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

RECEIVED

DEC 10 1999

Department of Water Resources

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

Attn: Dave Tuthill
Snake River Basin Adjudication Bureau
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

December 9, 1999

Re: SRBA Claim Nos. 37-07340, 37-04108, 37-02722A, 37-02678, 37-00415,
37-00416, and 37-12111

Dear Dave:

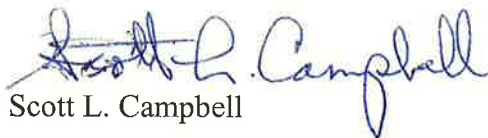
Angela Schaer and I will be filing a notice of appearance on behalf of Sun Valley Company in claim No. 37-02710, which is a domestic water right. It has recently come to our attention that our appearance has not been entered in the appropriate data bases. Hence, our client is listed as appearing pro-se and we have not received copies of pertinent documents.

The above-referenced water rights have not yet been reported. I would appreciate it if you would have someone in your bureau review these water rights to ensure that we are listed as counsel for Sun Valley Company. I am hoping that this problem can be resolved now so that we will not have problems similar to that which we experienced with water right No. 37-02710.

If you have any questions or would like to discuss this matter further, please call. Thank you for your assistance.

Very truly yours,

ELAM & BURKE
A Professional Association


Scott L. Campbell

ADS/lmt

cc: Wally Huffman
Scott Mayeda
Carl P. Burke

RECEIVED

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:

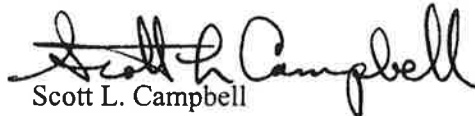
I am writing this letter in response to your request concerning my representation of the Sun Valley Company in the above-referenced water right numbers. Please be advised that this firm, Elam & Burke, P.A., represents the Sun Valley Company. Mr. David Lincoln, a Shareholder with our firm, signed the 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

CM5801NP

IDAHO DEPARTMENT OF WATER RESOURCES
SUBCASE PROOF REPORT

DATE: 02/15/2000
TIME: 10:43:16

WATER-RIGHT NUMBER: 37-02710

CLASS: 1

STATUS: A - ACTIVE

OBJ FILED DATE : 9/10/1999

SF5 FILED DATE : / /

ASSIGNED ATTORNEY: NBS - NICHOLAS B SPENCER

SP MST FILED DATE: / /

DECREED DATE : / /

STATUS OF OBJECTIONS:

OBJ	ST	FILED DATE	OBJ	ST	FILED DATE	OBJ	ST	FILED DATE	OBJ	ST	FILED DATE	OBJ	ST	FILED DATE
1	A	9/10/1999												

PARTICIPANTS:

NAME

ROLE

PARTY TO OBJECTIONS

SINCLAIR OIL CORPORATION
DBA SUN VALLEY COMPANY
SUN VALLEY ID 83353
(208) 622-4111

CLAIMANT

ELAM & BURKE
SCOTT CAMPBELL/ANGELA SCHAEER
PO BOX 1539
BOISE ID 83701
(208) 343-5454

ATTORNEY

USDA FOREST SERVICE UNITED STATES OF AME OBJECTOR W/ATTY 1
550 W FORT ST
MSC 033
BOISE ID 83724
(208) 387-0835

RANDALL J BRAMER
550 W FORT ST
MSC 033
BOISE ID 83724
(208) 387-0835

OBJECTOR ATTY 1

OVERLAPPING POU RIGHTS:

COMMENTS:

CLAIMANT/RESPONDENT ATTORNEY ADDED ELAM & BURKE 2/11/00 DMS

Water Right Number - 37-02710

Prefix Translation: WATER RIGHT

Old (D) Number - 32436

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** A - ATTORNEY ***
ELAM & BURKE

1 - SCOTT CAMPBELL/ANGELA SCHAEER
2 - PO BOX 1539
3 -
City- BOISE State- ID Zip- 83701
Phone - 208-343-5454

*** C - CURRENT OWNER ***
SINCLAIR OIL CORPORATION

1 - DBA SUN VALLEY COMPANY
2 -
3 -
City- SUN VALLEY State- ID Zip- 83353
Phone - 208-622-4111

*** K - ALSO KNOWN AS ***
SUN VALLEY COMPANY

1 -
2 -
3 -
City- SUN VALLEY State- ID Zip- 83353
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
JANSS CORP

1 -
2 -
3 -
City- N/A State- ID Zip- 00000
Phone - 208-000-0000

+ - - Priority Date - - +
07/08/1965

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - + + - - Status - - - +
J - BENEFICIAL USE

+ - - Source - - - - +
SPRING

+ - - Tributary - - - - - +
SINKS

+ - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

04N 17E 23 SE SE (13) BLAINE

+ - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

43 - DOMESTIC 01/01 12/31 0.060

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.060 2.0

+ - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

04N 17E 23 NE SE 43 DOMESTIC (13) BLAINE

Total Acres:

Court Report Filing	- 03/05/1999	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 09/10/1999	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 10/26/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C003063	Water District	-
		POU Ownership Flag	- N	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

10/4/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Sinclair Oil Corp. DBA Sisk Valley Co. CLAIM IDENT. NO. 437-02710

DATE RECEIVED 10-26-88 CK # 11362 AMOUNT \$ 174.64

1. Is the name and address complete with zip code? 7. Claims YES ✓ NO
2. Is a priority date entered? YES ✓ NO

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? ✓ YES NO
- (b) Is a tributary to entered? (if required) N/A YES ✓ NO
4. Is the legal description of the p.d. sufficient? ✓ YES NO
5. Is there a description of the diverting works? ✓ YES NO
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. ✓ YES NO
- Is the period of use included? ✓ YES NO
- Is a quantity claimed for each use? ✓ YES NO
7. Is a total quantity claimed entered? ✓ YES NO
8. If required is a consumptive use entered? N/A YES ✓ NO
- Is the consumptive use correct? N/A YES ✓ NO
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, each household must file a separate claim. See Adjudication Memo # 4. ✓ YES NO
10. Is (are) the place(s) of use entered? ✓ YES NO
11. Is (are) the county(ies) entered? ✓ YES NO
12. Is the ownership of p.u. checked? ✓ YES NO
13. Are other water rights listed or "none" checked? ✓ YES NO
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 YES ✓ NO
15. Is the basis of the claim checked? ✓ YES NO
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ✓ YES NO
- Has the claim been signed, sealed, and dated by a notary? ✓ YES NO
- Was this claim filed on time, or was an extension granted? ✓ YES NO
- Is the fee enclosed correct? ✓ YES NO
- If this claim is based on an existing water right, has the identification number been entered? N/A YES ✓ NO
- Should this claim be receipted and data entered? ✓ YES NO

Claim checked by: GA

Comments: 156

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COLDSPRINGS DOMESTIC WATER SYSTEM

1. Pump Motor
GE Model 5K204D115
1½ Horse power 55°C Rise
Volts 220/440 60 Cycles
Fl Amp. 4.52/2.26
Fl Speed 1730
No. UC 15185
2. Pump
Worthington Model
No. 1260081
Sz. In. 1½" x 2
3. Submersible Pump
Sta-Rite Model
No. P52 27 E
4. Starter
Sta-Rite Model No. CP4J02-02
230 Volt
5 horse
Service factor 120 HZ 60
PH 1, CODE G, MAX AMP 28
RPM 3450, Ser. F84x
Continous Duty

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Sun Valley

ROUND
HOUSE

1,350'

Collector

485'

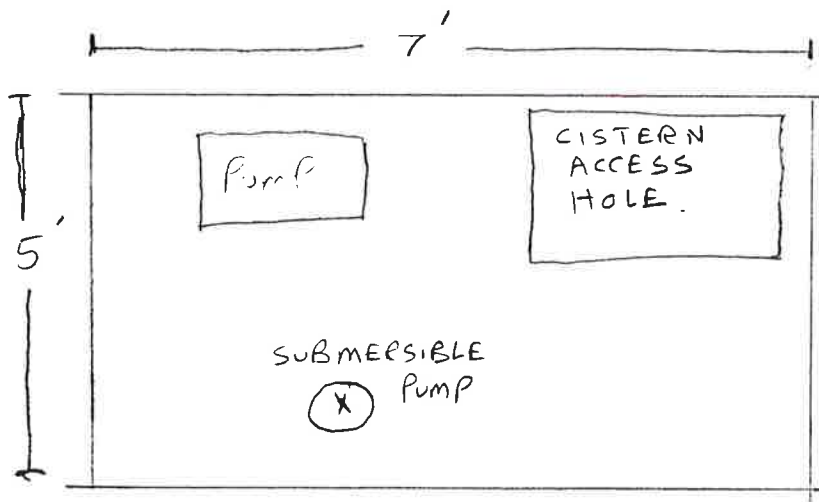
Pump
HOUSE

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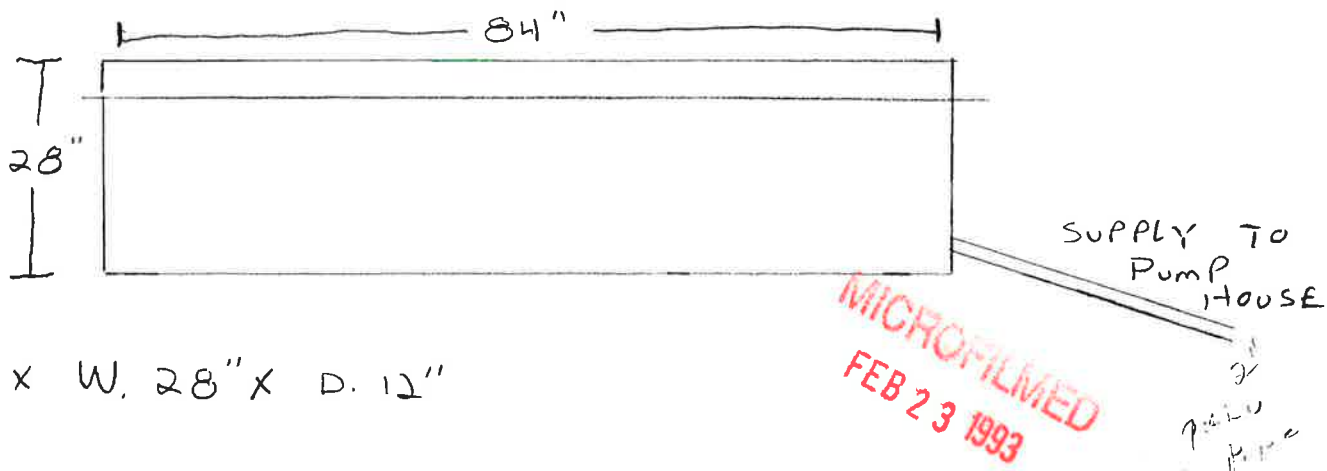


Cold Springs Domestic Pump House

DIMENSIONS:



Cold Springs Domestic Water Supply Collector, DIMENSIONS:



L. 84" x W. 28" x D. 12"

05/05/88 16

2086223700

SUN VALLEY COMP.

06

United States Department of Agriculture
Forest Service

SPECIAL USE PERMIT

Act of June 4, 1897

This permit is revocable and nontransferable
(Ref. FSM 2710)

a. Record no. (1-2)	b. Region (3-4)	c. Forest (5-6)
70	04	14
d. District (7-8)	e. User number (9-12)	f. Kind of use (13-15)
Ketchum 03	2720	Winter Sports 161
g. State (16-17)	h. County (18-20)	i. Cord no. (21)
Idaho 16	Blaine 013	1

Permission is hereby granted to Sun Valley Company

of Sun Valley, Idaho 83353

hereinafter called the permittee, to use subject to the conditions set out below, the following described lands or improvements:

Portions of Sections 14, 22, 23, 26, and 27, T4N, R17E, Boise Meridian, Sawtooth National Forest, Idaho, and portions of Sections 13, 24, and 25, T4N, R17E, Boise Meridian, Shoshone District No. 5, Bureau of Land Management, Idaho, more specifically described on a plat designated Bald Mountain Winter Sports Area and dated 6/3/76, exclusive of lands covered by the Term Special Use Permit.

This permit covers 3,271.00 acres and/or -- miles and is issued for the purpose of:

Constructing and maintaining ski trails, parking areas, work roads, utilities, and similar improvements. A separate term special use permit dated December 2, 1977 covers the construction, operation, and maintenance of ski lifts, ski tows, buildings, and similar facilities on the ski area.

See Exhibit B for acreage tabulation of landownership; and addendum describing runs and others facilities. Both the addendum and Exhibit B are attached and made a part of this permit.

1. Construction or occupancy and use under this permit shall begin within -- months, and construction, if any, shall be completed within -- months, from the date of the permit. This use shall be actually exercised at least 150 days each year, unless otherwise authorized in writing.

2. In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of -- Dollars (\$ --) for the period from -- 19 --, to -- 19 --, and thereafter annually on -- FREE USE - 36 CFR 251.2 -- Dollars (\$ --);

Provided, however, Charges for this use may be made or readjusted whenever necessary to place the charges on a basis commensurate with the value of use authorized by this permit.

3. This permit is accepted subject to the conditions set forth herein, and to conditions -- 18 -- to -- 21 -- attached hereto and made a part of this permit.

PERMITTEE	NAME OF PERMITTEE SUN VALLEY COMPANY	SIGNATURE OF AUTHORIZED OFFICER <i>[Signature]</i>	DATE December 1, 1977
ISSUING OFFICER BLM	NAME AND SIGNATURE <i>[Signature]</i>	TITLE Forest Supervisor	DATE Dec 2 1977
Issuing Officer	Name and Signature <i>[Signature]</i>	Title District Manager	

(Continued on Reverse)

EXHIBIT B

4. Development plans; layout plans; construction, reconstruction, or alteration of improvements; or revision of layout or construction plans for this area must be approved in advance and in writing by the forest supervisor. Trees or shrubbery on the permitted area may be removed or destroyed only after the forest officer in charge has approved, and has marked or otherwise designated that which may be removed or destroyed. Timber cut or destroyed will be paid for by the permittee as follows: Merchantable timber at appraised value; young-growth timber below merchantable size at current damage appraisal value; *provided* that the Forest Service reserves the right to dispose of the merchantable timber to others than the permittee at no stumpage cost to the permittee. Trees, shrubs, and other plants may be planted in such manner and in such places about the premises as may be approved by the forest officer in charge.

5. The permittee shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the forest officer in charge.

6. This permit is subject to all valid claims.

7. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit.

8. The permittee shall take all reasonable precautions to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a written permit from the forest officer in charge or his authorized agent.

9. The permittee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to the National Forests by the permittee, or by any agents or employees of the permittee acting within the scope of their agency or employment.

10. The permittee shall fully repair all damage, other than ordinary wear and tear, to national forest roads and trails caused by the permittee in the exercise of the privilege granted by this permit.

11. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

12. Upon abandonment, termination, revocation, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and restoration of the site.

13. This permit is not transferable. If the permittee through voluntary sale or transfer, or through enforcement of contract, foreclosure, tax sale, or other valid legal proceeding shall cease to be the owner of the physical improvements other than those owned by the United States situated on the land described in this permit and is unable to furnish adequate proof of ability to redeem or otherwise reestablish title to said improvements, this permit shall be subject to cancellation. But if the person to whom title to said improvements shall have been transferred in either manner provided is qualified as a permittee and is willing that his future occupancy of the premises shall be subject to such new conditions and stipulations as existing or prospective circumstances may warrant, his continued occupancy of the premises may be authorized by permit to him if, in the opinion of the issuing officer or his successor, issuance of a permit is desirable and in the public interest.

14. In case of change of address, the permittee shall immediately notify the forest supervisor.

15. The temporary use and occupancy of the premises and improvements herein described may be sublet by the permittee to third parties only with the prior written approval of the forest supervisor but the permittee shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet.

16. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the regional forester or the Chief, Forest Service.

17. In the event of any conflict between any of the preceding printed clauses or any provisions thereof and any of the following clauses or any provisions thereof, the following clauses will control.

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VALLEY COMP.

08

18. (E-4) Unless sooner terminated or revoked by the Regional Forester in accordance with the provisions of the permit, this permit shall expire and become void on July 1, 2007, but a new permit to occupy and use the same National Forest land may be granted provided the permittee will comply with the then-existing laws and regulations governing the occupancy and use of National Forest lands and shall have notified the Forest Supervisor not less than six (6) months prior to said date that such new permit is desired.
19. (X-19) The permittee agrees to permit the free and unrestricted access to and upon the premises at all times for all lawful and proper purposes not inconsistent with the intent of the permit or with the reasonable exercise and enjoyment by the permittee of the privileges thereof.
20. (X-96) This permit is issued subject to the conditions set forth above and to the conditions in Clauses 3 through 14, 20 through 45, and 49 through 72 of the term special-use permit dated December 2, 1977. These clauses and only these clauses from the term permit are incorporated and made a part of this permit.
21. (X-18) This permit supersedes a special-use permit designated Sun Valley Company, Inc., Winter Sports, 7/18/68.

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2086223700 SUN VALLEY COMP.

09

EXHIBIT B OF SUN VALLEY PERMIT

Acreage Tabulation of LandownershipNational Forest Lands

T. 4 N., R. 17 E., Boise Meridian

Section 14 (Irregular)

S $\frac{1}{2}$, Lot 6	(25.51 acres)
S $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{2}$	(5 acres)
SE $\frac{1}{2}$	(181.33 acres)
SW $\frac{1}{2}$	(160.0 acres)
W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$	(2.5 acres)
SE $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$	(10 acres)
W $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$	(20 acres)

Section 22

E $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$	(20.0 acres)
E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{2}$	(40.0 acres)

Section 23

(686.19 acres)

Section 26

(690.88 acres)

Section 27

E $\frac{1}{2}$ NE $\frac{1}{2}$	(80.0 acres)
NE $\frac{1}{2}$ SE $\frac{1}{2}$	(40.0 acres)

Total

1961.41 acres

Bureau of Land Management Lands

T. 4 N., R. 17 E., Boise Meridian

Section 13

W $\frac{1}{2}$ NW $\frac{1}{2}$ NW $\frac{1}{2}$	(20.0 acres)
SW $\frac{1}{2}$ NW $\frac{1}{2}$	(40.0 acres)
SW $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$	(10.0 acres)
W $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$	(20.0 acres)
NW $\frac{1}{2}$ SW $\frac{1}{2}$	(40.0 acres)
S $\frac{1}{2}$ SW $\frac{1}{2}$	(80.0 acres)

Section 24

W $\frac{1}{2}$ NE $\frac{1}{2}$	(80.0 acres)
W $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$	(5.0 acres)
W $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$	(20.0 acres)
SE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$	(10.0 acres)
W $\frac{1}{2}$	(320.0 acres)
SE $\frac{1}{2}$	(160.0 acres)

Section 25

N $\frac{1}{2}$	(320.0 acres)
SW $\frac{1}{2}$	(160.0 acres)
W $\frac{1}{2}$ SE $\frac{1}{2}$	(80 acres)

Total

1365 acres

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SUN VALLEY COMP.

10

ADDENDUM TO TERMINABLE PERMITSUN VALLEY COMPANY, INC. 1977

<u>Existing Runs</u>	<u>Acres</u>
A. <u>Easiest</u>	
1. Lower Warm Springs	21.81
2. Lower River Run	18.48
3. Upper College	17.96
4. Lower College	29.27
5. Ridge	18.94
6. Roundhouse Slope	4.02
7. Olympic Ridge	5.52
8. Broadway	50.22
9. Silver Fox	20.66
10. Southern Comfort	26.72
11. Lower Limelight	10.04
12. Lower Greyhawk	16.07
TOTAL	239.71
B. <u>More Difficult</u>	
1. Mid Warm Springs	30.99
2. Mid Greyhawk	6.89
3. Lower Plaza	17.22
4. Mid River Run	24.39
5. Flying Squirrel	18.32
6. Graduate	10.90
7. Blue Grouse	12.67
8. Cut Off	4.59
9. Ridge South Slopes	10.38
10. Canyon	14.52
11. Lower Olympic	5.51
12. Christmas Bowl	16.36
13. Christmas Ridge	25.25
14. Lower Christmas	11.48
15. Cold Springs	12.93
16. Easter Bowl	15.78
17. Lookout Bowl	21.52
18. Mayday Bowl	15.21
19. Lefty Bowl	10.93
20. Far Out Bowl	9.93
TOTAL	295.77

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Existing RunsAcresC. Most Difficult

1. Warm Springs Face	22.73
2. Upper Warm Springs	8.03
3. Upper Limelight	14.35
4. Flying Maid	3.10
5. Upper Plaza	6.89
6. Upper Greyhawk	8.03
7. Upper River Run	15.84
8. Central Park	9.18
9. Upper Holiday	3.44
10. Lower Holiday	10.79
11. Sunnyside Six	5.70
12. Rock Garden	3.30
13. Exhibition	9.78
14. Olympic	8.63
15. Inhibition	5.85
TOTAL	135.64

SUBTOTAL 673.31

Planned Runs (50)

451.00

TOTAL 1,124.31

Other

1. Sewer lines
2. Helispots
3. Water tanks
4. Water lines
5. Roads
6. Ski lanes
7. Telephone lines
8. Snow-making equipment

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SUN VALLEY COMP.

12

EXHIBIT B OF SUN VALLEY PERMIT

Acrcage Tabulation of Landownershship

The permit consists of the following described lands:

National Forest Lands: $S\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$ (45.51 acres), $SE\frac{1}{4}$ (181.33), $SW\frac{1}{4}$ (160.0), $SE\frac{1}{4}NW\frac{1}{4}$ (40.0), Section 14; $E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ (20.0), $E\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}$ (40.0), Section 22; Section 23 (686.19); Section 26 (690.88); $E\frac{1}{2}NE\frac{1}{4}$ (80.0), $NE\frac{1}{4}SE\frac{1}{4}$ (40.0), Section 27, T4N, R17E, Boise Meridian. Total - 1983.91 acres.

Bureau of Land Management Lands: $S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$ (20.0 acres), $S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$ (5.0), $W\frac{1}{2}SW\frac{1}{4}$ (80.0), $W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$ (20.0), $SE\frac{1}{4}SW\frac{1}{4}$ (40.0), $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, Section 13; $W\frac{1}{2}$ (320.0), $NW\frac{1}{4}NE\frac{1}{4}$ (40.0), $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ (75.0), $SE\frac{1}{4}$, Section 24; $N\frac{1}{2}NW\frac{1}{4}$ (80.0), $SW\frac{1}{4}NW\frac{1}{4}$ (40.0), $NE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}$, and $W\frac{1}{2}SE\frac{1}{4}$, Section 25; T4N, R17E, Boise Meridian. Total - 1365 acres.

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Existing RunsAcresC. Most Difficult

1.	Warm Springs Face	22.73
2.	Upper Warm Springs	8.03
3.	Upper Limelight	14.35
4.	Flying Maid	3.10
5.	Upper Plaza	6.89
6.	Upper Greyhawk	8.03
7.	Upper River Run	15.84
8.	Central Park	9.18
9.	Upper Holiday	3.44
10.	Lower Holiday	10.79
11.	Sunnyside Six	5.70
12.	Rock Garden	3.30
13.	Exhibition	9.78
14.	Olympic	8.63
15.	Inhibition	5.85
TOTAL		135.64

SUBTOTAL 673.31

Planned Runs (50) 451.00

TOTAL 1,124.31

Other

1. Sewer lines
2. Helispots
3. Water tanks
4. Water lines
5. Roads
6. Ski lanes
7. Telephone lines
8. Snow-making equipment

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ADDENDUM TO TERMINABLE PERMITSUN VALLEY COMPANY, INC. 1977

<u>Existing Runs</u>	<u>Acres</u>
<u>A. Easiest</u>	
1. Lower Warm Springs	21.81
2. Lower River Run	18.48
3. Upper College	17.96
4. Lower College	29.27
5. Ridge	18.94
6. Roundhouse Slope	4.02
7. Olympic Ridge	5.52
8. Broadway	50.22
9. Silver Fox	20.66
10. Southern Comfort	26.72
11. Lower Limelight	10.04
12. Lower Greyhawk	16.07
TOTAL	239.71

B. More Difficult

1. Mid Warm Springs	30.99
2. Mid Greyhawk	6.89
3. Lower Plaza	17.22
4. Mid River Run	24.39
5. Flying Squirrel	18.32
6. Graduate	10.90
7. Blue Grouse	12.67
8. Cut Off	4.59
9. Ridge South Slopes	10.38
10. Canyon	14.52
11. Lower Olympic	5.51
12. Christmas Bowl	16.36
13. Christmas Ridge	25.25
14. Lower Christmas	11.48
15. Cold Springs	12.93
16. Easter Bowl	15.78
17. Lookout Bowl	21.52
18. Mayday Bowl	15.21
19. Lefty Bowl	10.93
20. Far Out Bowl	9.93
TOTAL	295.77

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FEB 23 1993

U.S. Department of Agriculture
Forest Service

TERM SPECIAL USE PERMIT

Act of March 4, 1915, as amended July 28, 1956,

LM: ~~90101 of March 28, 1968~~
(Ref. FSM 2710)ec. 302(b) of the Federal Land Policy and
gmt. Act of 1976, 43 U.S.C. 1732; 43 CFR

a. Record no. (1-2)	b. Region (3-4)	c. Forest (5-6)
20	04	Sawtooth 14
d. District (7-8)	e. Use number (9-12)	f. Kind of use (13-15)
Ketchum 03	2720	Winter Sports 161
g. State (16-17)	h. County (18-20)	i. Card no. (21)
Idaho 16	Blaine 013	1

2920.
Permission is hereby granted to Sun Valley Company

of Sun Valley, Idaho 83353

hereinafter called the permittee, to use subject to the conditions set out below, the following described lands or improvements for the period of 30 years from the date thereof:

Portions of Sections 14, 22, 23, 26, and 27, T4N, R17E, Boise Meridian, Sawtooth National Forest, Idaho, and portions of Sections 13, 24, and 25, T4N, R17E, Boise Meridian, Shoshone District No. 5, Bureau of Land Management, Idaho, more specifically described on a plat designated Bald Mountain Winter Sports Area and dated 6/3/76, which is attached and made a part of this permit.

This permit covers 55.41 acres and is issued for the purpose of:

Operating and maintaining a public ski and recreation area, including uphill facilities, shelters, lodge, ski patrol building, rental shop, and other facilities, as described on the attached addendum and permit area map.

There is a separate annual special use permit dated December 2, 1977 covering the lift-served area and appurtenant improvements used in conjunction with the privileges granted by this permit.

1. Construction or occupancy and use under this permit shall begin within 20 months, and construction, if any, shall be completed within 20 months, from the date of the permit. This use shall be actually exercised at least 365 days each year, unless otherwise authorized in writing.

2. In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of 10 Dollars (\$ 10) for the period from 1977 to 1997 and thereafter annually See clauses 20 and 21. Provided, however, that the charges for this use shall be reduced as of and effective on the beginning of each five year period from the date of the first annual payment in order to place the charges on a basis commensurate with the value of the authorized by this permit.

3. This permit is accepted subject to the conditions set forth herein, and to conditions 20 to 72 attached hereto and made a part of this permit.

PERMITTEE	NAME OF PERMITTEE SUN VALLEY COMPANY	SIGNATURE OF AUTHORIZED OFFICER <i>[Signature]</i>	DATE December 1, 1977
ISSUING OFFICER	NAME AND SIGNATURE <i>[Signature]</i>	TITLE Forest Supervisor	DATE Dec. 2, 1977
BLM Issuing Officer	Name and Signature <i>[Signature]</i>	Title District Manager	EXHIBIT B

(Continued on Reverse)

20. (A-7)

1. Sales for the purpose of fee calculation include (1) revenue derived from all goods and services sold which are related to operations under this permit, and (2) the value of gratuities not excluded by Item g. Gratuities include such goods, services, or privileges as discounts, gifts, dividends, or benefits that are furnished to such individuals as stockholders, owners, creditors or other obligees, officers, employees or their families, at rates or under conditions not available to the general public. Such gratuities will be sales-priced by the permittee at the current price to the public.

The following items will be excluded from gross receipts or revenue to arrive at sales:

- a. Refunds from returned merchandise and receipts from sales of real and personal property used in the operation.
- b. Rents paid to the permittee by sublessees, even if based on sales. (The gross sales of sublessees are included as provided under Item (1).)
- c. Amounts received for goods sold, services rendered, or privileges granted at a price lower than the permittee's current price to the public. (The full value is included as provided under Item (2).)
- d. Sales taxes paid or payable to taxing authorities and Federal and State gasoline taxes on sales of gasoline collected from customers.
- e. Amounts paid or payable to a Government licensing authority or recreation administering agency from sales of hunting or fishing licenses and recreation fee tickets.
- f. Value of sales where the permittee is serving as a collection or sales agent for businesses not directly associated with the permitted operation. This includes such things as bus- or sight-seeing ticket sales for trips not related to activities on the permitted area, telephone-toll charges, and accident-insurance sales.
- g. Items listed in a policy statement prepared by the permittee pertaining to gratuities previously approved in writing by the Forest Supervisor. The policy may provide for those furnished to persons present in the interest of public safety; those whose presence will significantly increase sales by publicity for the operation; competitors, judges, and other officials of organized competitive or exhibition events; officials responsible for inspection and administration of the permitted use; and other similar purposes.

The policy statement will describe how gratuities are to be recorded. A record of all gratuities will be kept by the permittee as a part of the records under this permit.

h. Franchise receipts. (See definition below.)

i. Commissions. (See definition below.)

2. Franchise Receipts are defined as amounts paid the permittee by sublessees, as determined at the time franchise operations are authorized, solely for the opportunity to do business at a specific location in addition to a stated rental fee. Franchise receipts may be in the form of fixed amounts of money or reduced prices for the franchiser's product or service. No franchise operations will be undertaken until approved, in advance, by the Forest Supervisor.
3. Commissions are payments received by the permittee for serving as an agent or providing services, such as those described in Items e and f.
4. For purposes of recording and reporting sales, and sales-related information including the cost of sales, the activities of the permittee are divided into:

Service, Food. Includes the serving of meals, sandwiches, and other food materials either consumed on the premises or prepared for carryout. Snack bars are included here, as well as the sale of non-alcoholic drinks and wine and beer, served in conjunction with food.

Merchandise. Includes the sale of miscellaneous clothing, and such items as hardware, souvenirs, and gifts. Bait, fishing rods, reels, boats, motor and boating accessories are included as well as other sporting equipment and clothing sales. Where a "Service, Cars" category of business is not established by this permit, the sale of auto accessories is included in this category.

Service, Liquor. Includes the sale of alcoholic drinks for consumption on the premises and other sales ordinarily a part of a bar or cocktail-lounge business. Where a bar is operated in conjunction with a restaurant or overnight accommodations, liquor, beer and wine sales are recorded separately from the other sales and included in this category. The sale of alcoholic beverages for consumption off the premises is also included in this item, except as indicated in "Service, Food."

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Outfitting, Guiding. Includes all activities or commercial guiding services involving back-country travel, regardless of mode of travel, when associated with a resort or dude ranch with a mixture of businesses. All fees charged are considered sales.

Rentals and Services. Includes the rental of furnished or unfurnished cabins, cottages, housekeeping rooms, condominiums, motel units (where daily maid service is not furnished by the permittee), etc., and the rental of camping space, trailer space, horses, trailers, and other equipment rentals. Also included are services such as barbershops, and amusements such as billiards. Includes the rental of marine-type equipment, such as boats, motors, boat docks and boat moorings, and boat launching. Rentals of ski and snowplay equipment and snowmobiles are also included.

Lifts, Tows, and Ski Schools. Includes charges for use of all types of uphill transportation facilities and for sports lessons and training.

For purposes of fee calculation, the development boundary will include all permitted National Forest land, Bureau of Land Management land, and those portions of the private land which in combination with the National Forest land constitute a logical overall integrated business operation.

Slope Transport Feet Method of Proration. In this method, the capacity of each lift is multiplied by the slope distance travelled by that lift through each ownership. This provides a factor called slope transport feet. These factors are added for each ownership and the percentage they bear to the total is determined. The resulting percentages reflect, by ownership, the weighted capacity of the lifts to accommodate skiers. (Currently, this proration equals 95 percent of net sales and other income from uphill facilities located all or partially on Federal lands. This percentage will be adjusted as uphill facilities are added or deleted. Any adjustment in percentage will be effective the first day of the permittee's following fiscal year.)

5. Gross Fixed Assets (GFA) is the total cost of improvements, equipment, and fixtures necessary and used to generate sales and other income during the permit year on the permitted area or within the development boundary shown in this permit.

- a. Costs of the following items verified by a representative of the Forest Service to be in existence and used by the

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permittee are included in the establishment of the original GFA, but not includable thereafter unless capitalized in the permittee's accounting records.

1. Expensed items that are identifiable structures, major equipment, such as road maintenance equipment, or land improvements which play a distinct role in generating sales.
 2. Identifiable permittee costs to provide utility services to the area.
- b. Such items as the following are not a part of GFA:
1. Assets that ordinarily qualify for inclusion in GFA, but which are out of service for the full operating year for which fees are being determined.
 2. Land.
 3. Expendable or consumable supplies.
 4. Intangible assets, such as goodwill, organization expense, and permit value.
 5. Improvements not related to the operation.
 6. Luxury improvements not used to generate sales.
 7. Improvements not located on the permit sites or within the development boundary.

As of 11/24/75, the tentative GFA under this ownership is \$6,868,593. Actual GFA will be determined at a later date and shown as an amendment (Schedule A) to the permit.

All work and capital expenditures made to improve tangible fixed assets that are expensed but not capitalized will not be included in the Gross Fixed Assets after the initial GFA has been established and GRFS implemented. Fixed assets expensed by the permittees prior to the implementation of the GRFS system will be included in the initial GFA only after the permittee supplies the Forest Officer with sufficient proof that the work and expense did occur.

21. (A-8) The annual fees due the United States for those activities authorized by this permit shall be calculated on sales according to the following schedule.

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Kind of Business	Breakoven Point (Sales to GPA) (Percentage)	Rate Base (Percentage)	Balance of Sales Rate (Percentage)
Service, Food	70	1.25	1.50
Merchandise	70	1.50	1.80
Service, Liquor	60	1.80	2.15
Outfitting, Guiding	50	2.00	2.65
Rentals and Services	30	4.50	5.95
Lifts, Tows, and Ski Schools	20	2.00	5.00

A weighted-average break-even point (called the break-even point) and a weighted-average rate base (called the rate base) will be calculated and used when applying the schedule to mixed business. If the permittee's business records do not clearly segregate the sales into the business categories authorized by this permit, they will be placed in the most logical category whenever possible. If sales with a different rate base are grouped, it will be necessary to place them all in the rate category that will yield the highest fee. The fee on sales below the break-even point will be calculated using 50 percent of the rate base. The fee on sales between the break-even point and twice the break-even point will be calculated using 150 percent of the rate base. The fee on sales above twice the break-even point will be calculated using the balance of sales rate. Form 2700-19 will simplify computation.

This use occupies both private and public land. For purposes of the fee calculation, "GFA" and "Sales" will be adjusted by a percentage representing the portion of the use attributed to National Forest land. This percentage has been calculated on the basis of slope transport feet method of proration. This has been determined to be 95 percent and is subject to annual review and adjustment by the Forest Service as may be necessitated by the addition or removal of improvements.

To the above basic fee will be added the fee for commissions calculated by applying the weighted average fee rate to revenue collected as commissions. The weighted average fee rate is derived by dividing the total basic fee by sales.

To the above fees will be added 50 percent of franchise receipts.

The minimum annual fee for this use, which is due in advance and is not subject to refund, will be equal to the fee that would

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result when sales are 40 percent of the break-even point. This fee will be calculated and billed by the Forest Service during the final quarter of the permittee's fiscal year using the most recent GFA figure and previously reported sales data for the current year, plus, if the operating season is still active, estimated sales for the remainder of the year.

22. (A-10) Upon determination by the Chief of the Forest Service that sufficient changes have occurred in conditions relating to specific kinds of business to warrant review, break-even points and rates will be reexamined and, if appropriate, new schedules will be prepared by the Forest Service to be effective in all permits authorizing such business or businesses. The charges for this permit will be developed according to the new schedule as of, and effective on, the beginning of the permittee's business year following approval of the revised rate scheduled.
23. (A-12) Reports and deposits required as outlined above shall be tendered in accordance with the schedule below. They will be sent or delivered to the Collection Officer, Forest Service, USDA, 1525 Addison Avenue East, Twin Falls, Idaho 83301. Checks or money orders will be payable to "Forest Service, USDA."

The permittee will:

1. During the final fiscal quarter, pay within 15 days of billing by the Forest Service, the annual minimum fee for the next year.
2. The permittee will send to the Forest Supervisor on or before three months after close of permittee's fiscal year an annual operating statement reporting the results of operations including yearend adjustments. The permittee will also include or cause to be provided from each sublessee an operating statement covering the results of its operations for the same period. The permittee will also include a balance sheet representing his financial condition at the close of his business year, and a schedule of gross fixed assets adjusted to comply with the terms of this permit in a format and manner prescribed by the Forest Service.
3. Within 15 days of receipt of a statement from the Forest Supervisor, pay any additional fee required to correct fees paid for the past year's operation.

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All fee calculations and records of sales and GFA are subject to periodic audit. Errors in payment will be corrected as needed in conformance with those audits.

24. (A-13) A service charge in addition to the regular fees shall be made for failure to meet the fee payment due date or any of the dates specified for submission of statements required for fee calculation. The service charge shall be one (1.0) percent per month of the fee from the date statement and fees were due, or \$15, whichever is greater. If a due date falls on a non-workday, the service charge will not apply until the end of the next workday.
25. (A-14) For the purpose of administering this permit (including ascertaining that fees paid were correct and evaluating the propriety of the fee base), the permittee agrees to make all of the accounting books and supporting records to his business activities, as well as those of sublessees operating within the authority of this permit, available for analysis by qualified representatives of the Forest Service or other Federal agencies authorized to review the Forest Service activities. Review of accounting books and supporting records will be made at dates convenient to the permittee and reviewers. Financial information so obtained will be treated as confidential to the extent allowed in the Freedom of Information and the Privacy Acts, 5 U.S.C. 552 and 552a, respectively.
- The permittee will retain the above records and keep them available for review for 3 years after the end of the year involved, unless disposition is otherwise authorized by the Forest Service in writing.
26. (A-15) The permittee shall follow generally accepted accounting principles in recording his financial transactions and in reporting results to the Forest Service. When requested by the Forest Service, the permittee at his own expense, will have his annual accounting reports audited by a public accountant acceptable to the Forest Service. The permittee will require his sublessees to comply with these same requirements. The minimum acceptable accounting system will include:

1. Systematic internal controls and recording by kind of business the gross receipts derived from all sources of business conducted under this permit. Receipts should be recorded daily and, if possible, deposited into a bank account without reduction by disbursements. Receipt entries should be supported by such source documents as cash-register tapes, sale invoices, room-rental records, and cash accounts from other sources.

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2. A record of all disbursements, including capital items, and a permanent record of investments in facilities.
3. Bank accounts will be maintained separately for the businesses conducted under this permit and not commingled with those for other businesses of the permittee.

27. (B-1) In connection with the performance of work under this permit, the permittee agrees as follows:

- a. The permittee will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The permittee will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The permittee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Forest Service setting forth the provisions of this nondiscrimination clause.
- b. The permittee will, in all solicitations or advertisements for employees placed by or on behalf of the permittee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
- c. The permittee will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Forest Service, advising the labor union or workers' representative of the permittee's commitments under this clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- d. The permittee will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 31, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- e. The permittee will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit

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access to his books, records, and accounts by the Forest Service and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

- f. In the event of the permittee's noncompliance with the nondiscrimination clauses of this permit or with any of such rules, regulations, or orders, this permit may be cancelled or terminated in whole or in part and the permittee may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.
 - g. The permittee will include the provisions of the foregoing paragraphs (a) through (f) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The permittee will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for non-compliance: Provided, however, that in the event the permittee becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Forest Service, the permittee may request the United States to enter into such litigation to protect the interests of the United States.
- 28. (B-4) In the transportation, storage, and use of explosives, the permittee shall comply with all applicable Federal, State, and local laws or regulations, more particularly described in Section 6.1 of the Forest Service Health and Safety Code (FSH 6109.13).
 - 29. (B-8) The permittee shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands under this permit.
 - 30. (B-10) The permittee shall have in force public liability insurance covering: (1) property damage in the amount of twenty-five thousand dollars (\$25,000), and (2) damage to persons in the minimum amount of five hundred thousand dollars (\$500,000) in the event of death or injury to one individual and the minimum amount of two million dollars (\$2,000,000) in the event of death

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or injury to more than one individual. The coverage shall extend to property damage, bodily injury, or death arising out of the permittee's activities under the permit including, but not limited to, the occupancy or use of the land and the construction, maintenance, and operation of the structures, facilities, or equipment authorized by this permit. Such insurance shall also name the United States as a co-insured and provide for specific coverage of the permittee's contractually assumed obligation to indemnify the United States. The permittee shall require the insurance company to send an authenticated copy of its insurance policy to the Forest Service immediately upon issuance of the policy. The policy shall also contain a specific provision or rider to the effect that the policy will not be cancelled or its provisions changed or deleted before thirty (30) days written notice to the Forest Supervisor, 1525 Addison Avenue East, Twin Falls, Idaho, 83301, by the insurance company.

Rider Clause (for insurance companies)

It is understood and agreed that the coverage provided under this policy will not be cancelled or its provisions changed or deleted before thirty (30) days written notice to the Forest Supervisor, 1525 Addison Avenue East, Twin Falls, Idaho 83301, from the insurance company.

31. (B-11) The operation and maintenance of all sanitation, food-service, and water-supply methods, systems, and facilities shall comply with the standards of the local department of health and the United States Public Health Service.
- The permittee shall dispose of all garbage and refuse in a place and manner specified by the Forest officer in charge.
32. (B-13) Not later than October 1 of each year, the permittee shall have the lifts and ski tows inspected by an engineer who is qualified, as defined by the current American National Standard Safety Requirements for Aerial Passenger Tramways, to make such inspections. A certificate of this inspection, attesting to the adequacy and safety of the installations and equipment for public use, shall be forwarded to the Forest Supervisor not later than thirty (30) days following each inspection. Inspections will be made in accordance with the current American National Standard Safety Requirements for Aerial Passenger Tramways.
33. (B-14) The Forest Service reserves the right to inspect the permitted facilities and improvements at any time for compliance with terms of this permit, and if in the opinion of the Forest

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- Supervisor there is insufficient adherence to the terms of the permit, he may suspend use or operation of any part, or all, of the permitted facilities or improvements. Such inspections by the Forest Service do not relieve the permittee of his responsibilities under other terms of this permit.
34. (B-15) At any time the lift systems authorized by this permit are open to public use, the permittee shall maintain in operable condition an auxiliary source of power sufficient to operate the lifts for the purpose of unloading passengers.
35. (B-16) The permittee shall install and maintain in operable condition, an adequate telephone or radio-telephone system to provide communication between operators at each terminal or loading station and to and from the area.
36. (B-17) The use of explosives and blank ammunition shall be in accordance with safety rules designed to prevent damage to life, property, or forest cover. Periods of use may be restricted by the Forest Service, when fire danger conditions require.
37. (B-22) The permittee shall maintain and operate a ski school on the permit area. The director for said school shall be certified and qualified to the satisfaction of the Forest Supervisor to give instruction and to direct others in giving instruction in all degrees of skiing proficiency required at the site. Ski safety shall be emphasized in all instruction.
38. (B-24) The permittee shall carry on all operations in a workmanlike manner, having due regard for the safety of employees; and shall safeguard with fences, barriers, fills, covers, or other effective devices, pits, cuts, and other excavations which otherwise would unduly imperil the life, safety, or property of other persons.
39. (B-31) Natural phenomenonons in the Forest such as avalanches, rising waters, high winds, falling limbs or trees, and other hazards present risks to the permittee's property which the permittee assumes. The permittee has the responsibility of inspecting his site, right-of-way and immediate adjoining area for dangerous trees, hanging limbs, and other evidence of hazardous conditions and, after securing permission from the Forest Service, of removing such hazards, in order to protect his improvements.
40. (B-32) The permittee shall maintain an adequate ski patrol organization. Each patrolman shall meet the qualifications as specified in the safety and operations plan and may be either paid or volunteer.

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An adequate ski patrol, also specified in the safety and operations plan, shall be present at all times during which the public is using the uphill equipment or skiing the slope.

41. (B-33 and X-72) The permittee shall conduct the operations authorized by this permit with full recognition of the need for public safety. In furtherance of this requirement, the permittee and the Forest Service shall jointly prepare a plan covering safety and operations designed to provide among other things, adequate safety to the users of the permitted area and facilities. The plan shall have written approval of the Forest Supervisor prior to operation of the facilities for public use purposes. The plan shall include, but shall not be limited to, avalanche safety; amount and kind of rescue equipment; conditioning of trails; and frequency of permittee inspection of area, equipment, machinery, uphill facilities, communications, sanitation, and erosion control.

The provisions of the safety and operations plan and the annual revisions will become a part of this permit and will be signed by the Forest Supervisor and the permittee or his designated representative.

42. (B-35) All transmission lines shall be designed and constructed in accordance with accepted standards and specifications for transmission lines of similar voltage, capacity, and purpose. All transmission lines and all power transmission lines of 34.5 KV or less will be placed underground except where prohibited by technical circumstances. The burden of proof for deviation from this requirement rests with the permittee and any deviation will be authorized only after review of the facts by the Forest Supervisor. Any deviations must be approved in writing.
43. (C-2) The permittee shall prepare site plans to show the location of all buildings, service areas, roads, and structures. Such plan shall be on a scale of 1" = 500' with 40-foot contour intervals. The permittee is encouraged to consult with the Forest Service during the preparation of all site plans to ensure that they are adequate and to gain multiple use compliance. No construction shall be undertaken by the permittee prior to site plan approval.
44. (C-3) As a further guarantee of the faithful performance of the provisions of clauses -- of this permit, the permittee agrees to deliver and maintain a surety bond in the amount of -- dollars (\$ --). Prior to undertaking additional construction or alteration work not provided for in the above clause(s) or when the improvements are to be removed and the area restored, the permittee shall deliver and maintain a surety bond in an amount set by the Forest Service, which amount shall not be in excess of the estimated

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loss which the Government would suffer upon default in performance of this work. Should the sureties or the bonds delivered under this permit become unsatisfactory to the Forest Service, the permittee shall, within thirty (30) days of demand, furnish a new bond with surety, solvent and satisfactory to the Forest Service. In lieu of surety bond, the permittee may deposit into a Federal depository, as directed by the Forest Service, and maintain therein, cash in the amounts provided for above, or negotiable securities of the United States having a market value at time of deposit of not less than the dollar amounts provided above.

The permittee's surety bond will be released, or deposits in lieu of bond, will be returned thirty (30) days after certification by the Forest Service that priority installations under the development plan are complete, and upon furnishing by the permittee of proof satisfactory to the Forest Service that all claims for labor and material on said installations have been paid or released and satisfied. The permittee agrees that all moneys deposited under this permit may, upon failure on his part to fulfill all and singular the requirements herein set forth or made a part hereof, be retained by the United States to be applied as far as may be to the satisfaction of his obligations assumed hereunder, without prejudice whatever to any other rights and remedies of the United States.

45. (C-4) The permittee shall prepare grading plans, profiles, and cross-sections to show precise elevations, excavations, and other details related to the installations of buildings, structures, or improvements on the permitted-use area. Such plans shall include provisions for drainage, retaining structures, seeding, and planting, to be made for the prevention and control of erosion on the permitted area and the National Forest lands adjacent to the permitted area, insofar as the latter may be influenced by the permitted use.
46. (C-6) All plans and specifications for buildings shall be prepared by an architect licensed in the State in which the building will be located. The plans shall be in accordance with the current Uniform Building Code. Building plumbing shall be in accordance with the National Plumbing Code. The electrical system shall be in accordance with the National Electrical Code. Other systems shall be designed in accordance with recognized standards.

Plans shall be submitted to the Forest Service for approval prior to beginning of construction.

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The permittee shall submit to the Forest Service a certification by the architect or engineer who inspected construction that the building has been constructed in accordance with the approved plans before the building is approved for use.

47. (C-7) All uphill facilities shall be designed, constructed, operated, inspected, and maintained in accordance with the latest edition of the American National Standard Safety Requirements for Aerial Passenger Tramways.

The permittee shall present to the Forest Service for approval detailed drawings and specifications for all towers and foundations, including those for the upper and lower terminals. The permittee shall also provide detailed drawings of mechanical parts to show design or a manufacturer's model or schematic diagram showing the parts, or make reference to manufacturer's identification of such parts as gears, reducers, power units, and brakes. Plans must be approved by the Regional Forester or his designated representative.

During foundation construction, concrete shall be tested for quality and the test results presented to the Forest Supervisor.

48. (C-8) All lifts and tows installed on National Forest land, or which serve National Forest together with other lands, must be constructed under the supervision of an engineer who is qualified, as defined by the current American National Standard Safety Requirements for Aerial Passenger Tramways, to provide such supervision. The engineer shall certify in writing that all improvements have been installed in accordance with approved plans. The permittee shall bear the cost of engineering and supervision services. The permittee shall not operate the facilities for public purposes until written approval is granted by the Forest Service.

49. (C-13) All plans, maps, and specifications shall be written in English and shall use American standards of measurement.

50. (D-2) No waste or byproducts shall be discharged if it contains any substances in concentrations which will result in substantial harm to fish and wildlife, or to human water supplies.

Storage facilities for materials capable of causing water pollution, if accidentally discharged, shall be located so as to prevent any spillage into waters, or channels leading into water, that would result in substantial harm to fish and wildlife or to human water supplies.

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51. (D-3) The permittee shall protect the scenic esthetic values of the area under this permit, and the adjacent land, as far as possible with the authorized use, during construction, operation, and maintenance of the improvements.
52. (D-4) The permittee shall take reasonable precautions to protect, in place, all public land survey monuments, private property corners, and Forest boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of the privileges authorized by this permit, depending on the type of monument destroyed, the permittee shall see that they are re-established or referenced in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States," (2) the specifications of the county surveyor, or (3) the specifications of the Forest Service.
- Further, the permittee shall cause such official survey records as are affected to be amended as provided by law.
53. (D-5) The permittee will take reasonable measures to prevent and discourage vandalism or disorderly conduct, and when necessary, will call in the appropriate law-enforcement officer.
54. (D-7) The permittee shall be responsible for the prevention and control of soil erosion and gullying on the area covered by this permit and lands adjacent thereto, resulting from construction or operation of the permitted use, and shall provide preventive measures as required by the Forest Officer in charge.
55. (D-9) All earth cut or fill slopes favorable to revegetation or other areas on which ground cover is destroyed in the course of construction, will be revegetated to grasses or other suitable vegetation as required by the Forest Supervisor.
56. (D-10) Topsoil shall be stripped from the permitted area and be deposited in storage piles apart from other excavated material. After the desired amount of material has been removed, and the resulting pit has been trimmed and smoothed as required, the stored topsoil shall be evenly spread over exposed subsoil to the extent that may be practicable, and shall be revegetated.
57. (D-11) Seeding or planting will be done at a time of the year, in a manner, and with species which the District Ranger considers offer the best chance of success and will be repeated annually until such areas are accepted in writing by the District Ranger as satisfactorily revegetated and stabilized.
58. (D-14) All butane, propane, or other liquified-petroleum-gas equipment shall be installed and operated in accordance with the laws and regulations of the State.

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59. (D-15) The permittee shall take reasonable precautions to prevent pollution of or deterioration of lands or waters which may result from the exercise of the privileges extended by this permit.
60. (F-4) Open fireplaces shall be equipped with spark screens.
61. (F-7) The permittee shall install fire extinguishers and firefighting apparatus of types, of capacities, in numbers, and at locations approved by the Forest Supervisor. This equipment shall be in readiness at all times for immediate use, and shall be tested each year, at such times as may be required by the Forest Supervisor.
62. (F-24) The permittee shall do everything reasonably within its power and shall require its employees, contractors, and employees of contractors to do everything reasonably within their power, both independently and upon request of the Forest Service to prevent and suppress fires on or near the lands to be occupied under this permit.
63. (X-3) Nothing in this permit shall be construed to imply permission to build or maintain any structure not specifically named on the face of this permit, or approved by the Forest Service in the form of a new permit or permit amendment. [Additional structures requiring specific approval shall include, but are not limited to: signs, fences, nameplates, pipelines, television antenna, helicopter pads, and telephone boxes.]
64. (X-22) [The Forest Service shall have the authority to check and regulate the adequacy and type of services provided the public and to require that such services conform to satisfactory standards. The permittee may be required to furnish the Forest Service a schedule of prices for sales and services authorized by the permit. Such prices and services may be regulated by the Forest Service: Provided, That the permittee shall not be required to charge prices lower than those charged by comparable or competing enterprises.]
65. (X-24) Gambling or gambling machines or devices will not be permitted on National Forest lands regardless of whether or not they are lawful under State law or County ordinances.
66. (X-26) The sale of beer and wine is allowed under this permit. However, if conditions develop as a result of this privilege which, in the judgment of the Forest officer in charge are undesirable, the sale of such beer and wine shall be discontinued. In the event that this action becomes necessary, the permittee will be informed in writing by the Forest Service.

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67. (X-30) The permittee, in his advertisements, signs, circulars, brochures, letterheads, and like materials, as well as orally, shall not misrepresent in any way, either the accommodations provided, the status of his permit, or the area covered by it or tributary thereto.

The fact that the permitted area is located on the Sawtooth National Forest and the Bureau of Land Management shall be made apparent in all of the permittee's brochures and advertising regarding use and management of the area and facilities under permit.

68. (X-49) This permit shall not be exclusive. The Forest Service reserves the right to use or permit others to use any part of the permitted area for any purposes, provided such use does not interfere with the rights and privileges hereby authorized.

69. (X-69) The acquisition or assumption by another party under an agreement with the permittee of any right or obligation of the permittee under this permit shall be ineffective as to the Forest Service unless and until the Forest Service shall have been notified of such agreement and shall have recognized and approved it in writing signed by the Forest officer who approved this permit, or by his successor or superior officer; and in no case shall such recognition or approval:

- a. Operate to relieve the permittee of the responsibilities or liabilities he has assumed hereunder; or
- b. Be given unless such other party:
 1. Is acceptable to the Forest Service as a permittee, and assumes in writing all of the obligations to the Forest Service under the terms of this permit as to the incomplete portion thereof, or
 2. Acquires the rights in trust as security and subject to such conditions as may be necessary for the protection of the public interests.

70. (X-92) The permittee, if a corporation, shall notify the Forest Service within fifteen (15) days of changes listed below:

- a. Names of officers appointed or terminated.
- b. Names of stockholders who acquire stock shares causing their ownership to exceed 50 percent of shares issued or who otherwise acquire controlling interest in the corporation.

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FEB 23 1993

71. (X-93) The permittee, if a corporation, shall furnish the Forest Supervisor a copy of the articles of incorporation, a copy of the corporation's bylaws and, in addition, an authenticated copy of a resolution of the board of directors specifically authorizing one certain individual or individuals to represent the permittee in its dealing with the Forest Service. Also, the permittee will furnish the Forest Supervisor a list of officers and directors of the corporation and their addresses and promptly notify him of any changes. A certified list of the stockholders and amount of stock owned by each will be furnished the Forest Supervisor on his request.
72. (X-18) This permit supersedes a special use permit designated Sun Valley Company, Inc., Winter Sports, 7/18/68.

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FEB 23 1993

ADDENDUM TO TERM PERMITSUN VALLEY COMPANY, INC. TERM PERMIT ACREAGES - 197730 FEET WIDE

<u>Lifts</u>	<u>Acres</u>
River Run.....	1.45
Exhibition.....	2.41
Christmas Triple.....	2.72
Cold Springs.....	1.92
Christmas Double.....	2.96
Mid College.....	3.31
Flying Squirrel.....	2.62
Lookout.....	1.40
Warm Springs #1.....	2.14
Warm Springs #2.....	3.91
Roundhouse T Bar.....	0.63
Chaneys.....	2.75

Proposed

<u>Lifts</u>	<u>Acres</u>
Holiday.....	4.99
Graduate.....	2.58
Olympic.....	1.72
Big Meadow.....	3.69
Grey Hawk.....	2.58
Mayday.....	2.93
Seattle Ridge.....	3.58
Fire Trail.....	3.10
Broadway Saddle.....	1.38

TOTAL 54.77

<u>Buildings</u>	<u>Acres</u>
Round House.....	0.14
Duchin 9000.....	0.10
Lookout Restaurant.....	0.13
Ski Patrol Hut (2).....	0.07
Explosive Storage.....	0.01
Pumphouse-Warm Springs.....	0.01
Compressor House.....	0.07
Meadows Restaurant (Proposed).....	0.11

TOTAL

TOTAL OF ALL BUILDINGS AND LIFTS
EXISTING AND PROPOSED.....55.41 Acres

NOT RECORDED
FEB 23 1993

State of Idaho
Department of Water Administration
LICENSE OF WATER RIGHT

License of Water Right No. 32436/37-2710 Priority July 8, 1965 Amount 0.06 cfs

THIS IS TO CERTIFY, that SUN VALLEY COMPANY, INC.
of Sun Valley, Idaho, has complied with the terms and conditions of Permit
No. 32436/37-2710 issued pursuant to Application for Permit dated July 8, 1965,
and has submitted proof to the Department of Water Administration on May 7, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.06 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed spring
tributary of _____, is hereby confirmed in the following amounts:
Amount 0.06 cfs for Domestic 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 0.06 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23, 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 2.0 acre feet per year ~~xxx~~

~~xxxxxx~~

Description and location of place of use:

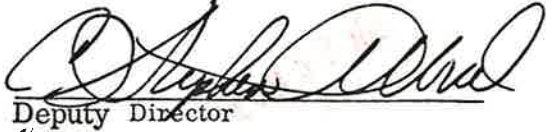
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4 N	17 E	23													X				

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 19th day of

December, 19 72.


Deputy Director

37 2710

RECEIVED 12-13

DEC 10 1999

Department of Water Resources

SINCLAIR OIL CORPORATION
d/b/a SUN VALLEY COMPANY

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center, 10th Floor
702 West Idaho
Post Office Box 1539
Boise, Idaho 83701
Telephone: (208) 343-5454
Facsimile: (208) 384-5844
Campbell - ISB #2251
Schaer - ISB #5436

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	)	Consolidated Subcase No. 37-02710
	)	
	)	NOTICE OF APPEARANCE
Case No. 39576	)	
	)	
_____	)	

Scott L. Campbell and Angela D. Schaer of the law firm of Elam & Burke, P.A., hereby file a notice of appearance on behalf of Sinclair Oil Corporation, d/b/a Sun Valley Company ("Sun Valley"), in the above-referenced subcase. When Sun Valley filed its Notice of Claim for water right number 37-02710, Mr. Campbell entered his name on Item 17 of the Notice of Claim form, which was the item used to enter a notice of appearance. However, it appears that the information was not entered into the pertinent databases, because Sun Valley is listed as pro se in

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December, 1999, I caused a true and correct copy of the foregoing NOTICE OF APPEARANCE to be mailed, postage prepaid, to the following:

Sinclair Oil Corp.
d/b/a Sun Valley Co.
Sun Valley, Idaho 83353

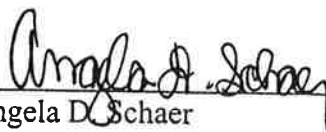
IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

United States of America, Acting through the USDA Forest Service
550 West Fort Street
MSC 033
Boise, Idaho 83724

Randall J. Bramer
550 West Fort Street
MSC 033
Boise, Idaho 83724



Angela D. Schaer

this subcase. Thus, counsel for Sun Valley did not receive a copy of the objection filed by the Forest Service in the subcase.

Therefore, Sun Valley and its counsel respectfully request that Scott L. Campbell and Angela D. Schaer of the law firm of Elam & Burke, P.A., be listed as counsel of record for Sun Valley in the above-captioned subcase.

DATED this 9th day of December, 1999.

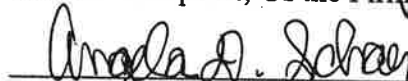
ELAM & BURKE, P.A.
Attorneys for Sinclair Oil Corporation
d/b/a Sun Valley Company

By:



Scott L. Campbell, Of the Firm

By:



Angela D. Schaer, Of the Firm

WATER RIGHT NUMBER - A37-02710

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - REMARKS - - - - - +
OPERATE BALD MOUNTAIN AS A SKI RESORT. SEE EXHIBIT B. EXHIBIT C
IS A USGS MAP WHICH DESIGNATES THE POINT OF DIVERSION AND PLACE
OF USE.

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 11/03/88 FRITSCHL 10/03/89 REFUNDML

+ - - - - COMMENTS - - - - - +
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 05/20/1985	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 10/26/1988	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- C003063	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	PDU OWNERSHIP FLAG	- N	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- DR	NOTICE OF ERROR FLAG	-

RPK 0462 0000160A

DATA ENTRY

ENTERED 10-31-93 RS

CHECKED 2/6/94 DCD

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
FEB 1 1992

PROOF
JAN 6 1992

CERTIFIED
MAR 2 1992
WATER EXAMINER

RECEIVED

SEP 13 1999

Department of Water Resources

**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

Case No. 39576

A. Subcase: 37-02710
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 387-0835

Name and Address of Attorney, if any:
Randall J. Bramer
550 West Fort Street
MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT

Name: SINCLAIR OIL CORPORATION
Address: DBA SUN VALLEY COMPANY
SUN VALLEY, ID 83353

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☒ **Purpose(s) of Use**

Should be: Commercial

8. ☐ **Period of Year**

Should be:

9. ☐ **Places of Use**

Should be:

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The purpose of use shown in the Director's Report is domestic 1 home, however, the explanatory material indicates this use is for a restaurant, not 1 home.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Michael Collette , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Michael Collette
(Signature of person filing objections)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn before me on: Sep 9, 1999



Gayla J. Gough
Gayla J. Gough

Notary Public for: Idaho
Residing at: Kuna, Idaho
Commission Expires: 11/17/2004

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Sep 10, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

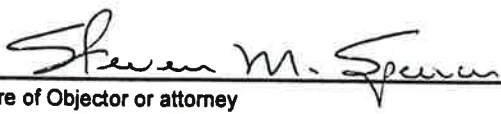
Name: SINCLAIR OIL CORPORATION
Address: DBA SUN VALLEY COMPANY
SUN VALLEY, ID 83353

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource
Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

SD-0601-2 Last Name: SUN VALLEY

STATE

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

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

NOA

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APR 06 1993

Department of Water Resources
Southern Region Office

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AUG 24 1994

First Name	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
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
C A36-14493		11/05/1961	GROUNDWATER	0.040	04 STOCK
C 36-02622		08/19/1965	GROUNDWATER	4.070	43 DOMEST
C 36-14493		11/05/1961	GROUNDWATER	0.040	01 IRR
C 36-14492		02/18/1959	GROUNDWATER	0.060	43 DOMEST
					04 STOCK

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

AUG 24 1994

RECEIVED
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

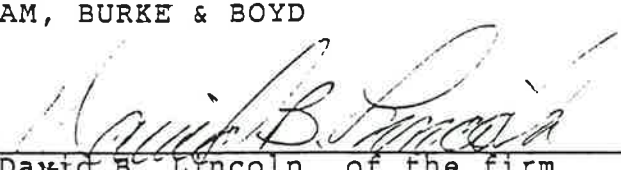
TO: Petitioner and its attorneys of record:

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, 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

ATTACHMENT A -- CERTIFICATE OF MAILING

Roger D. Ling
Ling Nielsen & Robinson
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Rupert, ID 83350

Roy L. Eiguren
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Rosholt Robertson &
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P.O. Box 2139
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Ringert Clark Harrington Reid
Christenson & Kaufman, Chtd.
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Peter G. Monson
Indian Resources Section
Environment & Natural Resources
Division
U.S. Department of Justice
P.O. Box 44378
Washington, DC 20026-4378

John A. Rosholt
James C. Tucker
Rosholt Robertson &
Tucker, Chartered
P.O. Box 1906
Twin Falls, ID 83303-1906

Rebecca Craven
Elliott L. Moffett
Douglas R. Nash
Danial C. Picard
Nez Perce Tribe
P.O. Box 365
Lapwai, ID 83540

Jeanette Wolfley
Candy L. Jackson
Tribal Attorneys Office
Shoshone-Bannock Tribes
P.O. Box 36
Fort Hall, ID 83203

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AUG 24 1994

Wayne B. Slaughter Jr.
Terry T. Uhling
J.R. Simplot Company
P.O. Box 912
Pocatello, ID 83204

Kent W. Foster
Holden Kidwell Hahn & Crapo
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Idaho Falls, ID 83405

James Annest, Esq.
P.O. Box 686
Burley, ID 83318

Cecil D. Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

Blair J. Grover
Grover & Walker, Chartered
P.O. Box 36
Rigby, ID 83442-0036

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Schroeder Hutchens & Sullivan
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Vale, OR 97918

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Byington Holloway Whipple &
Jones, Chartered
P.O. Box 188
Burley, ID 83318

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Boise, ID 83709

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Idaho Power Company
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Boise, ID 83707

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Payette, ID 83661

John D. Hansen
Hansen Beard St. Clair
Peterson and Sullivan, Chtd.
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Randall C. Fredricks
Cosho Humphrey Greener & Welsh
815 West Washington
Boise, ID 83702

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Parsons Smith Stone & Fletcher
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Burley, ID 83318

Albert M. Franco
Franco, Asia, Bensussen & Coe
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Seattle, WA 98101-1812

Marilyn Broek, P.E.
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Boise, ID 83702

ATTACHMENT A -- CERTIFICATE OF MAILING

MICROFILMED

AUG 24 1994

Dana L. Hofstetter
Holland & Hart
P.O. Box 2527
Boise, ID 83701

Jack Hockberger
U.S. Department of Interior
Room 462, Federal Building
550 West Fort Street
Boise, ID 83724

Robert T. Anderson
Native American Rights Fund
310 "K" Street, Suite 708
Anchorage, AK 99501

W. Kim Claussen
Legal Department
City of Pocatello
P.O. Box 4169
Pocatello, ID 83205

Kenneth S. Gallant
Associate Professor
College of Law
University of Idaho
Moscow, ID 83843

Janet O'Crowley
Committee for Idaho's
High Desert
P.O. Box 664
Picabo, ID 83348

David B. Shaw, Chief
Adjudication Bureau
Idaho Department of Water
Resources
1301 North Orchard
Boise, ID 83706

Lynn R. Collins
Regional Solicitor
U.S. Department of Interior
Suite 6201, Federal Building
Salt Lake City, UT 84138-1180

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Park Costello & Burkett
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Boise, ID 83701

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Ontario, OR 97914

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University of Idaho
Moscow, ID 83843

Don F. Pickett, Esq.
Route 1, Box 80
Oakley, ID 83346

Lorraine Bodi
Office of General Counsel
NOAA
7600 Sand Point Way N.E.
Seattle, WA 98115

ATTACHMENT A -- CERTIFICATE OF MAILING

MICROFILMED

AUG 24 1994

Gary L. Boyle
USDA Forest Service
324 25th Street
Ogden, UT 84401

Robert D. Dellwo, Esq.
601 West Riverside, No. 1900
Spokane, WA 99201-0913

Lester Edelman
U.S. Army Corp of Engineers
Room 8220
10 Massachusetts Avenue, N.W.
Washington, D.C. 20001

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Office of General Counsel
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208

Maurice O. Ellsworth
U.S. Attorney
Federal Building, Box 37
550 West Fort Street
Boise, ID 83724

Bill Lloyd
CH2M Hill
P.O. Box 8748
Boise, ID 83707

Fred Lyons, Clerk
Supreme Court Building
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Boise, ID 83720

Don L. Roberts
City Attorney
P.O. Box 617
Lewiston, ID 83501

Edward Jiran
Department of Energy
Room 6H065
1000 Independence Ave., S.W.
Washington, DC 20585

Larry Echohawk
Idaho Attorney General
Room 210, Statehouse
Boise, ID 83720

Clive Strong
Office of the Idaho
Attorney General
Room 210, Statehouse
Boise, ID 83720

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Veterans Administration
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Washington, DC 20420

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General Litigation Section
U.S. Department of Justice
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Denver, CO 80294

Division of Renewable Resources
Bureau of Land Management
Idaho State Office
3380 Americana Terrace
Boise, ID 83706

Brian E. Collins
North 2222 Monroe
Spokane, WA 99205

Richard Moen
Assistant Regional counsel
General Services Administration
GSA Center
Auburn, WA 98001

ATTACHMENT A -- CERTIFICATE OF MAILING

MICROFILMED

AUG 24 1994

Rebecca Ranson
Assistant Division Counsel
U.S. Army Corps of Engineers
P.O. Box 2870
Portland, OR 97208

Ralph W. Tarr
Department of Interior
18th and "C" Streets, N.W.
Washington DC 20420

John D. Ross, III, Esq.
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Pocatello, ID 83204

Barbara Scott-Brier
U.S. Department of Interior
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500 N.E. Multnomah Street
Portland, OR 97232

Stuart Shelton
Department of Agriculture
2407 S. Building
14th and Independence Ave., N.W.
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Vic Conrad
Water Specialist
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Boise, ID 83707

James P. Speck
Hogue Speck & Aanestad
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Ketchum, ID 83340

Carolyn Seneca Steele
Underwood & Steele, Ctd.
P.O. Box 387
Boise, ID 83701

Ed Thomas
Bureau of Reclamation
550 West Fort Street
Boise, ID 83724

The Honorable Darla Williamson
Judge, Magistrate Division
Valley County Courthouse
Cascade, ID 83611

U.S. Department of Justice
Environment and Natural
Resources Division
550 W. Fort Street, Box 33
Boise, ID 83724

ATTACHMENT A -- CERTIFICATE OF MAILING

MICROFILMED

AUG 24 1994

RECEIVED

FEB 15 2000

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

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Department of Water Resources

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ANGELA D. SCHAEER

E-mail: ads@elamburke.com

February 14, 2000

Nick Spencer
Deputy Attorney General
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Randy Bramer
Special Assistant U.S. Attorney
Office of General Counsel
U.S. Department of Agriculture
740 Simms Street
Golden, CO 80401

Re: SRBA Claim Number 37-02710

Dear Counsel:

I am one of the attorneys representing the Sun Valley Company's interests in the Snake River Basin Adjudication. The United States, Acting Through the USDA Forest Service, filed an objection to the above-referenced water right, alleging that the purpose of use should be "commercial" rather than "domestic."

My client has no objection to the purpose of use being decreed as commercial. Therefore, if you both consent, I will prepare a Standard Form 5 for signature by all parties. The deadline for filing settlement documents with the SRBA District Court prior to the status conference on March 10, 2000, is February 28, 2000. It is my hope that we can meet that deadline. Therefore, I would ask that you contact me at your earliest possible convenience with your response to our proposal.

Thank you for your cooperation and assistance, and if you have any questions, please do not hesitate to contact me.

Very truly yours,

ELAM & BURKE
A Professional Association


Angela D. Schaeer

ADS:pw G:\Thm\WPDATA\1000\44\00003-sf5 letter.wpd
cc: Jamie Gough, US Forest Service
Wallace Huffman
Scott Mayeda
Peter Stearns

RECEIVED

JUN 21 2000

Department of Water Resources

DISTRICT COURT SRBA FIFTH JUDICIAL DISTRICT COUNTY OF TWIN FALLS, STATE OF IDAHO
JUN 20 2000
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

Case No. 39576

Subcase: 37-02710

SPECIAL MASTER'S
RECOMMENDATION TO
WITHDRAW DIRECTOR'S REPORT
RECOMMENDATION AND REMAND
CLAIM TO IDWR

A Status Conference was held in subcase 37-02710 on June 19, 2000. At hearing, counsel for Sinclair Oil Company explained this water right was erroneously reported as a small domestic and stock right. Sinclair Oil seeks to claim this right as a commercial use for a restaurant. The parties asked the court to allow the Idaho Department of Water Resources to withdraw the erroneous *Director's Report* recommending this as a small domestic and stockwater right. The parties asked that IDWR be allowed to investigate this right and include it in the irrigation and other *Director's Report* in Basin 37.

Objector United States concurred that the right should be included in the *Director's Report* for Basin 37 irrigation and other rights, but reserved its right to object to the *Director's Report*.

IT IS RECOMMENDED that the *Director's Report* for 37-02710 which was included in the domestic and stock recommendations for Basin 37 be withdrawn and that water right 37-02710 be recommitted to IDWR to investigate and report along with the other irrigation and other rights for Basin 37.

DATED: June 20, 2000.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

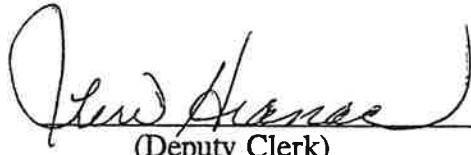
CERTIFICATE OF MAILING

I certify that a true and correct copy of this SPECIAL MASTER'S RECOMMENDATION TO WITHDRAW DIRECTOR'S REPORT RECOMMENDATION AND REMAND CLAIM TO IDWR was mailed on June 20, 2000, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Angela Schaer
Elam & Burke
PO Box 1539
Boise, ID 83701-1539


(Deputy Clerk)