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Department of Water Resources

Sunset Heights Water District
P.O. Box 4
Salmon, Idaho 83467

November 21, 2005

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

RE: 75-14179, previously 75-4029 (Jackson)
75-14180 and 75-7032 (Sunset Heights Water District)

Dear Ms. Brown:

It has been brought to our attention that water claim 75-14179 has been amended with a priority date of February 12, 1902 from the original date, March 21, 1914 on the original claim #75-4029. The original priority date filed on water claim 75-14180 was March 15, 1872. During the processing into IDWR records the date was changed to March 21, 1914.

While reviewing the IDWR file for 75-14180 and 75-7032, I find that it was the intention of Mr. and Mrs. Ralston Adams, Mr. and Mrs. George Hyde and the Idaho Department of Water Administration that water would be **exchanged**. Sunset Heights Subdivision would be supplied with water from a water claim belonging to Hydes. Both the Idaho Department of Environmental Quality and the County of Lemhi under these conditions approved the Sunset Heights Subdivision.

Information supporting our claim found in file for 75-7032 that Sunset Heights Water Claim 75-14180 should have priority status over claim by Cecil Jackson 75-14179 is as follows:

1. Oct. 16, 1972 Tentative Agreement
States that Ralston Adams shall deliver waters of the S. Fork of 7 Mile Creek to George Hyde. States that Hyde shall **exchange** waters from S. Fork of 7 Mile Creek grant a right and easement to divert waters from a certain spring situated in the NENE in Sec 17, T90N, R22 EBM for domestic use.
2. Oct. 18, 1972 by Norman Young, District Engineer RE: Conference Oct. 16, 1972
Protest Hearing – tentative agreement for **exchange** of water was drawn up at the conference and signed by both parties. Tentative agreement provides that a final agreement will be supplied to IDWR within 30 days removing the protest.
3. May 9, 1973 Agreement received by IDWR

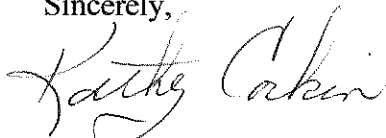
4. May 14, 1973 by Norman Young
Notes the agreement and the exchange of waters. States Adams must file water claim for the S. Fork of 7 Mile Creek before application (exchange) can be approved.
5. July 3, 1973 by Norman Young
Says Adams must file a claim on S Fork 7 Mile Creek so exchange can be approved
6. July 11, 1973 Application for 75-4029 (S. 7 Mile Creek) received by IDWR by Norman Young
7. July 13, 1973 - Staff Analysis by Norman Young
Condition of approval – exchange agreement. Install and maintain MD @ point of diversion and point of exchange.
- 8.. July 17, 1973 - Application for permit approved by R Keith Higginson, Director
Permit subject to and limited by agreement dated May 9, 1973.
9. July 18, 1973 – by Bobby Fleenor, assistant Director
Approved application for permit 75-7032. Notes condition of approval as listed on 4th page.
10. July 1973 Bureau of Land Management by Vincent S. Strobal –Branch of L & M Operations
Request approved water permit. Request semi-detailed plan showing facilities. Request payment for rental of right of way.
11. July 9, 1984 Kay Walker – technical Records specialist
Ready to be licensed
12. Sept. 18, 1990 – R. Keith Higginson, Director
Signs Water Right License
13. Property Warranty Deed of Mr. Cecil Jackson subject to recorded Instrument No 245479 and 245480

The land that Mr. and Mrs. Adams purchased was 320 acres, supporting documents are the two homestead recordings and county change of ownership recordings. The water claim 75-4029 Mr. Adams filed was originally for irrigation of 200 acres. When the property was subdivided, Sunset Heights Subdivision was 219 acres with approximately 157 acres that was previously irrigated under this water claim.

During the adjudication process, Sunset Heights Water District requests that you consider all this information when making your recommendations and decisions. This information shows clearly that the intentions of Mr. and Mrs. Adams, Mr. and Mrs. Hyde, Idaho Department of Water Resources, Department of Environment Quality and Lemhi County was than an exchange of water take place from Adams water claim 75-4029 for water claim 75-7032 which was approved. For purposes of the exchange water, water claim number 75-14180 must have a priority status over claim numbers 75-14179 or 75-4029 (Jackson's claims) on S. Fork of 7 Mile Creek to fulfill the intentions of all parties concerned in the original agreement.

Thank you for your time and considerations to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kathleen Corkin', written in dark ink.

KATHLEEN CORKIN
SUNSET HEIGHTS WATER DISTRICT