

SUNSET HEIGHTS WATER DISTRICT
P.O. BOX 4
SALMON, ID 83467

January 25, 2005

Roxanne Brown
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 83720
BOISE, ID 83707-9815

RECEIVED
FEB - 1 2005
DEPARTMENT OF
WATER RESOURCES

Dear Ms. Brown,

Enclosed please find our Notice of Claim, and a copy of the 1972 Agreement regarding our water right claim. You already have a copy of this Agreement as it is noticed on Water Right Number 75-7032 belonging to Sunset Heights Water District, Under "Remarks".

Some additional information that may be helpful to you is as follows:

1. On Water Right Number 75-4029 under "Remarks". It states that there is significant water lose from the ditch. After the 1000 foot of piped ditch, the next 3,500 feet of the ditch was cleaned and the channel deepened. This was done in April 2004. This maintenance has rectified the water loss problem experienced in past years. This project was a joint effort between Sunset Heights Water District and Ron Stigall, the previous owner of Water Rights Number 75-4029.

2. PRIORITY DATE:

Please see the agreement between Hyde and Adams (Dated Dec 21, 1972). In the agreement Adams agreed to replace up to .4cfs of Hyde water with water from his own water right 75-4029. Hyde's water right has a priority date of March 15, 1872.

Paragraph 5 of the 1972 agreement states: "Enter into an agreement for the exchange of water rights."

Hyde's 1872 water right was to be replaced with water from Adam's 1914 right. Therefore replacement of Hyde's water should have the senior right on the South Fork of Seven-Mile Creek. This exchange is noted on the 75-7032 claim but was not noted on the 75-4029 claim.

This is extremely important to insure the water for the Sunset Heights residential subdivision. Please help us to protect this domestic water use for 52 current homes and additional future 30 homes.

3. The exchange of water has been faithfully adhered to since the 1972 Agreement between Adams and Hyde.

We thank you in advance for helping us to rectify this water right problem.

Sincerely,



Jeff Eagle
Chairman

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO
IN AND FOR THE COUNTY OF LEMHI

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 75-14180
Date Received: 12/14/2004
Receipt No:
Received By:

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

1. Name of Claimant

SUNSET HEIGHTS WATER DIST. Phone: 756-1059 (Bob Gruszecki)
PO BOX 4
SALMON, ID 83467

2. Date of Priority: March 15, 1872

3. Source: SEVENMILE CREEK SOUTH FORK Trib. To: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼ Lot	County	Type
20N	22E	20	NE NE NW	LEMHI	

5. Description of diverting works:

Headgate, approximately 1000 piped ditch with approximately 2.5 miles of open ditch

6. Water is used for the following purposes:

Purpose	From	to	C.F.S.
IRRIGATION	04/01	11/01	0.4

Replaces water to insure domestic water for Sunset Heights Water District as per Agreement.

7. Total Quantity Appropriated is: 0.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	¼ of ¼ Lot	Use	Acres
21N	22E	32	NW NE	IRRIGATION	25
			NE SW	IRRIGATION	35
			SE NW	IRRIGATION	40

Township	Range	Section	¼ of ¼ Lot	Use	Acres
			SE SW	IRRIGATION	5
			SW NE	IRRIGATION	20
			NE NW	IRRIGATION	15
			NW SE	IRRIGATION	5
Section Acres					145
Total Acres					145

11. Place of use in counties: Lemhi
12. Do you own the property listed above as place of use? No
13. Other Water Rights used:
14. Remarks:
 1. See Agreement dated 12-21-1972. Exchange of water to insure Sunset Heights Subdivision domestic water supply.
 2. 3,500 feet of the ditch was cleaned and the channel deepened. This was done in April 2004. This maintenance has rectified the water loss problem as noted on Water Right 75-4029 under remarks. This project was a joint effort between Sunset Heights Water District and Ron Stigall, the previous owner of Water Rights Number 75-4029.
15. Basis of Claim: Statutory Claim
16. Signature(s)

Number of attachments: 1 Agreement between Ralston & Rachel Adams and George & Althea Hyde,
 Dated Dec. 21, 1972. Department of Water Administration received Date May 9, 1973

For Organizations:

I do solemnly swear or affirm that I am CHAIRMAN of SUNSET HEIGHTS WATER DISTRICT, that I have signed the foregoing document in the space below as CHAIRMAN of SUNSET HEIGHTS WATER DISTRICT and the statements contained in the foregoing document are true and correct.



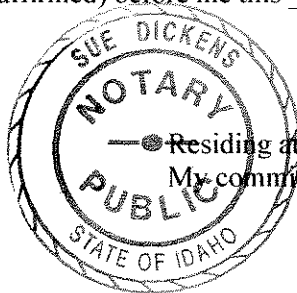
 Signature of Authorized Agent
 Chairman, Sunset Heights Water District

01-28-05

 Date

State of Idaho)
) ss.
County of Lemhi)

Subscribed and sworn (or affirmed) before me this 28 of January, 2005



Sue Dickens
Notary Public
Bellevue, ID
My commission Expires 6/8/2010