

12/11/2006

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

RIGHT NUMBER: 75-7032

NAME AND ADDRESS: SUNSET HEIGHTS WATER DIST
PO BOX 4
SALMON ID 83467

SOURCE: SPRINGS

TRIBUTARY: HYDE CREEK

QUANTITY: 0.400 CFS

PRIORITY DATE: 08/29/1972

POINT OF DIVERSION:

T20N R22E S17 NENENE Lot 1 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	0.400 CFS

PLACE OF USE: MUNICIPAL in LEMHI County

T20N R22E S08	NENE	T20N R22E S08	NWNE
T20N R22E S08	SWNE	T20N R22E S08	SENE
T20N R22E S08	NESE	T20N R22E S08	NWSE

Place of use is within the service area of the public water supply system (POU7300050) for Sunset Heights Water Dist. as provided for under Idaho Law.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

03/28/2006

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

RIGHT NUMBER: 75-7032

NAME AND ADDRESS: SUNSET HEIGHTS WATER DIST
PO BOX 4
SALMON ID 83467

SOURCE: SPRINGS

TRIBUTARY: ELI CREEK

QUANTITY: 0.400 CFS
223.300 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 08/29/1972

POINT OF DIVERSION:

T20N R22E S17 NENENE Lot 1 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.400 CFS
DOMESTIC	01/01 12/31	169.80 AFY
		0.400 CFS
		53.40 AFY

PLACE OF USE: IRRIGATION Within LEMHI County

T20N R22E S08	NENE	2.00	T20N R22E S08	NWNE	2.00
T20N R22E S08	SWNE	2.00	T20N R22E S08	SENE	2.00
T20N R22E S08	NESE	4.00	T20N R22E S08	NWSE	14.00
T20N R22E S08	SWSE	26.00	T20N R22E S08	SESE	2.00

DOMESTIC same as IRRIGATION

54 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

75-7032



0 800 1600 Feet

Section 8
T20N R22E



Place of Use





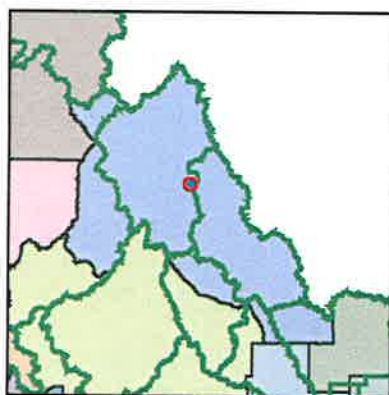
Idaho Department of Water Resources

Adjudication Claim:

75-7032

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Lemhi County
IDWR Basin 75



0 0.5 1 Miles

A scale bar showing distances of 0, 0.5, and 1 mile.

Prepared by Kenneth Knoblock
On Tuesday, March 28, 2006
1987/88 Aerial Photography



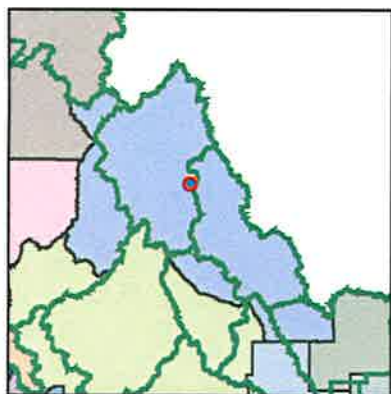
Idaho Department of Water Resources

Adjudication Claim:

75-7032

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75

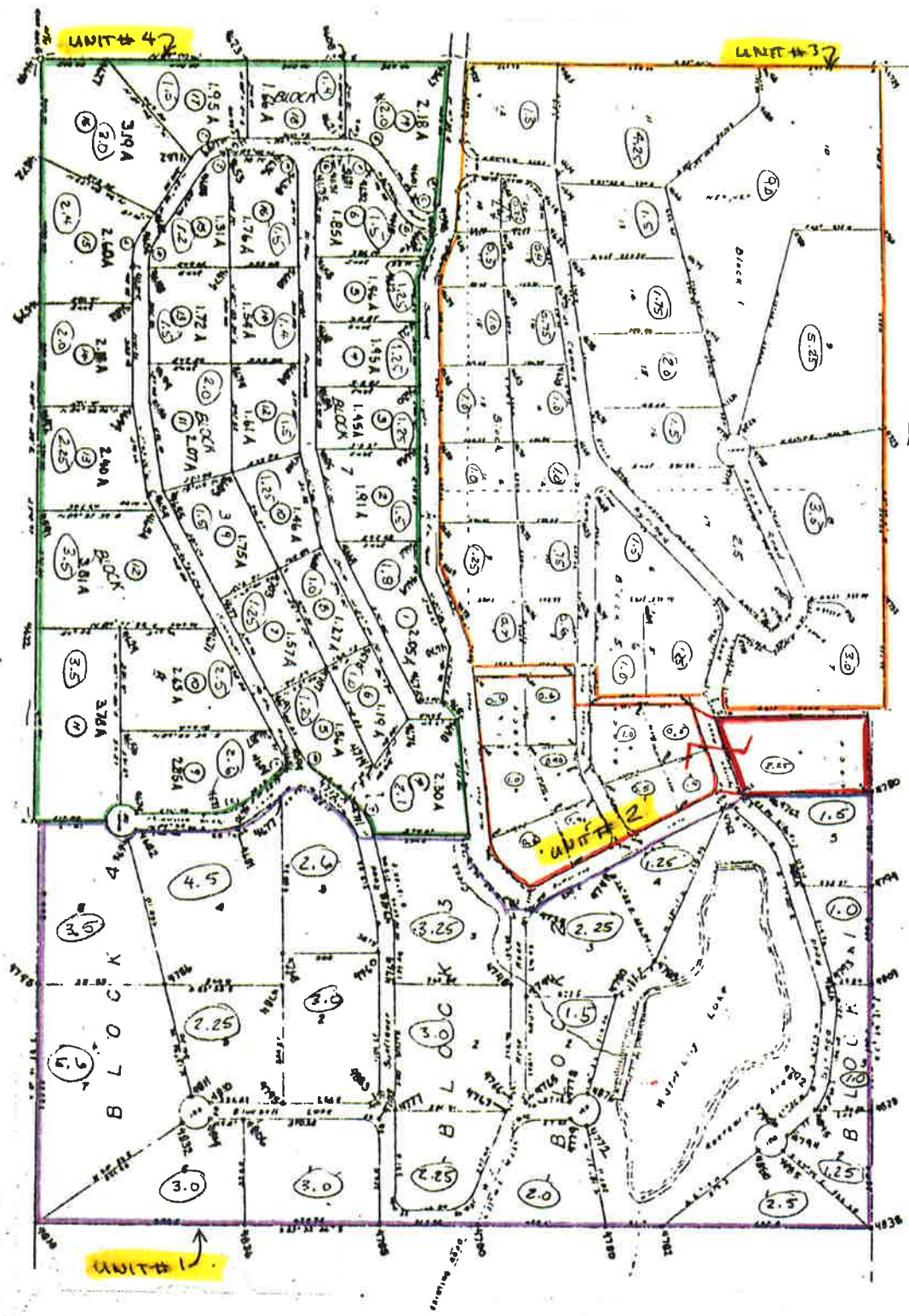


0 0.5 1 Miles

Prepared by Kenneth Knoblock
On Tuesday, March 28, 2006
1987/88 Aerial Photography

Unit	Area	Volume	Production
1	1.00	1.00	1.00
2	1.00	1.00	1.00
3	1.00	1.00	1.00
4	1.00	1.00	1.00
5	1.00	1.00	1.00
6	1.00	1.00	1.00
7	1.00	1.00	1.00
8	1.00	1.00	1.00
9	1.00	1.00	1.00
10	1.00	1.00	1.00
11	1.00	1.00	1.00
12	1.00	1.00	1.00
13	1.00	1.00	1.00
14	1.00	1.00	1.00
15	1.00	1.00	1.00
16	1.00	1.00	1.00
17	1.00	1.00	1.00
18	1.00	1.00	1.00
19	1.00	1.00	1.00
20	1.00	1.00	1.00
21	1.00	1.00	1.00
22	1.00	1.00	1.00
23	1.00	1.00	1.00
24	1.00	1.00	1.00
25	1.00	1.00	1.00
26	1.00	1.00	1.00
27	1.00	1.00	1.00
28	1.00	1.00	1.00
29	1.00	1.00	1.00
30	1.00	1.00	1.00
31	1.00	1.00	1.00
32	1.00	1.00	1.00
33	1.00	1.00	1.00
34	1.00	1.00	1.00
35	1.00	1.00	1.00
36	1.00	1.00	1.00
37	1.00	1.00	1.00
38	1.00	1.00	1.00
39	1.00	1.00	1.00
40	1.00	1.00	1.00
41	1.00	1.00	1.00
42	1.00	1.00	1.00
43	1.00	1.00	1.00
44	1.00	1.00	1.00
45	1.00	1.00	1.00
46	1.00	1.00	1.00
47	1.00	1.00	1.00
48	1.00	1.00	1.00
49	1.00	1.00	1.00
50	1.00	1.00	1.00
51	1.00	1.00	1.00
52	1.00	1.00	1.00
53	1.00	1.00	1.00
54	1.00	1.00	1.00
55	1.00	1.00	1.00
56	1.00	1.00	1.00
57	1.00	1.00	1.00
58	1.00	1.00	1.00
59	1.00	1.00	1.00
60	1.00	1.00	1.00
61	1.00	1.00	1.00
62	1.00	1.00	1.00
63	1.00	1.00	1.00
64	1.00	1.00	1.00
65	1.00	1.00	1.00
66	1.00	1.00	1.00
67	1.00	1.00	1.00
68	1.00	1.00	1.00
69	1.00	1.00	1.00
70	1.00	1.00	1.00
71	1.00	1.00	1.00
72	1.00	1.00	1.00
73	1.00	1.00	1.00
74	1.00	1.00	1.00
75	1.00	1.00	1.00
76	1.00	1.00	1.00
77	1.00	1.00	1.00
78	1.00	1.00	1.00
79	1.00	1.00	1.00
80	1.00	1.00	1.00
81	1.00	1.00	1.00
82	1.00	1.00	1.00
83	1.00	1.00	1.00
84	1.00	1.00	1.00
85	1.00	1.00	1.00
86	1.00	1.00	1.00
87	1.00	1.00	1.00
88	1.00	1.00	1.00
89	1.00	1.00	1.00
90	1.00	1.00	1.00
91	1.00	1.00	1.00
92	1.00	1.00	1.00
93	1.00	1.00	1.00
94	1.00	1.00	1.00
95	1.00	1.00	1.00
96	1.00	1.00	1.00
97	1.00	1.00	1.00
98	1.00	1.00	1.00
99	1.00	1.00	1.00
100	1.00	1.00	1.00

CONJECTURE



SUNSET HEIGHTS SUBDIVISION

E. 1/2 Section 8

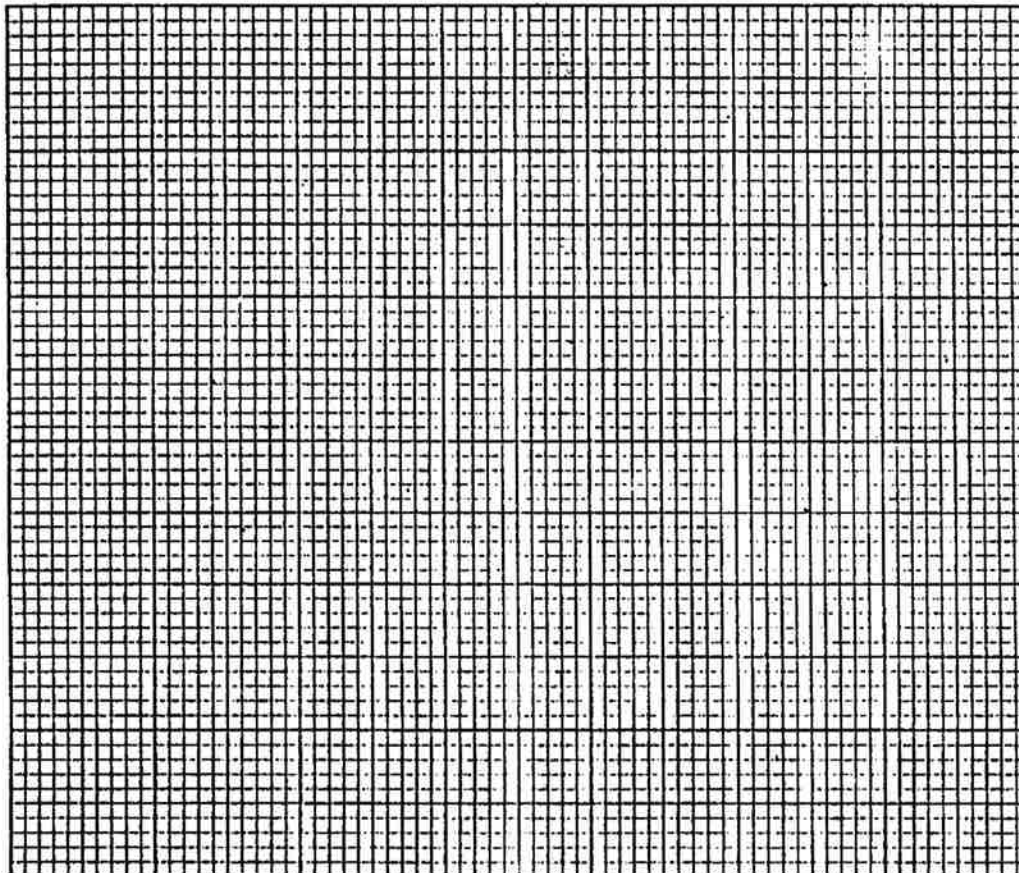
T. 20 N., R. 22 E., Boise Meridian

Lemhi County, Idaho.

MICROFILMED

SEP 21 1990

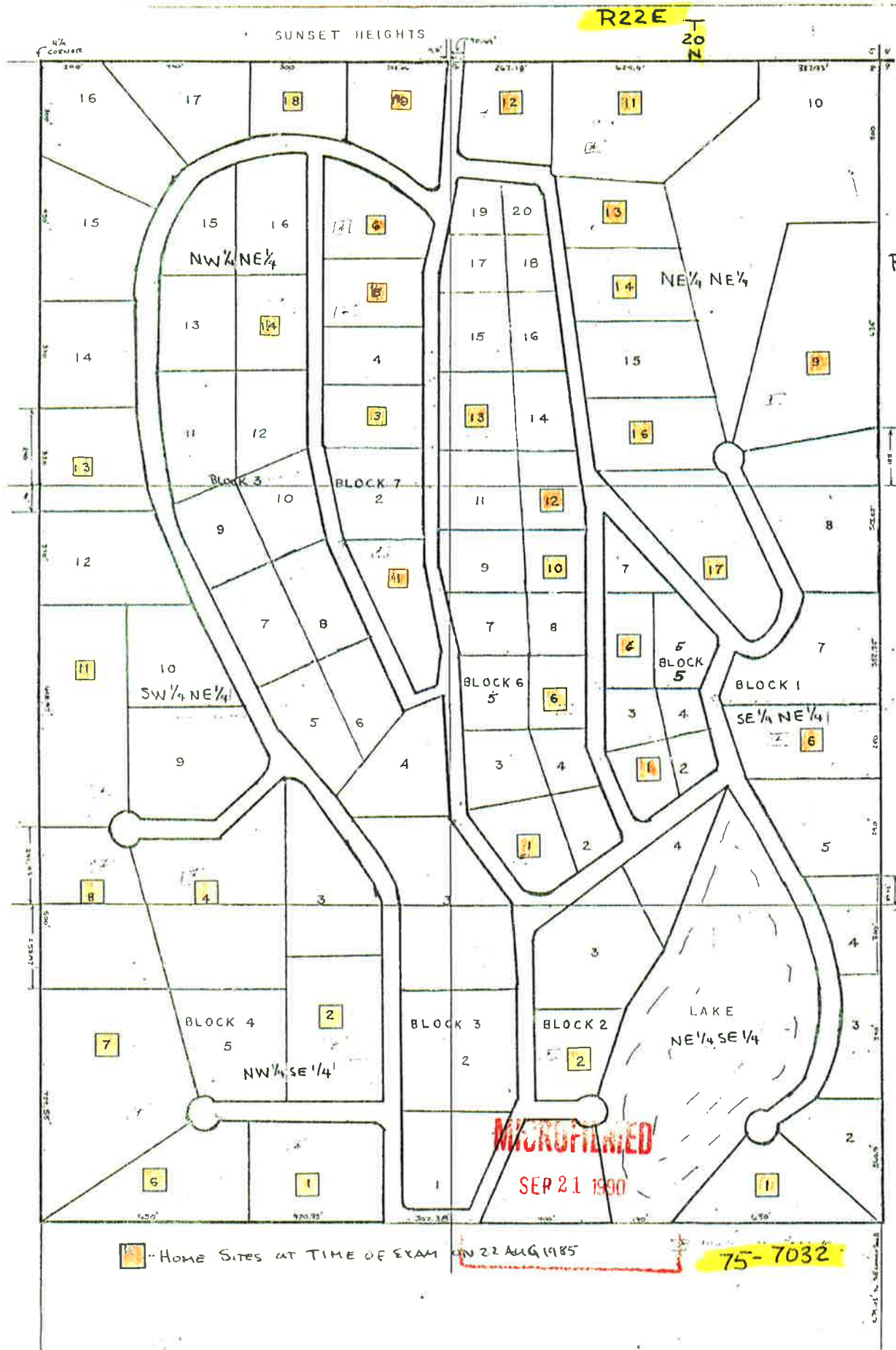
10. Other water rights on these lands _____
11. Other water right diverted from same p.d. _____
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe I.D. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.

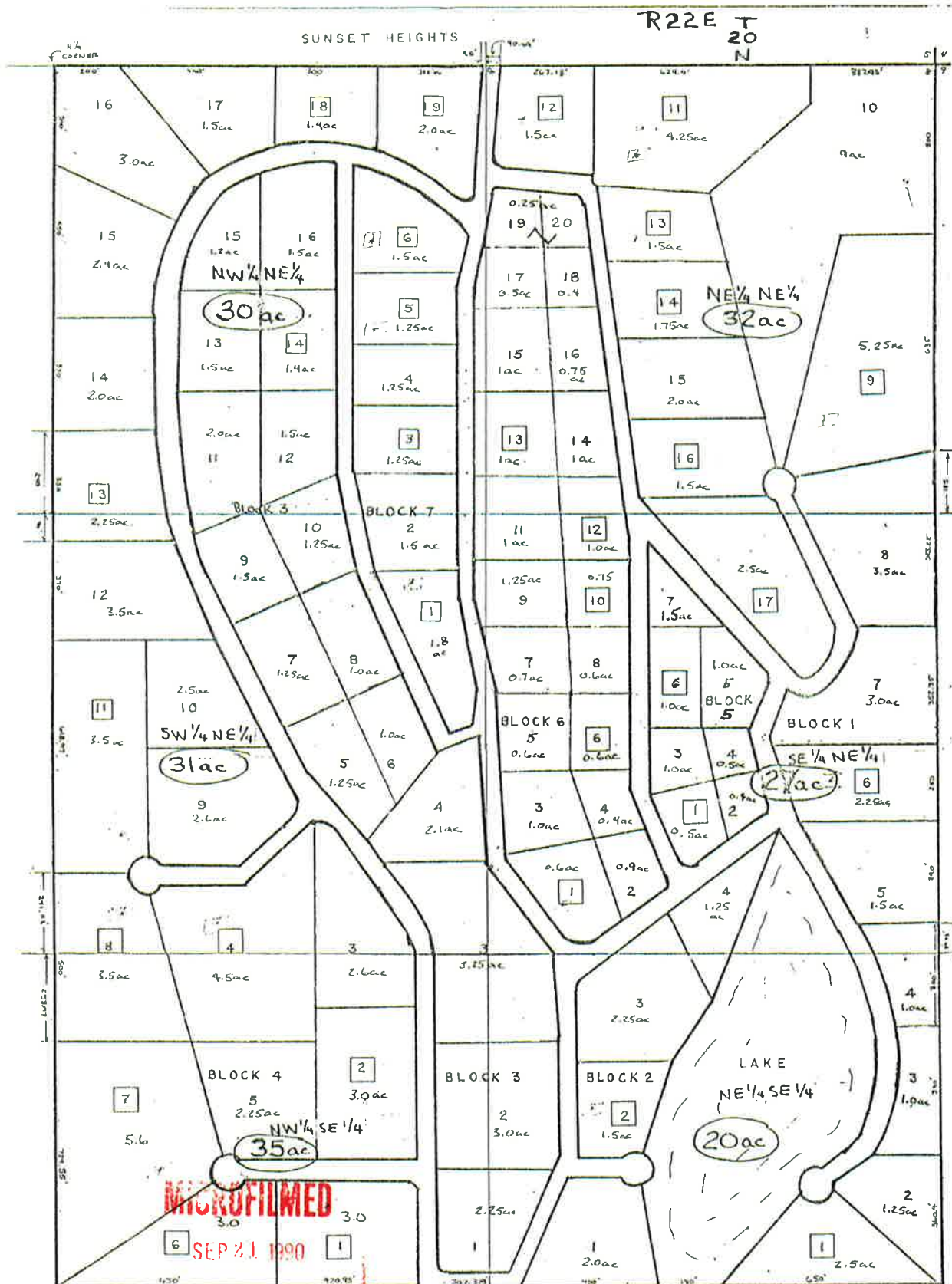


13. ☐ Photo of Diversion & System Attached ☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached
14. **Remarks** Occupied Lots Unit 1: Lot 1, Block 1; Lot 2, Block 2; Lots 1, 2, 4, 6, 7 & 8 Block 4
Unit 2: Lot 6, Block 1; Lot 1, Block 5; Lots 1 & 6 Block 6
Unit 3: Lots 9, 11, 12, 13, 14, 16, 17 Block 1; Lot 6 Block 5; Lots 10, 12 & 13 Block 6
Unit 4: Lots 11, 13, 18 & 19 Block 4; Lot 14 Block 3; Lot 1, 3, 5 & 6 Block 7
Shelter with toilet facilities by lake (Lot 2 Block 2)
Applicants home Map R 77 house appears at end of Road
15. **Recommended Amendments**
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other
16. **Examiner's/Consultant's Signature** _____ **Date** _____
Consultant's License Number _____
IDWR Director's Authorization to Conduct
Beneficial Use Examination _____ **Date** SEP 11 1991

MICROFILMED

CONSULTANT SEAL

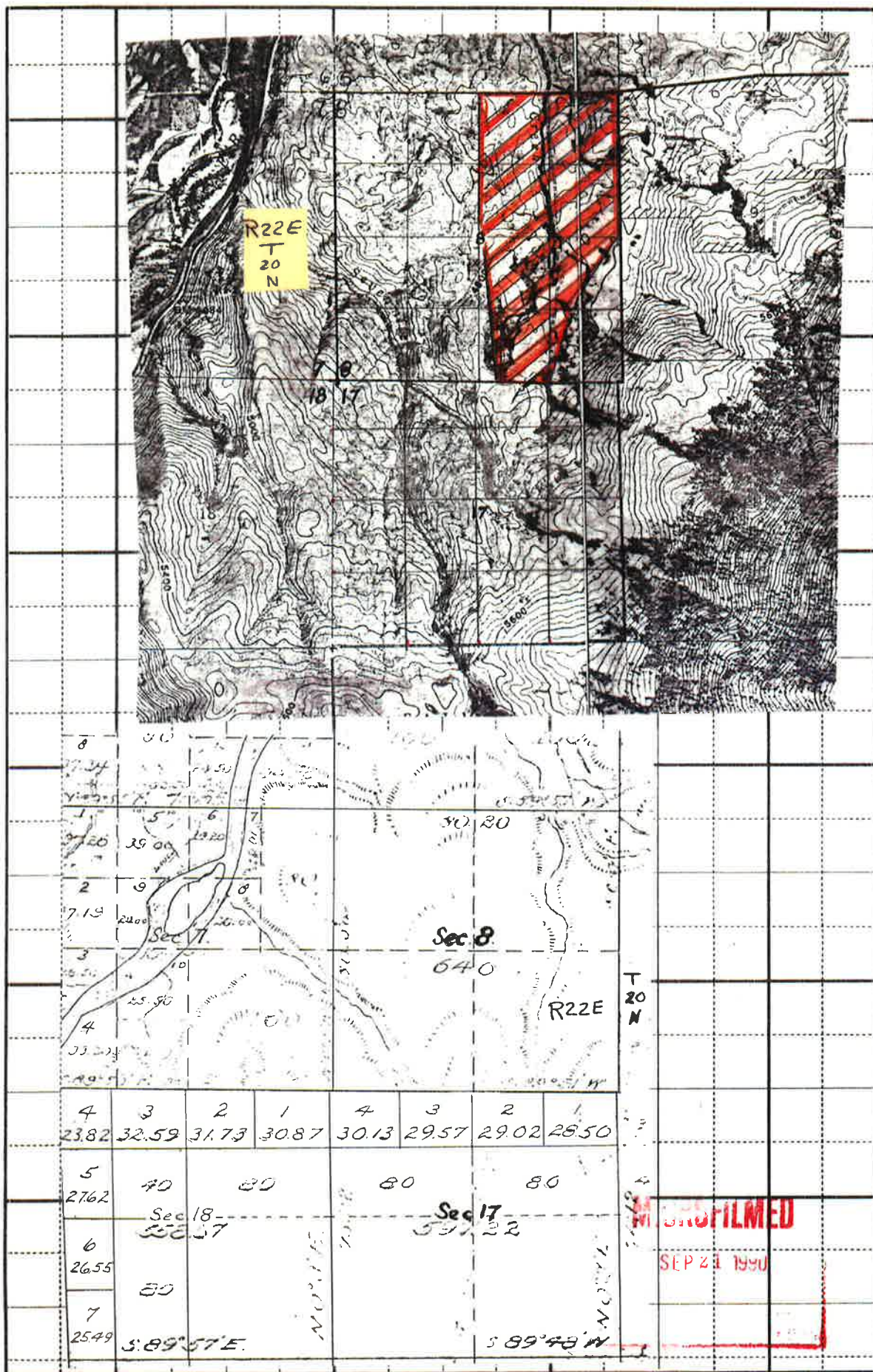




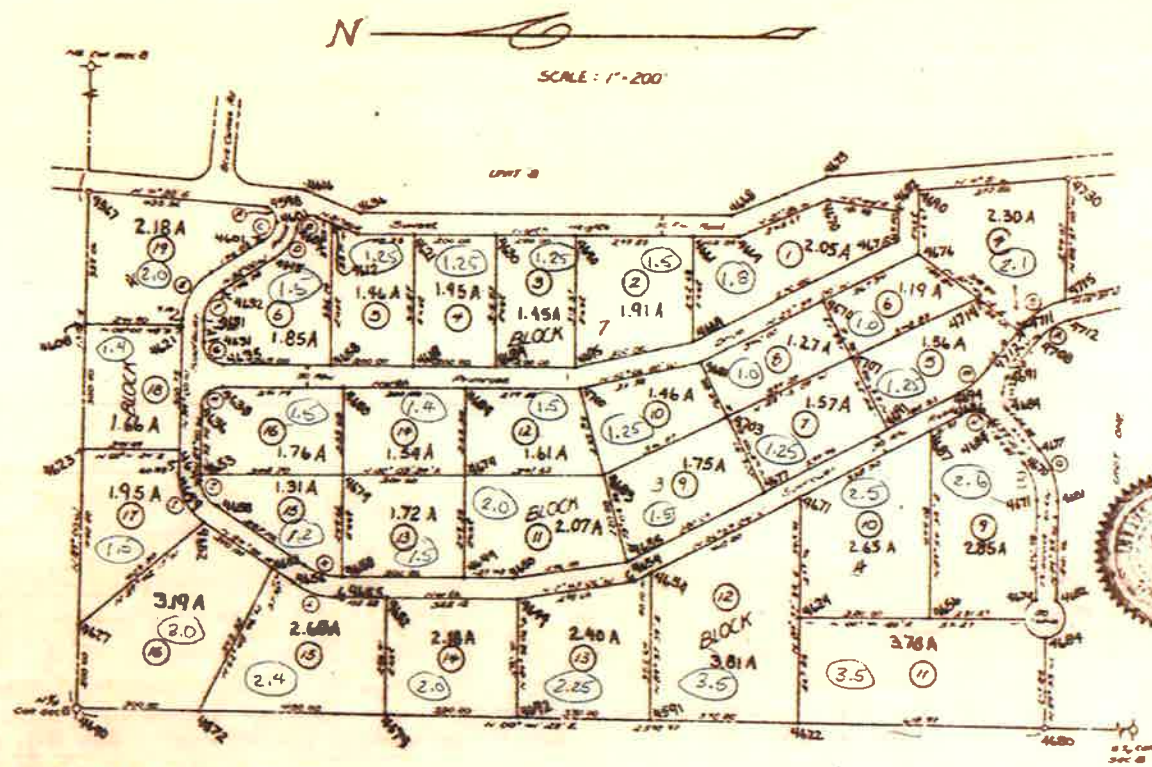
ACREAGE IN N 1/2 SE 1/4 INCLUDES
ACREAGE NOT IN SUBDIVISION
BUT IS IRRIGATED.

75-7032

LOTS ON THIS MAP ARE NOT TO SCALE
ACREAGE IS FROM PLAT MAPS.



75-7032



CURVE DATA

CURVE	ANGLE	RADIUS	TANGENT
A	108° 00' 00"	10.28	37.83
B	90° 00' 00"	10.28	10.28
C	108° 00' 00"	10.28	37.83
D	90° 00' 00"	10.28	10.28
E	108° 00' 00"	10.28	37.83
F	90° 00' 00"	10.28	10.28
G	108° 00' 00"	10.28	37.83
H	90° 00' 00"	10.28	10.28
I	108° 00' 00"	10.28	37.83
J	90° 00' 00"	10.28	10.28
K	108° 00' 00"	10.28	37.83
L	90° 00' 00"	10.28	10.28
M	108° 00' 00"	10.28	37.83
N	90° 00' 00"	10.28	10.28
O	108° 00' 00"	10.28	37.83
P	90° 00' 00"	10.28	10.28
Q	108° 00' 00"	10.28	37.83
R	90° 00' 00"	10.28	10.28
S	108° 00' 00"	10.28	37.83

SUNSET HEIGHTS SUBDIVISION
UNIT FOUR
 WITHIN EAST 1/2 SECTION 8,
 T.20N R.22E BOISE MERIDIAN
 LEHIGH COUNTY, PENNSA

RECORDED

SEP 21 1991

OWNER'S CERTIFICATE

Be it known that we, Robert L. Adams and Richard L. Adams, husband and wife, owners of certain lots, tracts and parcels of the E 1/2 of Section 8, T.20N, R.22E, Boise Meridian, have caused a plat of the same to be surveyed, subdivided, and returned to the public as Sunset Heights Subdivision, and have represented in this plat that the streets and alleys shown on this plat are hereby created and devoted to the use of the public, in perpetuity, and that any and all construction on these premises shall be required to conform to the rules and regulations of the Lehigh State Board of Health.

REMARKS

State of area 1.55 (cont'd from p. 1) - The above is a plat of the same as shown on the plat of the same, returned to the public as Sunset Heights Subdivision, and the same is hereby created and devoted to the use of the public, in perpetuity, and that any and all construction on these premises shall be required to conform to the rules and regulations of the Lehigh State Board of Health.

APPROVING CERTIFICATE 1

I, Hugh H. Carter, Registrar and Surveyor in the State of Lehigh, hereby certify that the survey of Sunset Heights Subdivision, Unit Four, as shown on this plat, was made by me, and under my supervision, and that the same is correctly made, and is hereby recommended to the public.

APPROVING CERTIFICATE 2

Subscribed by the Lehigh County Board of Commissioners at a regular meeting on the 18th day of March, 1991.

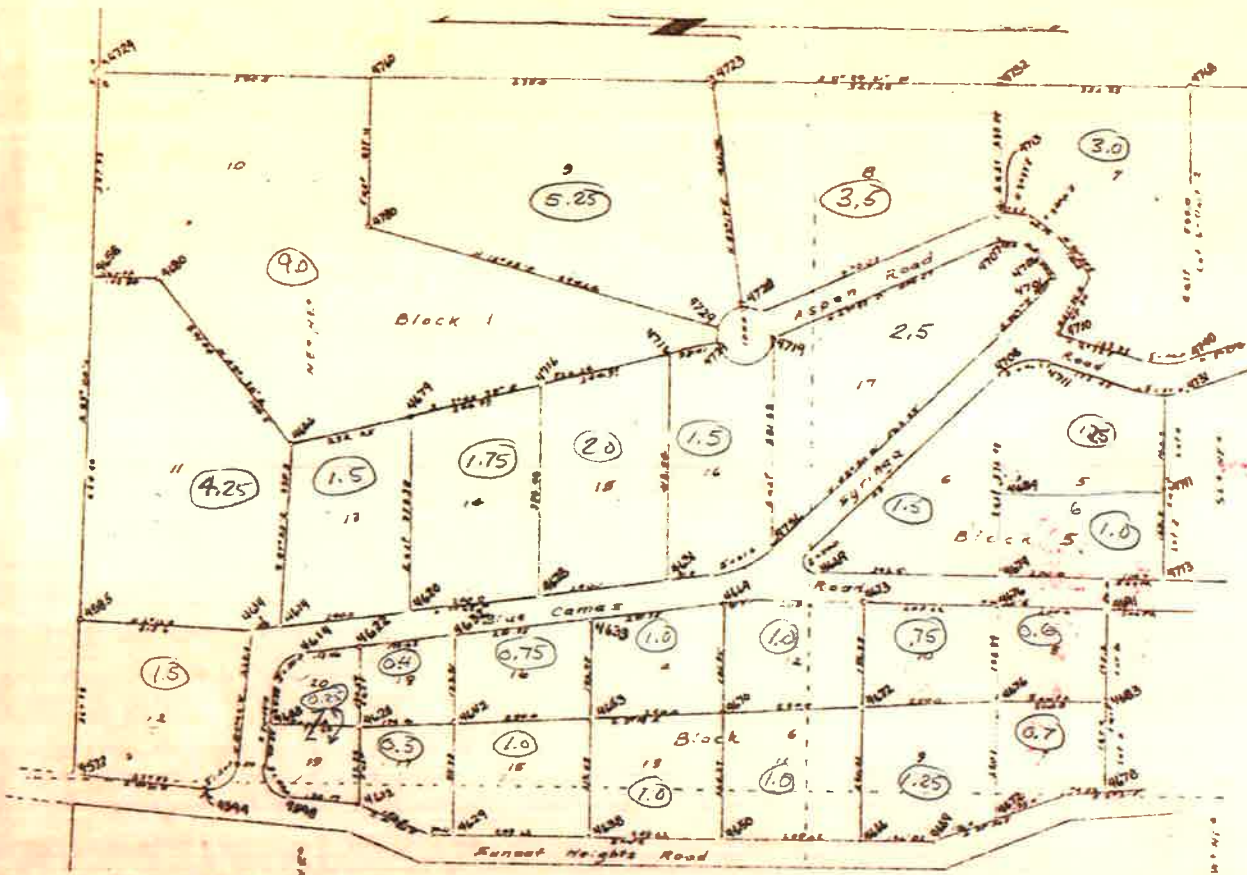
Robert L. Adams
 Clerk

I and the Board of the Lehigh County Board of Commissioners, do hereby certify that the above plat of the same, returned to the public as Sunset Heights Subdivision, and the same is hereby created and devoted to the use of the public, in perpetuity, and that any and all construction on these premises shall be required to conform to the rules and regulations of the Lehigh State Board of Health.

53.55

SUNSET HEIGHTS SUB-UNIT FOUR

75-7032



Owners Certificate:

We, the undersigned, do hereby certify that the above described land is the same as represented on this plat, that the streets and roads are shown on this plat and hereby agreed and donated to the use of the public in perpetuity, and that any and all construction on these premises shall be required to conform to the rules and regulations of the State Board of Health.

Rachel Adams
Rachel Adams

ACKNOWLEDGEMENT

State of Idaho) ss
County of Lemhi)
On this day of _____ before me, a Notary Public, came the State of Idaho, personally appeared Rachel Adams and Rachel Adams, known to me as the persons whose names are subscribed to the above Certificate, and they acknowledged to me that they executed the same.

Notary Public

Surveyors Certificate:

I, Hugh M. Carter, Registered Land Surveyor in the State of Idaho, hereby certify that the Survey of SUNSET HEIGHTS SUBDIVISION UNIT THREE as shown on this plat was made by me, and under my supervision, that such survey was correctly made, and is accurately represented on this plat.



Approval Certificate:

Approved by the Lemhi County Board of Commissioners on _____ day of _____, 1930.

Clerk

Chairman

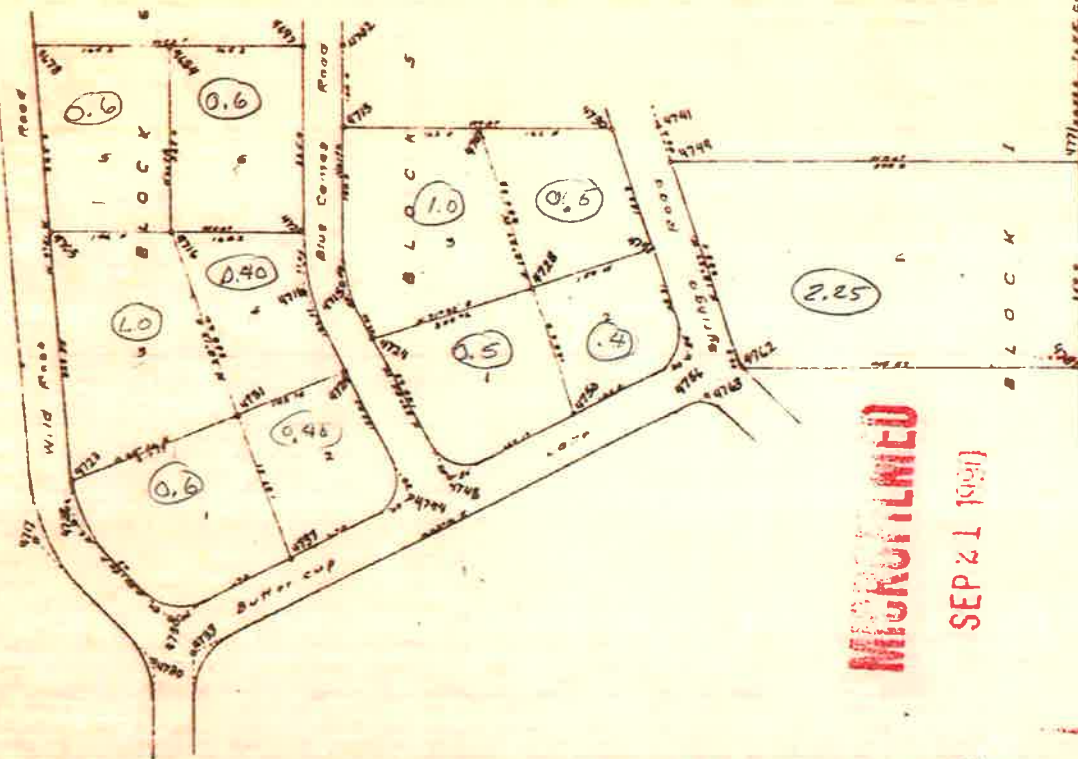
Filed for Record, at the request of _____, this _____ day of _____, 1930, at _____ o'clock _____ and recorded in Book _____ at page _____ Records of Lemhi County at Salmon, Idaho.

Lemhi County Recorder

SUNSET HEIGHTS SUBDIVISION
EV2 Section 8
T. 20 N., R. 22 E., Boise Meridian
Lemhi County, Idaho
UNIT THREE

Scale 1" = 150 FT

RECORDED
SEP 21 1930



E. 1/2 Section 8
T. 20 N., R. 22 E., Boise Meridian
Lemhi County, Idaho
UNIT TWO

B. G. L. : 7-8 : 150 feet

[illegible]

Robert L. Adams

ACKNOWLEDGMENT
State of Idaho) ss
County of Lemhi) ss
On this _____ day of _____, 1973, before me, the undersigned, a duly qualified and acting Notary Public for the State of Idaho, appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[illegible]

APPROVAL
Approved by the 1st County Board of
Comptroller John 1911
9th Dec 1911
John B. Moore

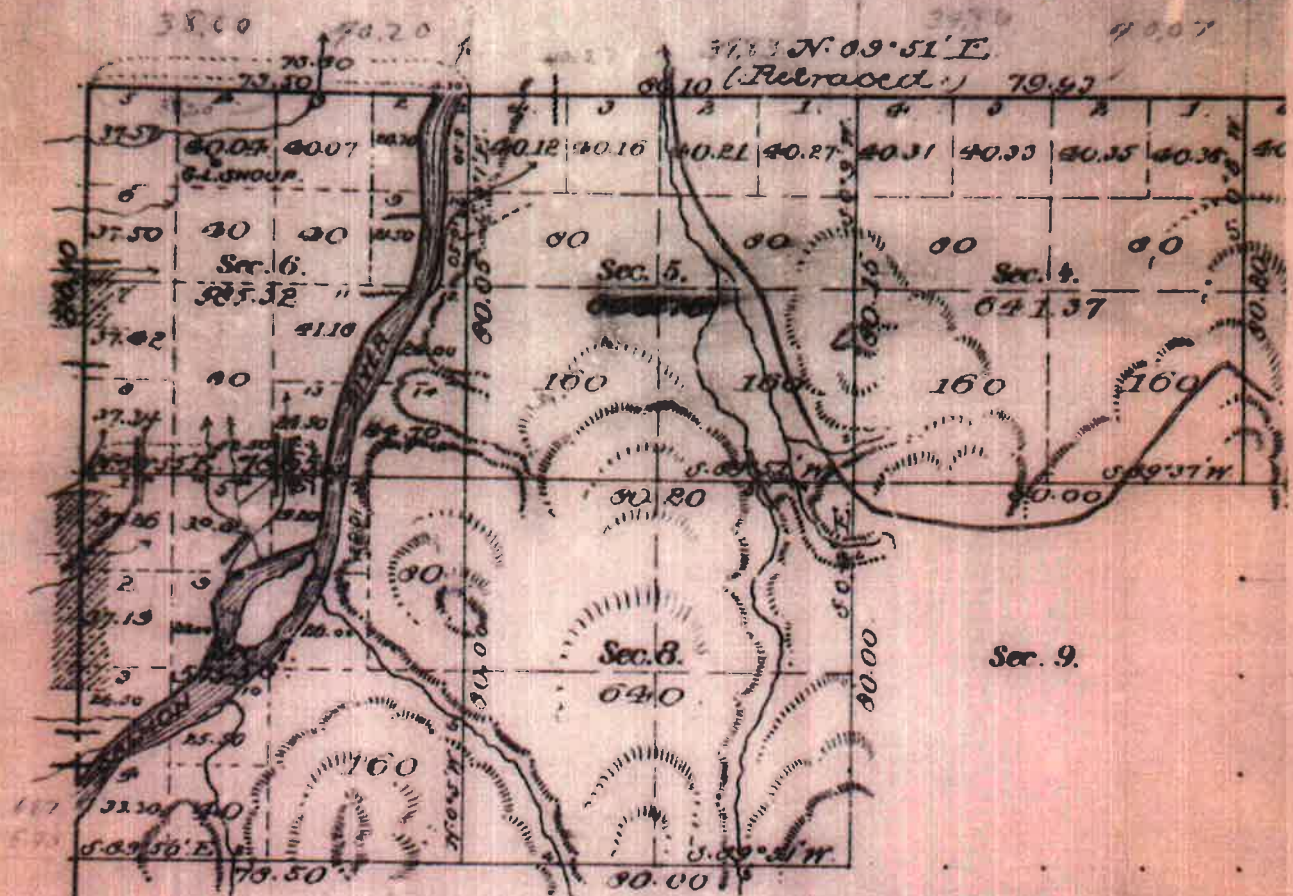
File # 1. Description of the request: Sixteen Idioms
 # 2. Date: July 2, 1954
 of page 2 records of school history of
 Soliman Iacabo
Ella M. Idany

75-7032

6
1.2

Township N^o 20 North Range N^o 22 E

E r F c E d D



Sec. 18.

Sec. 17.

Sec. 16.

Sec. 19.

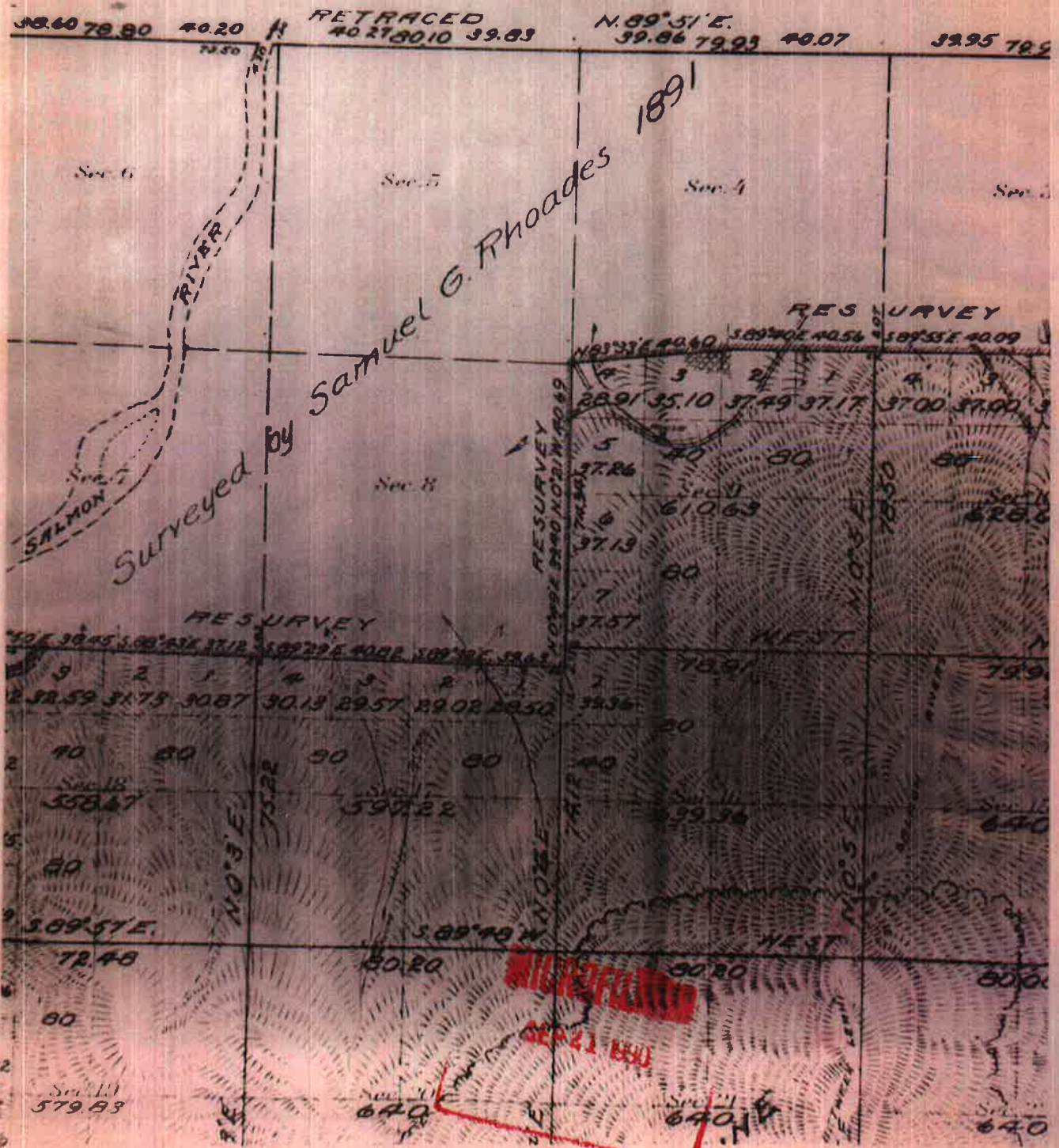
Sec. 20.

Sec. 21.

MICROFILMED

SEP 21 1990

mine





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 20, 2005

KATHY CORKIN
SUNSET HEIGHTS WATER DISTRICT
PO BOX 4
SALMON ID 83467

Re: Diversion of water from Eli Spring by Sunset Heights Water District

Dear Ms. Corkin:

I received your letter dated May 2, 2005 transmitting various documents to me related to water rights, water systems, and property easements associated with Sunset Heights Water District. I also read the original agreement between Ralston and Rachel Adams (Adams) and George and Althea Hyde (Hydes), dated December 21, 1972 (hereafter referred to as "the agreement").

In 1972, Adams filed application to appropriate water no. 75-7032 seeking to appropriate 0.40 cfs for domestic and irrigation purposes from springs tributary to Eli Creek. Hydes protested the application for permit. Adams and Hydes executed the agreement to resolve the protest against application for water right no. 75-7032. The agreement states that Hydes claimed "to be able to furnish proof of prior diversion of water rights dating back to the year 1873," and later refers to a spring from which these beneficial use rights were diverted. I assume the spring is the same spring or springs referred to in application no. 75-7032. The agreement also discusses a beneficial use right claimed by Adams to divert water from the South Fork of Seven Mile Creek. In the agreement, Adams agreed to deliver 0.40 cfs from the South Fork of Seven Mile Creek to Hydes in return for the ability to divert 0.40 cfs from the spring. The agreement states that "Adams shall have the right to divert a quantity of water from the said spring in an amount not to exceed 0.40 cfs and to obtain a permit from the department of water administration of the state of Idaho as an exclusive appropriator and user of said 0.40 cfs of water. . . ." As a result of the above language, it appears that the water rights were not actually exchanged, but that Hydes agreed to subordinate whatever water right they owned to the appropriation authorized by water right no. 75-7032.

In your letter, you "ask that Sunset Heights Water District be granted a 1st priority water right claim of .4 cfs from the South Fork 7 Mile Spring." You assert that the priority date should be 1872 "as this is the original date for the water right . . . [the Sunset Heights Water District] . . . currently use[s] from Eli Spring that was Mr. George Hyde's and now is registered to Mr. Michael Tyacke." The priority date for the water right claimed from the South Fork of Seven Mile Creek and the priority date of the water right claimed from Eli Spring will each be independently determined in the SRBA. Because Hydes subordinated their beneficial use right to the use proposed by application no. 75-7032, I believe the priority date for diversion from Eli Springs by the Sunset Heights Water District is August 29, 1972, the priority date of water right no. 75-7032.

SCANNED

As I understand the chain of title, Adams sold property not a part of Sunset Heights to William and Gloria Stigal (Stigals). Stigals subsequently sold the property to Cecil and Judith Bailey-Jackson (Jacksons). Hydes' successor is Tyacke. You assert that Stigals honored the agreement signed by Adams and Hydes, but that Jacksons are unwilling to deliver 0.40 cfs from the South Fork of Seven Mile Creek to Tyacke. As a consequence, Tyacke could prevent diversion from Eli Springs by Sunset Heights.

A claim for water right no. 75-7032 and claims of beneficial use from Eli Springs and from the South Fork of Seven Mile Creek are pending before the SRBA court. IDWR is presently evaluating these claims. The parties will have the opportunity to contest these water rights in the SRBA. In the meantime, IDWR recognizes the validity of water right license 75-7032. If there were a water district created that encompasses these water rights, water right no. 75-7032 would be delivered ahead of the beneficial use claims. There is not a water district in place, however.

The agreement contains the following language:

It is further understood and agreed by the parties that each and every covenant and condition herein contained shall bind and inure to the heirs, executors, administrators and authorized assignees of the parties hereto.

The parties to the agreement intended that the agreement should extend in perpetuity. The effectiveness of that intent may depend on how carefully the parties recorded documents or apprised prospective buyers of obligations or encumbrances that were tied to both the Adams and Hyde property. It appears that the documents of conveyance from Stigals to Jacksons allude to the delivery obligations. Nonetheless, these are issues of fact that are not resolved by IDWR, and may be more properly resolved in a court of law. As a result, while the agreement clearly states the intent of the parties, I cannot determine whether the new buyers were adequately notified of the agreement and the encumbrances on their land to bind them.

I will send a copy of this letter and supporting documentation to Roxanne Brown as a reference in her review of the SRBA claims. I would also be happy to sponsor a meeting in Salmon with Sunset Heights, Jacksons, and Tyacke if the participants feel IDWR assistance might resolve the dispute.

Sincerely,


Gary Spackman

Cc: Representative Lenore Barrett
Eastern Regional office
Bob Foster
Roxanne Brown

SCANNED



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 8, 2002

SUNSET HEIGHTS WATER DISTRICT
PO BOX 4
SALMON ID 83467

RE: CHANGE OF ADDRESS AND PHONE NUMBER FOR A75-07032
AND A75-07177

Dear Sir or Madam:

The address and phone number for the above referenced adjudication claims have been changed per your request.

If you have any questions feel free to contact this office at (208) 525-7161.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Cheri Vandermeulen'. The signature is written in dark ink and is positioned above the printed name and title.

Cheri Vandermeulen
Records Clerk

Enclosure(s)

Water Right Report

Close

12/20/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 75-7032

Owner Type	Name and Address
Current Owner	SUNSET HEIGHTS WATER DISTRICT PO BOX 4 SALMON, ID 83467 (208) 752-4914
Original Owner	SUNSET HEIGHTS WATER CO C/O RALSTON ADAMS RT 1 BOX 224-50 SALMON, ID 83467 (208) 756-3611
Original Owner	RALSTON W ADAMS PO BOX 1479 SALMON, ID 83467

Priority Date: 08/29/1972

Basis: Permit

Status: Active

Source	Tributary
SPRINGS	ELI CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	0.4 CFS	
DOMESTIC	1/01	12/31	0.4 CFS	
Total Diversion			0.4 CFS	

Location of Point(s) of Diversion:

SPRINGS	NENENE Lt 1	Sec. 17	Township 20N	Range 22E	LEMHI County
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IRRIGATION Use:

Acre Limit: 54

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

12/20/01
change requested by Matt Hightower, certified
operator of district. phone # 752-4914 is incorrect
prefix, and belonged to a Board member who resigned
on 12/13/01. New phone is for District's treasurer.
We do not have an office with a separate phone #.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 24, 2001

SUNSET HEIGHTS WATER DISTRICT
PO BOX 4
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR A75-07032

Dear Claimant:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

JC 9/24/01
 RECEIVED
 SEP 07 2001
 Department of Water Resources
 Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
75-07032					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Sunset Heights Water Co. % RALSTON ADAMS
RT 1 Box 224.50 Salmon ID. 83467
4. New Owner/Claimant(s) Sunset Height Water District
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 4
- City, State and ZIP Code Salmon ID 83467
- New Telephone Number (208) 752-4914
5. Date you acquired the property 11-7-2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Susan Schaffner

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

Ralston Adams
is now deceased
individual listed
in the minutes are
now Sunset Heights
Board members.

Thank You

Steven
DeKoffman

246732

Greg Mills
Number of Votes: 39

Steve Jepperson
Number of Votes: 34

Steve Nafus (write-in)
Number of Votes: 1

Two directors until third bi-annual election: Susan Shaffner
Number of Votes: 45

Ken Thompson
Number of Votes: 49

Dallas Wheeler (write-in)
Number of Votes: 1

Steve Jepperson (write-in)
Number of Votes: 1

CONCLUSIONS OF LAW

1. That the election held in this matter was proper and correct and according to the Statutes of the State of Idaho, and was held in accordance with the Statutes and Constitution of the State of Idaho;

2. That the election held on November 7, 2000, for the organization of said district, carried and the organization of said district has been authorized by a majority of the electors voting at said election.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED That the organization of the Sunset Heights Water District is hereby ordered, that said district shall be known as the Sunset Heights Water District and shall comprise all the lands within "Sunset Heights Subdivision, Units 1, 2, 3 and 4", according to the recorded plats thereof, which are recorded in the records of Lemhi County, Idaho as follows:

FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER AND DECREE ESTABLISHING WATER DISTRICT - Page 2

Unit 1- Book 3 of plats. Page 18, filed October 7, 1971.

Unit 2- Book 4 of plats, Page 5, filed July 9, 1973

Unit 3- Book 4 of plats. Page 42, filed January 10, 1975

Unit 4- Book 4 of plats. Page 52, filed April 13, 1976.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED That the following persons be and they are hereby declared to be the elected directors of said water district to serve the terms as follows:

One director for two years

Dave Tuck

Two directors for four years.

Greg Mills
Steve Jepperson

Two directors for six years.

Susan Shaffner
Ken Thompson

DATED, Nov. 27, 2000.


District Judge

State of Idaho)
County of Lemhi) SS No. 246732
This instrument was filed for record at the request
of Lemhi County
at 9:21 o'clock A.m. 9-23-01 2001
and duly filed and indexed in the records of Lemhi
County
Terri J. Morton
Ex-Officio Recorder
By Terri J. Morton Deputy
Fee -0-
Return to _____

STATE OF IDAHO
COUNTY OF LEMHI
I, TERRI J. MORTON, CLERK OF THE COUNTY OF LEMHI, DO HEREBY
OF THE COUNTY OF LEMHI, DO HEREBY
IN AND FOR THE COUNTY OF LEMHI, DO HEREBY
WITNESSETH THAT THE FOREGOING IS A TRUE AND CORRECT
COPY OF THE ORIGINAL INSTRUMENT IN THIS OFFICE.
IN WITNESS WHEREOF I HAVE HEREunto SET MY HAND
AND AFFIXED MY OFFICIAL SEAL THIS 23 DAY
OF SEP YEAR 2001

TERRI J. MORTON, CLERK
BY Terri J. Morton Deputy

FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER AND DECREE ESTABLISHING WATER DISTRICT - Page 3

Sunset Heights Water District Board of Directors

February 8, 2001

Meeting was Called to order at 7:07 those present were Ken Thompson, Dave Tuck, Greg Mills, Susan Schaffner, Christa Craig, Matt Hightree, and Pat Fitzgerald.

Susan made motion to approve the minutes from the meeting of January 11, 2001 Dave seconded the motion and the motion carried.

Susan made motion to buy Quick Books computer accounting program for the Water District, Greg Seconded the motion passed unanimously. Susan made motion to approve the financial statement Greg seconded that carried.

Susan Suggested forgiving back bills. Susan made motion to forgive back debts prior to becoming a district on January 1st. also part of her motion she volunteered to go visit people about it. Dave seconded the motion and it passed.

Susan made motion that the bills are due on the 1st of each month past due after the 15th and delinquent after the 30th. Dave second and it carried also.

The form letters were tabled for another month to see what the quick books program has in it.

Susan will check what Idaho Power does with their Project share.

Dave made motion to accept the water master's report. Greg second and that passed.

Susan made motion to accept the Technical Services Agreement and the Task Order No. 1 Watermaster Services as presented by Hightree Consulting. Greg seconded and it passed and Ken Signed as well as Matt.

Susan made motion to pay Board members \$5.00 per meeting and Dave seconded. And it passed unanimously.

Ken Passed out Bond Application for Corporate Surety Bond for Board members in amount of \$1000.00 and a Corporate Fidelity Bond for Treasurer in the amount of \$5000.00. It is in the Idaho State Code that we have to be bonded. Hopefully we can get it for \$100.00 a year; otherwise it will cost us \$600.00 a year.

Management assignments for board members are:

Water Quality	Greg
Financial	Steve
Legal	Susan
Facilities	Dave

Suggested Budget Heading or Items:

A	Budget Salary
B	Annual Bonding

Office Supplies
Postage
Water Treatment
Chemicals
Water Quality Control
Tests
Utilities
Electricity
Telephone
Maintenance Equipment
Facilities
Consultant & Research
Legal Fees
Building and improving
Contingency Fund
Sinking Fund

It was decided to send out an information letter to inform the people of the new meeting day of the month and the new address of the P.O. Box # also maybe mention to look for the information Box at the entrance of the Subdivision.

Susan moved to adjourn and Dave second Greg agreed it was 9:38pm.

Respectfully Submitted

Pat Fitzgerald, Secretary

SCANNED

OCT 1 2001

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 75-7032
Date Received: 4/25/1990
Receipt No: M006733
Received By:

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

1. Name of Claimant(s)

SUNSET HEIGHTS WATER DISTRICT Phone: (208) 752-4914
PO BOX 4
SALMON ID USA 83467

2. Date of Priority: 08/29/1972

3. Source: SPRINGS Trib. to: ELI CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
20N	22E	17	NE NE NE 1	LEMHI	

5. Description of diverting works:

HEADBOX, PIPELINE & TANKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.4	
DOMESTIC	1/01	12/31	0.4	

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	1/4 of 1/4 Lot	Use	Acres
20N	22E	8	NE NE	IRRIGATION	2
			NW NE	IRRIGATION	2

SW	NE	IRRIGATION	2
SE	NE	IRRIGATION	2
NE	SE	IRRIGATION	4
NW	SE	IRRIGATION	14
SW	SE	IRRIGATION	28

Section Acres 54

Total Acres 54

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

REINSTATED 9-18-1978

P/U SUNSET HGTS

USE OF THIS RT. IN NENE, S17, T20N, R22E IN EXCHANGE FOR BENEFICIAL USE RT. OF S.
FK. 7MILE CK. SEE AGREEMENT 5-9-1973

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

See remarks for additional conditions of approval.

15. Basis of Claim: Permit

50⁰⁰
40⁰⁰
12⁰⁰
102

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: A75-07032
Date Received: 4/25/1990
Receipt No: 11006733
Received By: ERC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SUNSET HEIGHTS WATER CO. 208-756-3611
Address: C/O RALSTON ADAMS
RT. 1 BOX 224-50
SALMON, ID 83467

2. Date of Priority: AUG 29, 1972

3. Source: SPRINGS Trib. to: ELI CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
20N	22E	17	NE	NE	NE	1	LEMHI

5. Description of diverting works:
HEADBOX, PIPELINE & TANKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		
DOMESTIC	01/01	12/31	0.400		

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

8. Total consumptive use is 130.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/100 HOMES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
20N	22E	8	NE	NE		IRR	2.0

A75-07032

Page 1

Date: 04/25/90

MICROFILMED
DEC 15 1992

A7507032



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
20N	22E	8	NW		NE		IRR	2.0
			SW		NE		IRR	2.0
			SE		NE		IRR	2.0
			NE		SE		IRR	4.0
			NW		SE		IRR	14.0
			SW		SE		IRR	28.0
							Section Acres	54.0
							Total Acres	54.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

IRRIGATION OF 42 ACRES ALSO UNDER A75-04029.

14. Remarks:

REINSTATED 9-18-1978.

P/U SUNSET HGTS.

USE OF THIS RT. IN NENE, S17, T20N, R22E IN EXCHANGE FOR
BENEFICIAL USE RT. OF S. FK. 7MILE CK. SEE AGREEMENT 5-9-1973.

15. Basis of Claim: PERMIT

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 President of Sunset Heights Water Co, that I have signed the foregoing document in the space below as President of Sunset Heights Water Co and that the statements contained in the foregoing document are true and correct.

Ralston Hildam
Signature of Authorized Agent

Pres.
Title and Organization

4/25/90
Date

State of Idaho)
County of Lehi) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of April 19 90.

Ernest Carter
Notary Public

Seal

Residing at Alto Hill, N.
My Commission Expires 6-14-1994.

T. 20 N.

T20



Spring

*20 N.
22 W.*

(SALMON SE)
(318-4 1)

MICROFILMED
DEC 15 1992

2'30"