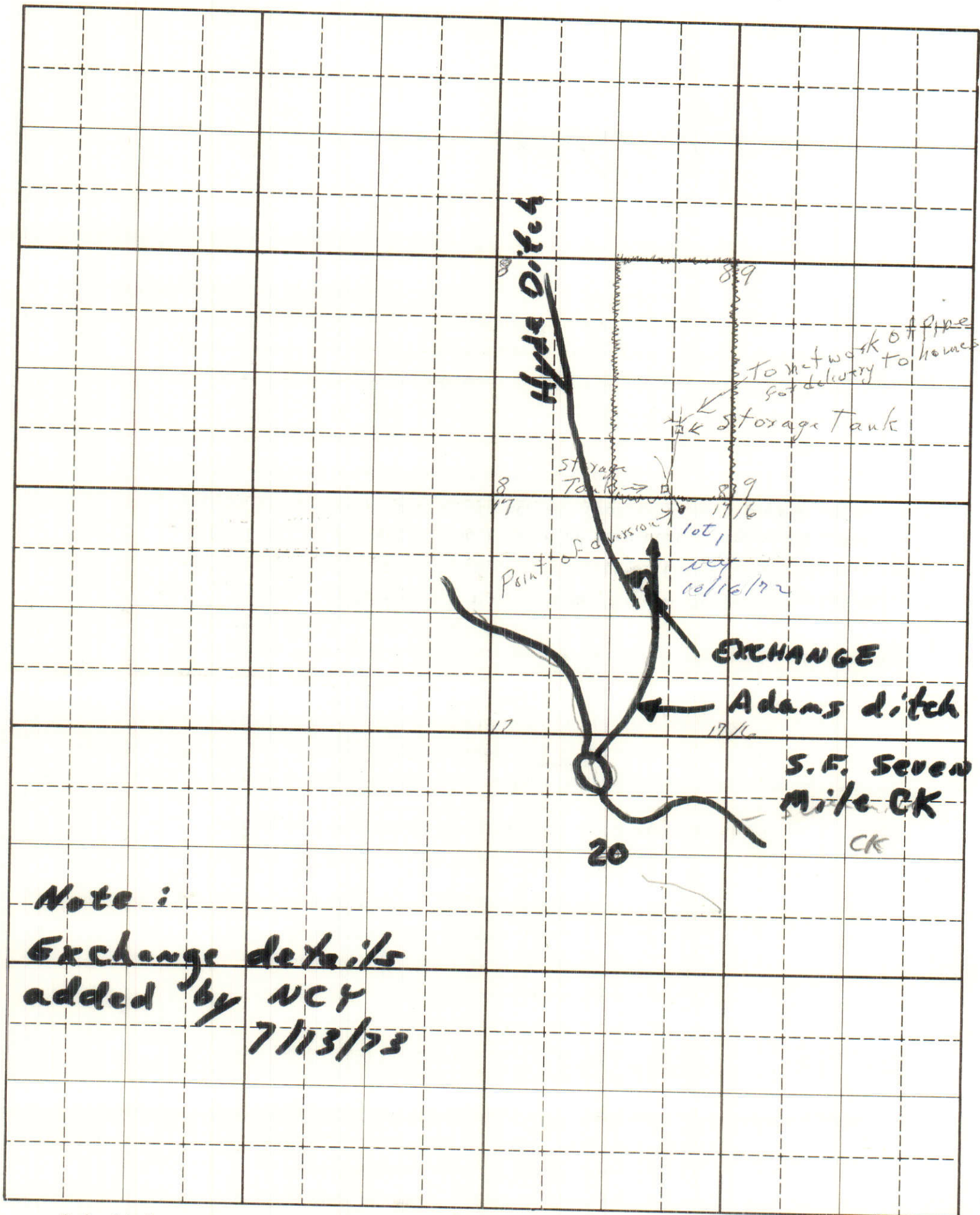


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

T 20 N R. 22 E B. M.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ralph H. Adams
(Applicant)

Rachel L. Adams

75-7032

**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Ralston W. &/or Rachel L. Adams, Box 1479, Salmon, Idaho has on 8/22/72 submitted Application No. 75-7032 for a permit to appropriate 0.40 cubic feet per second of water from unnamed springs, tributary to Eli Creek by means of headbox & pipeline within the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 17, T. 20N, R. 22E, B. M., Lemhi County; to be used from Jan. 1 to Dec. 31 for domestic purposes for 100 families, and from Apr. 1 to Nov. 1 for the irrigation of 320 acres, both uses within the E $\frac{1}{2}$, Sec. 8, T. 20N, R. 22E, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before September 18, 1972.

R. KEITH HIGGINSON
Director

Published in the Recorder-Herald, Salmon, Idaho on August 31, and September 7, 1972.
8-31-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

SEP 11 1972

Department of Water Administration
Eastern District Office

JERRY G. ROSIN

_____, being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the Notice of Application for Water Permit #75-7032

_____ a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated Aug. 31, 19 72 and ending with the issue dated Sept. 7, 19 72

Jerry G. Rosin
seventh

Subscribed and sworn to before me, this _____ day of September, 19 72

Verl Armstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 12.95

75-7032

R 22 E

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20
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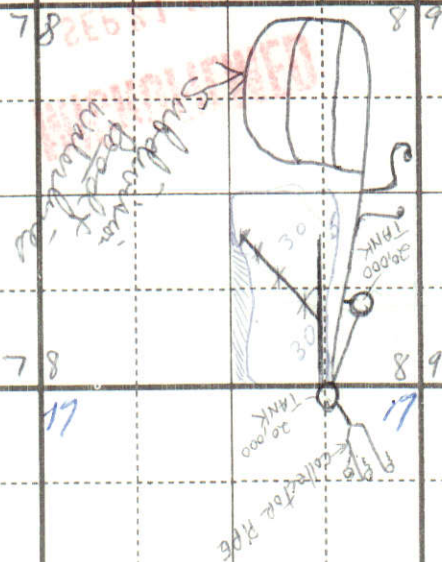
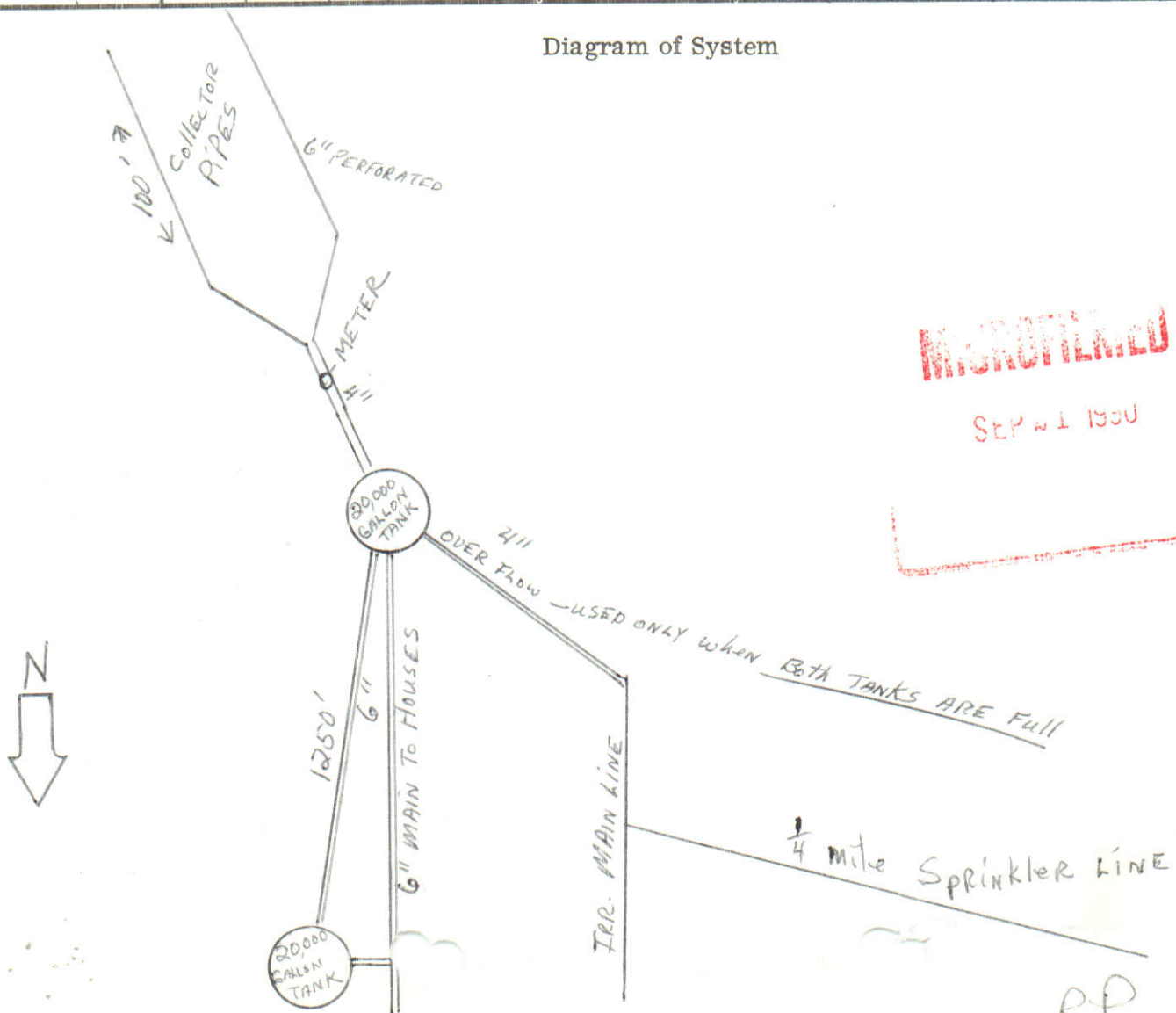


Diagram of System

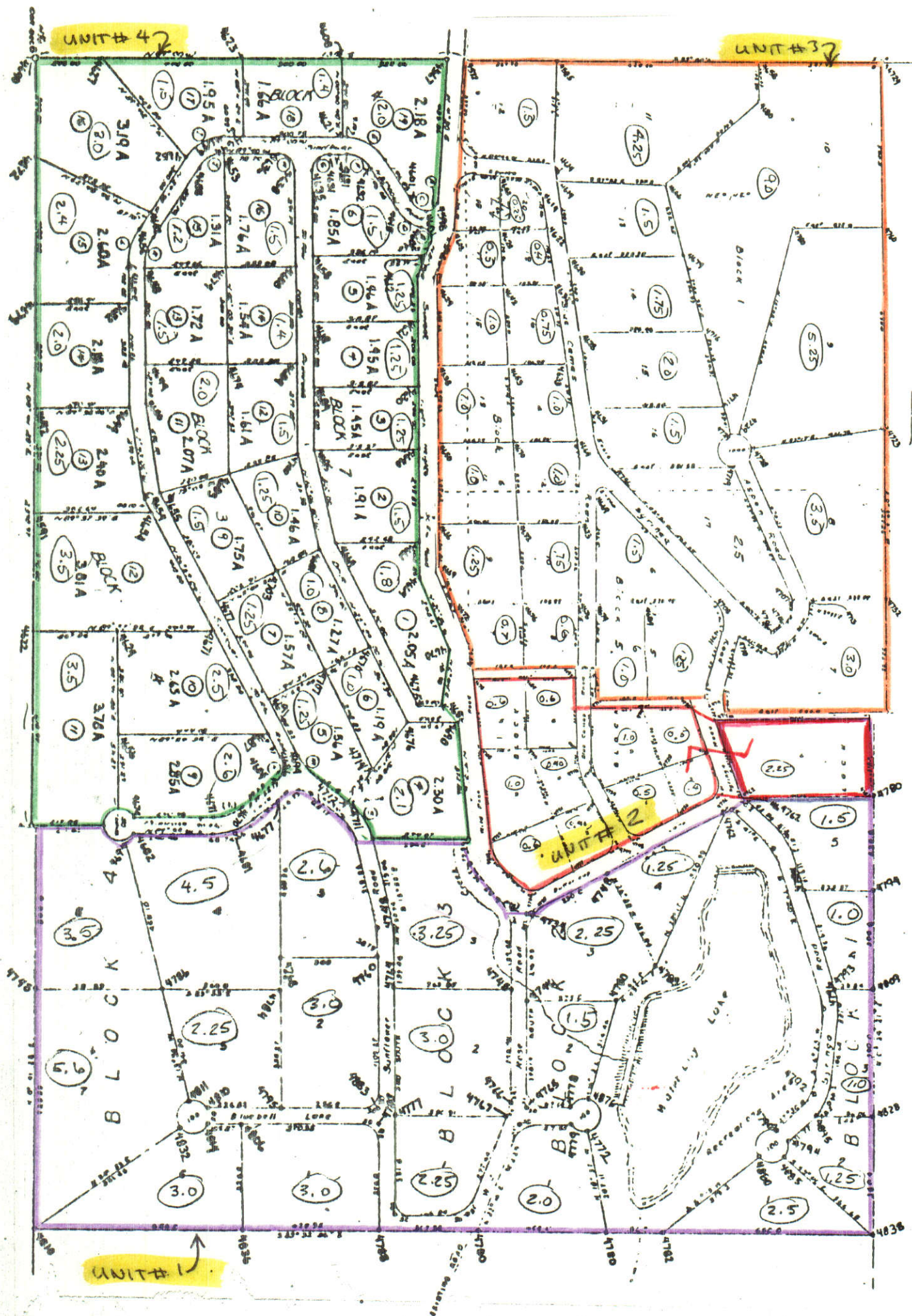


Microfilm

SEP 21 1950

RP

Curve Data	Radius	Angle	Chord	Area
1	100.00	30.00	31.78	1588.00
2	100.00	45.00	39.33	2356.00
3	100.00	60.00	46.18	3141.00
4	100.00	75.00	52.09	3933.00
5	100.00	90.00	57.74	4731.00
6	100.00	105.00	63.14	5535.00
7	100.00	120.00	68.13	6345.00
8	100.00	135.00	72.79	7161.00
9	100.00	150.00	77.14	7983.00
10	100.00	165.00	81.18	8811.00
11	100.00	180.00	85.00	9645.00



SUNSET HEIGHTS SUBDIVISION

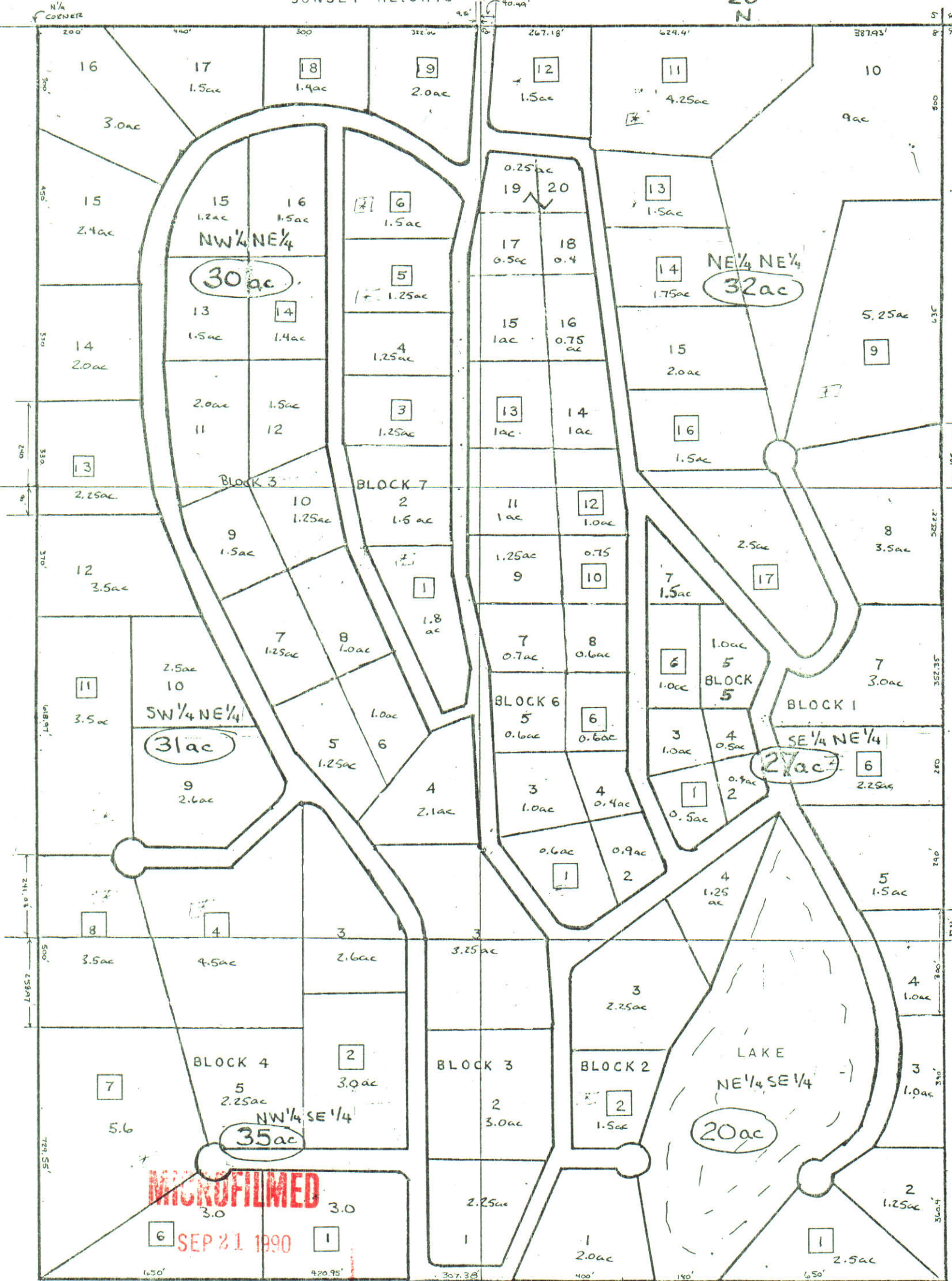
E. 1/2 Section 8
T. 20 N., R. 22 E., Boise Meridian
Lemhi County, Ida.

MICROFILMED

SEP 21 1990

SUNSET HEIGHTS

R22E T20N



ACREAGE IN N¹/₂SE¹/₄ INCLUDES
ACREAGE NOT IN SUBDIVISION
BUT IS IRRIGATED.

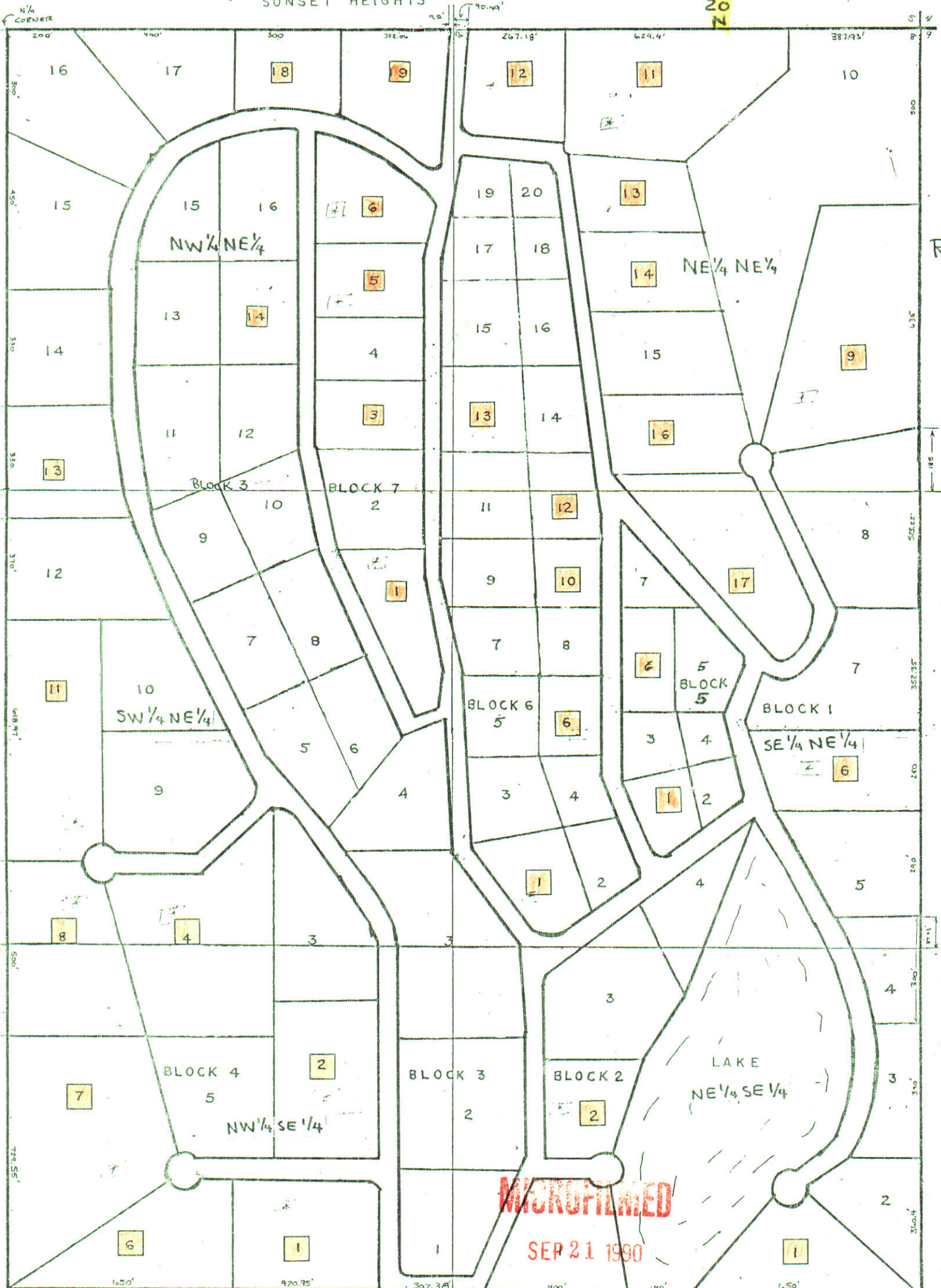
75-7032

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

SUNSET HEIGHTS

R22E

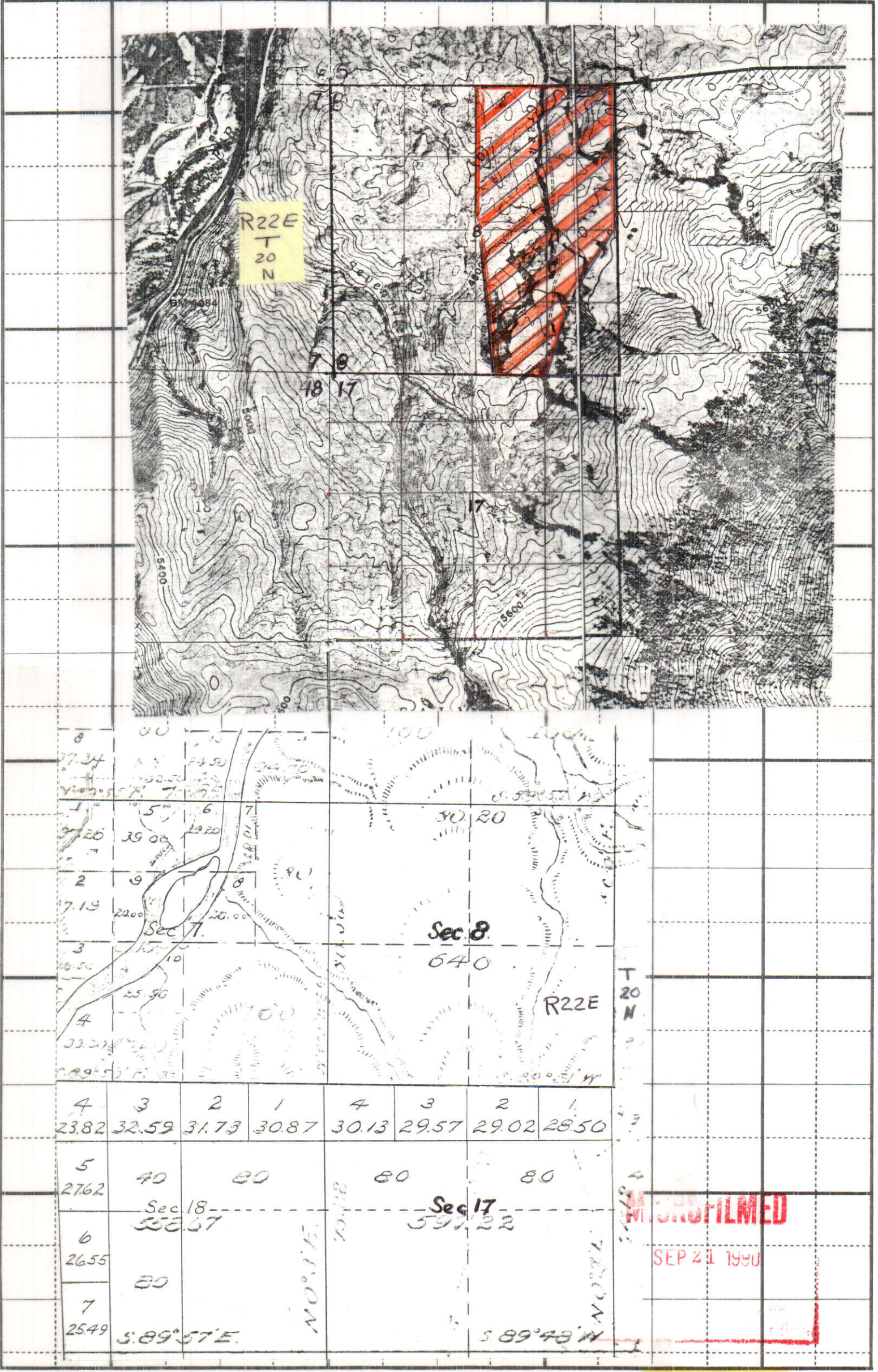
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Orange square - HOME SITES AT TIME OF EXAM ON 22 AUG 1985

75-7032

MICROFILMED
SEP 21 1990

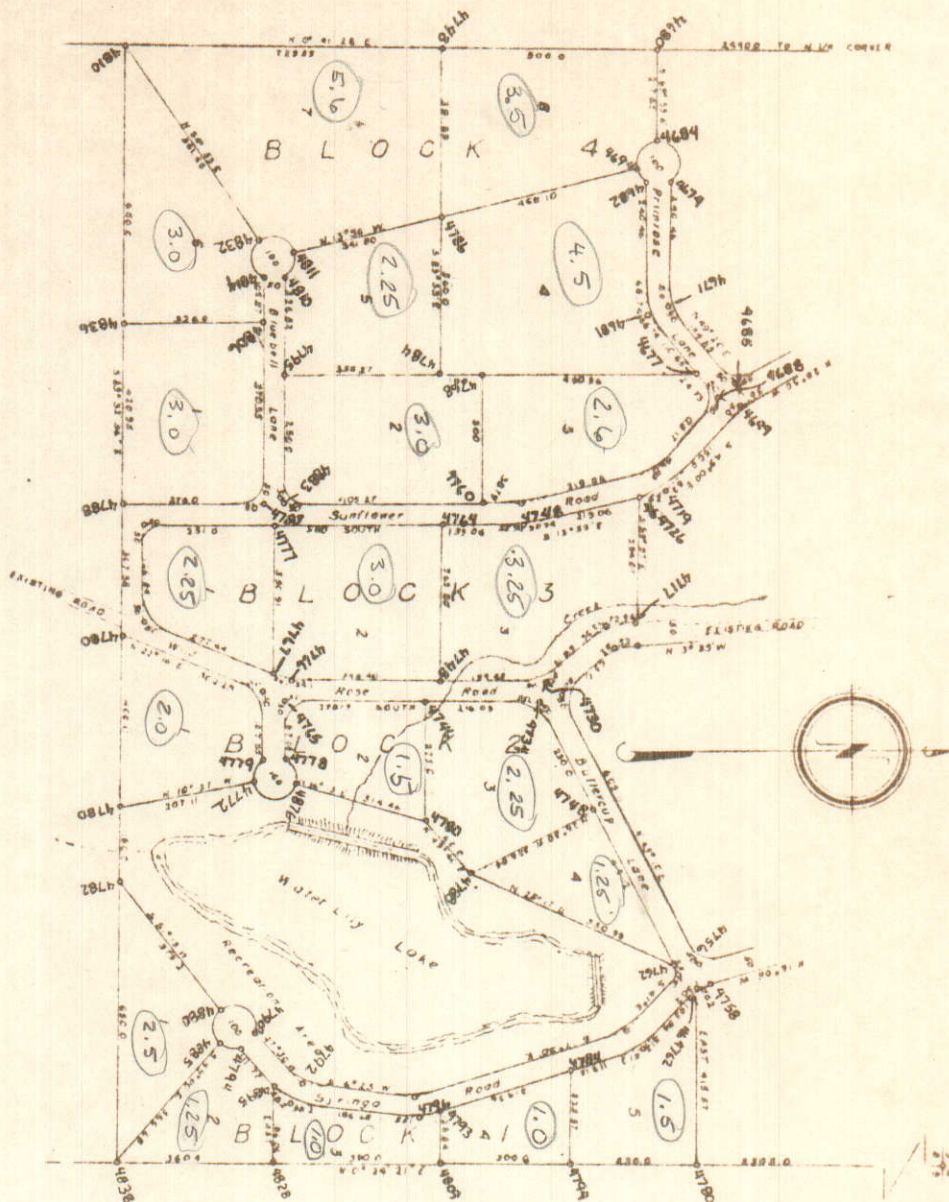


E. 1/2 Section 8
T. 20 N., R. 22 E., Boise Meridian
Lemhi County, Ida.
UNIT ONE

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

Lemhi County, Ida.

UNIT ONE



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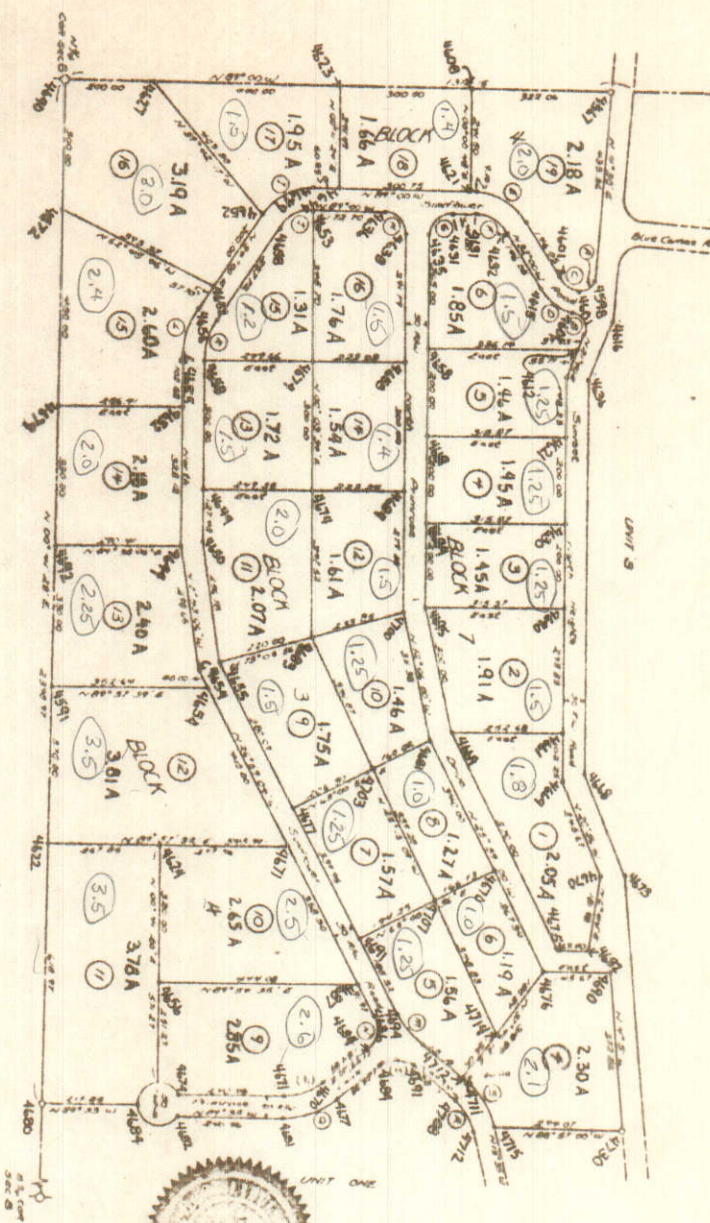
SEP 21 1990

75-7032



Footnote: "Cited. Registered Land Surveyors and Agents of Nevada Terr. certify that this is a true and correct record of the C. & N. O. Survey, SUNSET #235715, SBLK 5, SEC. 10, T. 34 N. R. 26 E., Section 10, located in the B. & C. N. 22 E. 34 N. Survey now owned, plotted by the same B. & C. N. 22 E. 34 N. Survey, and entered, recorded by the same C. & N. 22 E. 34 N. Survey in the Book 2 of Plots of the N. Records of the County of Garmon Nevada.

SCALE: 1"=200'



	Curve	Runoff	Frequency
1	1.01	1.00	1.00
2	1.02	1.01	1.01
3	1.03	1.02	1.02
4	1.04	1.03	1.03
5	1.05	1.04	1.04
6	1.06	1.05	1.05
7	1.07	1.06	1.06
8	1.08	1.07	1.07
9	1.09	1.08	1.08
10	1.10	1.09	1.09
11	1.11	1.10	1.10
12	1.12	1.11	1.11
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27	1.27	1.26	1.26
28	1.28	1.27	1.27
29	1.29	1.28	1.28
30	1.30	1.29	1.29
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96	1.96	1.95	1.95
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99	1.99	1.98	1.98
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SUNSET	HEIGHTS	SUBDIVISION

WITHIN EAST 1/2 SECTION 8.
T 20N R 22E BOISE MERIDIAN
LEMMING COUNTY, IDAHO

Microfilm

SEP 21 1990

SUNSET HEIGHTS SUB-UNIT FOUR

75-7032

[illegible][illegible][illegible]

APPROVED CERTIFICATE:
 Approved by the Admin. Conf. Board of Commissioners
 in Legislative meeting, on 5 Jan. day of March, 1934.

and the record of the request of _____
 was _____ day of _____ 1966 at _____
 _____ and returned a copy of _____
 _____ records of _____ County of _____ Idaho

4thm County Recorder

53.55

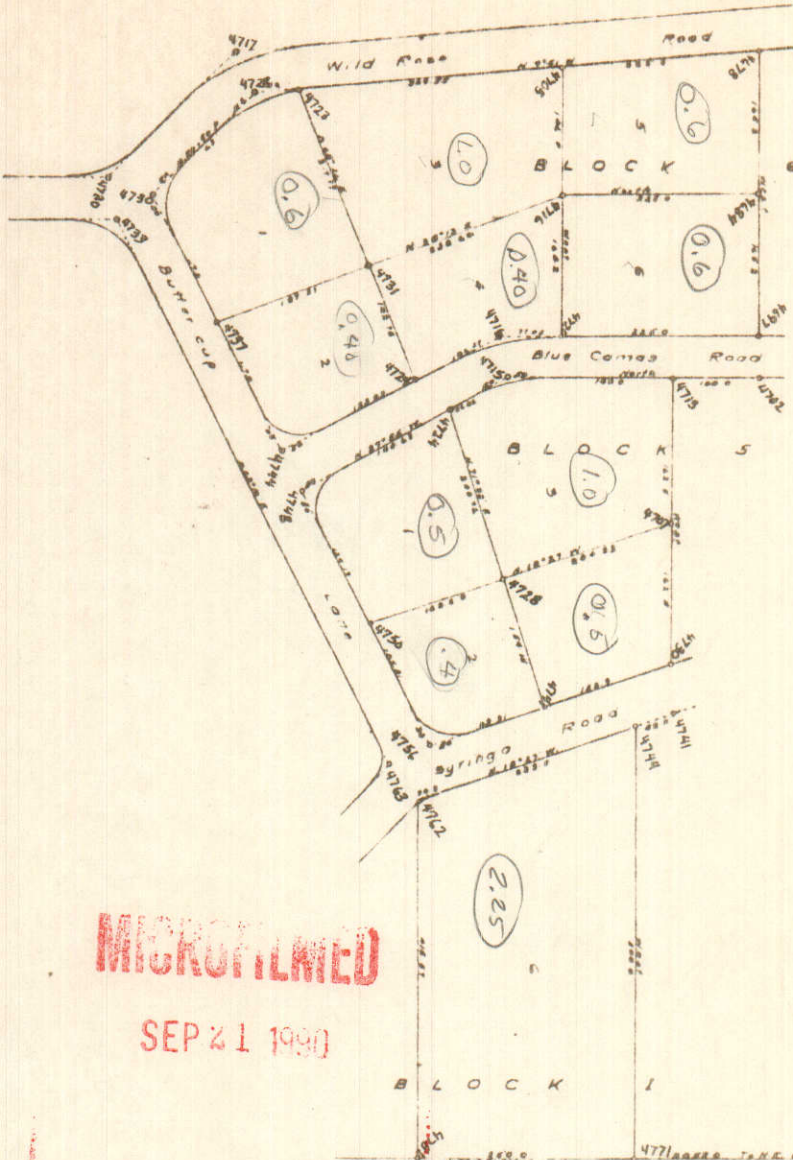
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E. 1/2 Section 8

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

Lemhi County, Idaho

UNIT TWO



MEMORANDUM

SEP 21 1990

[illegible]

Thacker & Adams

[illegible]

APPROVA

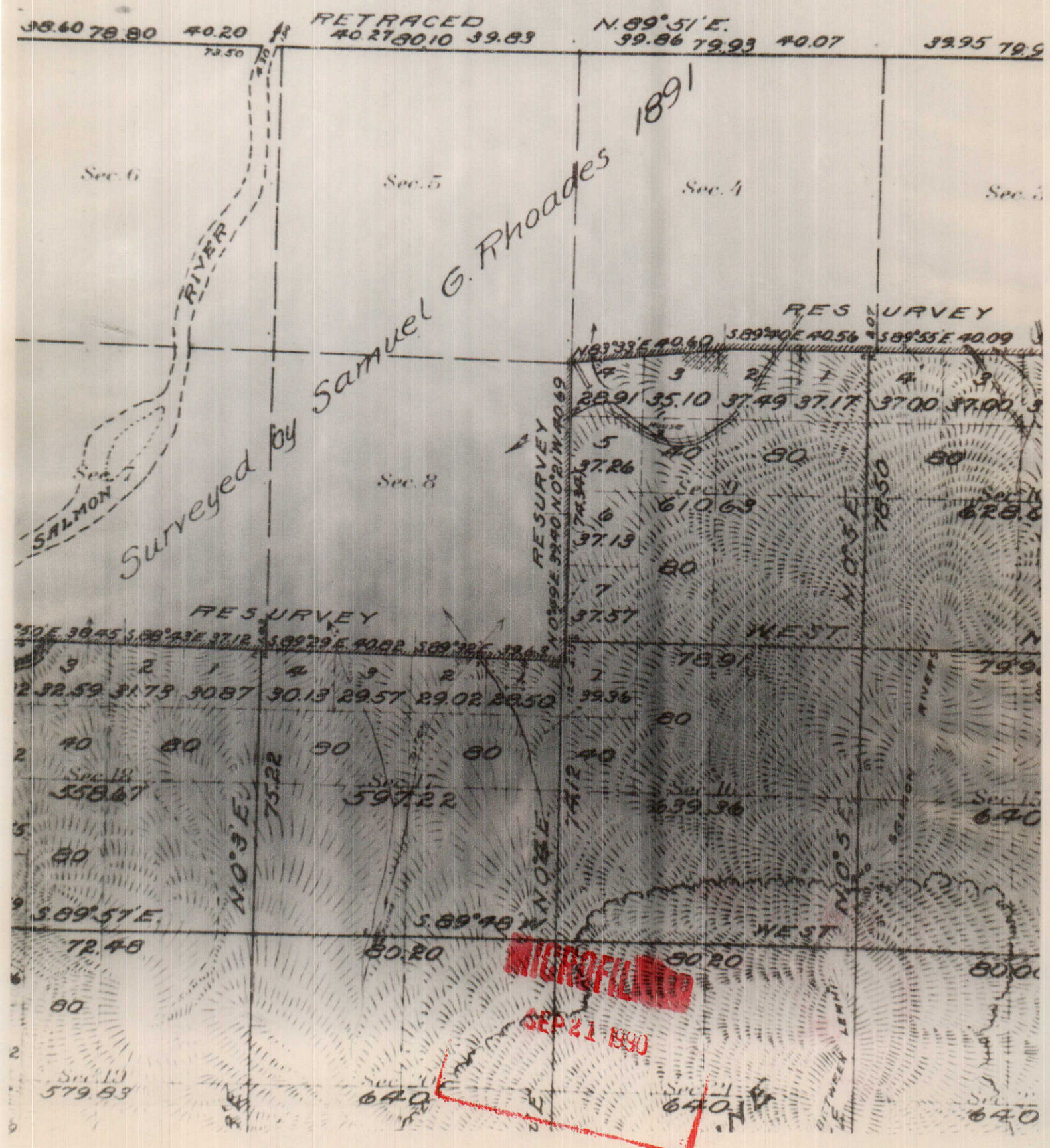
Approved by the Loma County Board of Supervisors at a meeting held on October 1933

1800. *Chamae Althea*

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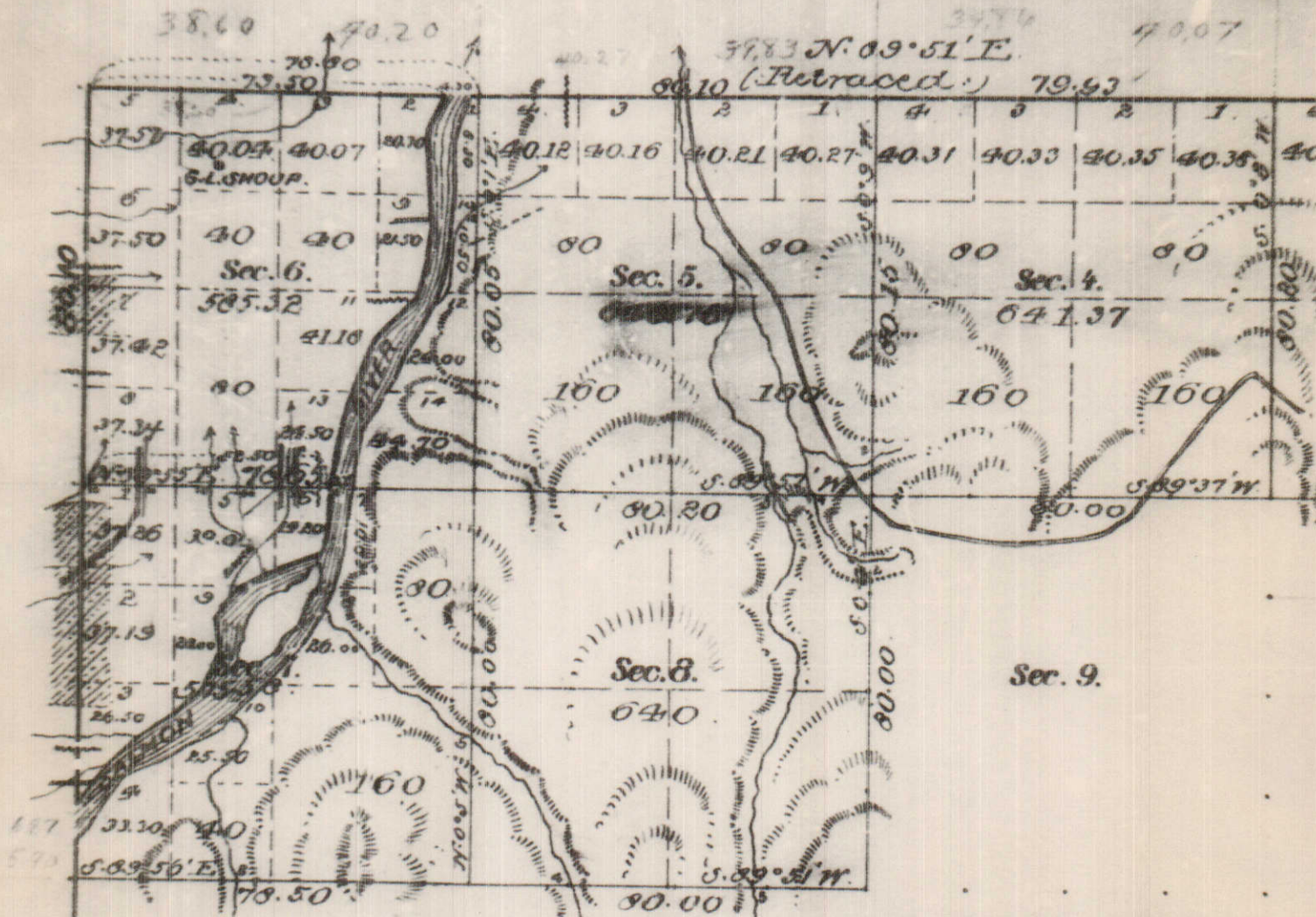
Edmund Wilson
Records

<i>f</i>	<i>F</i>	<i>e</i>	<i>E</i>	<i>d</i>	<i>D</i>	<i>e</i>
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Township N° 20 North Range N° 22 E

E f F e E d D



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SEP 21 1990

win

EXHIBIT B



Irrigation Ditch R/W Application

Adams Ditch to Hyde Ditch

SW NE Section 17

T. 20 N., R. 22 E., Boise Meridian
Lemhi County, Idaho.

Right-of-Way required is 250 feet
on each side of the centerline as
shown on this map. N. 35:00 E. 100.0
a distance of 100 feet. Distances
and bearings stated apply to the
map. 0.10 acre required.

Scale: 1 inch = 400 feet
12-9-72

Applied

75-7032

August 25, 1972

Re: Application No. 75-7029 - Charles & Sue Walker
75-7031 - Eugene G. Hussey
75-7032 - Ralston W. &/or Rachel L. Adams

Recorder-Herald
P.O. Box 310
Salmon, ID 83467

Gentlemen:

Enclosed you will find a legal notice which we wish to have for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Norman C. Young
District Engineer

NCY:BA
Enc: Legal notice

**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Ralston W. &/or Rachel L. Adams, Box 1479, Salmon, Idaho has on 8/22/72 submitted Application No. 75-7032 for a permit to appropriate 0.40 cubic feet per second of water from unnamed springs, tributary to Eli Creek by means of headbox & pipeline within the NE¼-NE¼, Sec. 17, T. 20N, R. 22E, B. M., Lemhi County; to be used from Jan. 1 to Dec. 31 for domestic purposes for 100 families, and from Apr. 1 to Nov. 1 for the irrigation of 320 acres, both uses within the E½, Sec. 8, T. 20N, R. 22E, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before September 18, 1972.

R. KEITH HIGGINSON
Director

Published in the Recorder-Herald, Salmon, Idaho on August 31, and September 7, 1972.
8-31-2tc

*Bill submitted to
Baise 9/11/72
C.W.*

75-7032

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 75-07032

Priority: August 29, 1972

Maximum Diversion Rate: 0.40 CFS
Maximum Diversion Volume:¹ 223.3 AF

This is to certify, that RALSTON W. ADAMS
RACHEL L. ADAMS

P.O. BOX 1479
SALMON, ID 83467

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 22, 1972; and has submitted Proof of Beneficial Use on July 7, 1978. An examination indicates that the works have a diversion capacity of .560 cfs of water from:

SPRINGS tributary to ELI CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.40 CFS	169.8 AF
DOMESTIC	01/01 to 12/31	0.40 CFS	53.4 AF
	Totals	0.40 CFS	223.3 AF

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 17, Township 20N, Range 22E
LEMHI County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
20N 22E 8	NENE 32	NWNE 30	SWNE 31	
	SENE 27	NESE 20	NWSE 35	
	SWSE 30	SESE 5		210
		Total number of acres irrigated:		210

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the associated place of use.

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SEP 21 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

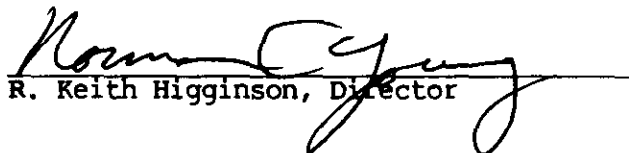
WATER RIGHT NO. 75-07032

CONDITIONS/REMARKS:

3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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 the lands above.
6. Domestic use is for 89 homes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 18th day of September, 1990.

Acting for


R. Keith Higginson, Director

MICROFILMED

SEP 21 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 75-7032

IN THE NAME OF RALSTON W. &/OR RACHEL L. ADAMS

ORDER OF REINSTATEMENT

WHEREAS, on August 22, 1972, Ralston W. and Rachel L. Adams filed with the Department of Water Resources an application for permit to appropriate 0.40 cubic feet per second of water from springs to be diverted from Government Lot 1, Sec. 17, Twp. 20N, Rge. 22E, B.M., Lemhi County, to be used for domestic and irrigation purposes; and,

WHEREAS, on July 17, 1973, the Department approved said application and issued Permit No. 75-7032 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before July 1, 1978; and,

WHEREAS, on April 28, 1978, the Department notified the permit holders by certified mail that proof of beneficial use was due and instructed the permit holders as to the steps to be taken to make said proof; and,

WHEREAS, on July 1, 1978, the permit automatically lapsed for failure to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on July 7, 1978;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 75-7032 be REINSTATED and the priority advanced to August 29, 1972.

Dated this 18th day of September, 1978.

MICROFILMED

L. Glen Saxton
L. GLEN SAXTON

Chief, Operations Bureau

Identification No. 75 7032

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Ralston W. and/or Rachel L. Adams
post office address Box 1479, Salmon, Idaho 83467
2. Source of water supply Springs which is a tributary of Eli Creek
3. a. Location of point of diversion is NE ^{Lot #1} 1/4 of NE 1/4 of Section 17 Township 20 N
Range 22 E B.M. Lemhi County; additional points of diversion if any: Exchange
with South Fork of Seven Mile Creek. See details in Item 10.
- b. If water is not consumed, it will be discharged into Eli Creek at a point in NW 1/4
of NE 1/4 of Section 17 Township 20 N Range 22 E B.M.
4. Water will be used for ^{see remarks} the following purposes:
Amount 0.40 for Domestic purpose from 1 Jan. to 31 Dec. (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.40 for Irrig. purpose from 1 April. to 1 Nov. (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) Per telecon Rachel L. Adams 8/22/72 NCY
5. Total quantity to be appropriated:
a. 0.40 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Water will be conveyed by pipe ^{headbox &}
to two 10,000 gal. underground storage tanks located approx. in
S W S E and N W S E Section 8, T. 20 N, R. 22 E B M.
- b. Height of storage dam -- feet, active reservoir capacity -- acre feet; total reservoir
capacity -- acre feet, materials used in storage dam: --
Period of year during which storage will occur -- to -- inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is -- inches; proposed depth of well is -- feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 50,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ 1/4 of E 1/2 of Section 8 Township 20 N
Range 22 E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 100.
(5) If water is to be used for other purposes describe: _____

75-7032

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
20 N	22E	8	40	40	40	40									40	40	40	40	320
			All will be sub-divided.												Part will be sub-divided.				

Total number of acres to be irrigated 320

c. Describe any other water rights used for the same purposes as described above. No other rights.

9. a. Who owns the property at the point of diversion B L M.
 b. Who owns the land to be irrigated or place of use Applicant.
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Applicant is in process of applying for an easement from B L M.

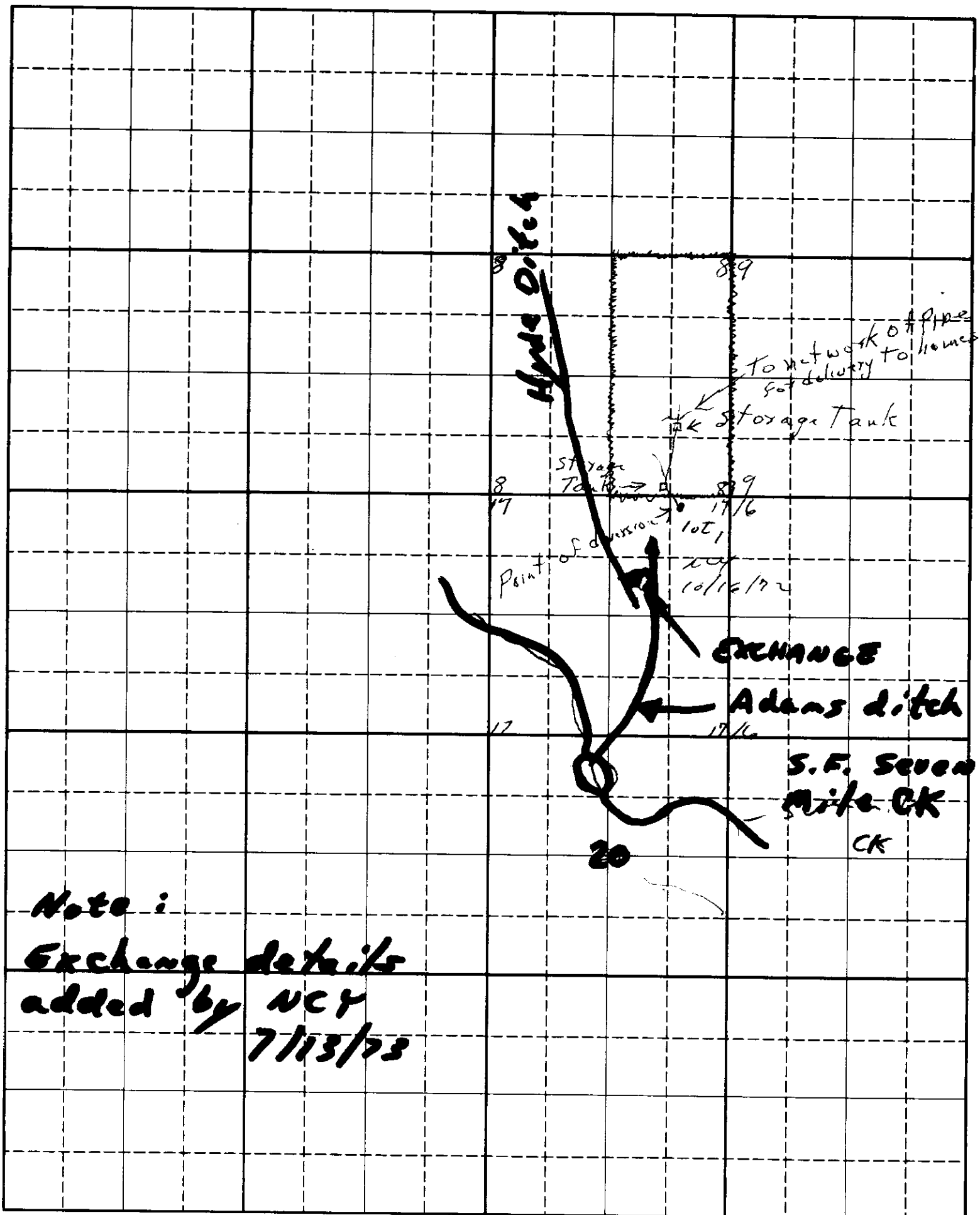
10. Remarks The primary use of this water is domestic for a planned one hundred (100) residences in applicant's subdivision, Sunset Heights. Applicant proposes to use any excess flow from the springs or storage for irrigation of the subdivision parcels.

-- The flow from the springs has been measured.

-- The outflow from the springs has in the past been used by applicant's predecessor and applicant for irrigation of different land than applied for here.

Water will be taken by applicant from the spring area described in Item 3 and replaced with water from the South Fork of Seven Mile Creek, now owned by applicant (see exchange agreement dated 12/21/72). The point of diversion from Seven Mile Creek is NE¼NW¼, Sec. 20, T. 20N, R. 22E, B.M. (See Claim #75-4029) Point of exchange is SW¼NE¼, Sec. 17, T. 20N, R. 22E, B.M.

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



Scale: 2 inches equal 1 mile

T 20 N R. 22 E B. M.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Robert L. Adams
(Applicant)

Tracy L. Adams

75-7032

Proposed Priority 8-22-1972

Received by CW Date 8/22/72 Time 11:30 A.M.
Preliminary check by NCY Fee \$ 25.00
Receipted by CW Date 8/22/72
Publication prepared by Bu Date 8-23-72
Published in Boise Herald-Examiner
Publication dates 8-31 & 9-7-72
Publication approved NCY Date 5-10-73
Priority reduced to _____ Reason _____

Protests filed by: George L. & Althea R. Hyde

Copies of protests forwarded by ta
Hearing held by _____ Date _____
Recommended for approval denial by NCY M.B.F.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

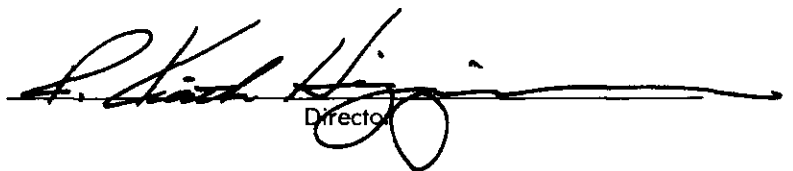
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 75-7032, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, _____, 1978.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
This permit is subject to and limited by that certain agreement dated May 9, 1973, between the applicants and George L. and Althea R. Hyde.

2. Denial of said application is for the following reasons: _____

Witness my hand this 17th day of July 1973.


Director

75-7032

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 75-7032 Name Ralston W. &/or Rachel L. Adams

Source Springs, tributary of Eli Creek

Point of Diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 20N, R. 22E, B.M., Lemhi County

Quantity 0.40 cfs Use domestic Period Jan. 1 to Dec. 31

Quantity 0.40 cfs Use irrigation Period Apr. 1 to Nov. 1

Quantity Use Period

Well Size Diameter Proposed Depth Feet

Use Domestic purposes for 100 families; irrigation of 320 acres.

Date Forwarded Date Returned Received by

COMMENTS: Eli Creek is not adjudicated but appears to be used in Canal from
Salmon River (Salmon 15' Quad). Appears that location of source is reasonable.

RECOMMENDED:

Applied: Qty. 0.40 cfs Use dom. Period 1/1-12/31 AF/A --- AF 100

Qty. 0.40cfs Use irrig. Period 4/1-11/1 AF/A .47 AF 170

Qty. Use Period AF/A AF

Maximum: Qty. 3.0 cfs Use dom. Period 1/1-12/31 AF/A --- AF 100

Qty. 6.40 cfs Use irrig. Period 4/1-11/1 AF/A 3.0 AF 960

Qty. Use Period AF/A AF

ACTION: Approved X Denied

Conditions of approval or reason for denial: --- Subject to
conditions of exchange agreement
Install & maintain M.D @ point of diversion
& point of exchange.

By Norman C. Young Title District Engineer
NORMAN C. YOUNG Date 8/28/72

7/13/73

75-7032

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that **Ralston W. &/or Ralston W. & Co.**, of Salmon, Idaho, Box 1478, Salmon, Idaho, has on 8/22/72 submitted Application No. 75-7032 for a permit to appropriate 0.40 cubic feet per second of water from unnamed springs, tributary to Eli Creek by means of headbox & pipeline within the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 17, T. 20N, R. 22E, E $\frac{1}{2}$ M., Lemhi County; to be used from Dec. 1 to Dec. 31 for domestic purposes for 100 families, and from Apr. 1 to Nov. 1 for the irrigation of 320 acres, both of which are within the E $\frac{1}{2}$, Sec. 8, T. 20N, R. 22E, B. M. If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before September 18, 1972.

R. KEITH HIGGINSON
Director

Published in the Recorder-Herald, Salmon, Idaho on August 31, and September 7, 1972.
8-31-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

SEP 11 1972

Department of Water Administration
Eastern District Office

JERRY G. ROSIN

_____, being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the Notice of Application for Water Permit #75-7032

_____ a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for _____ 2 consecutive issues, commencing with the issue dated _____ Aug. 31, 19 72 and ending with the issue dated _____ Sept. 7, 19 72

Jerry L. Rosin
seventh

Subscribed and sworn to before me, this _____ day of _____ September, 19 72

Verle Armstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 12.95

75-7032



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

May 20, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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.

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 (*via email*)
Roxanne Brown

April 21, 2005

To: Sunset Heights Water District

From: Cecil Jackson
Judith Bailey-Jackson

Re: Irrigation water

Dear Sirs,

This letter is to address the water usage issue that is occurring due to your agreement with the Hyde Ranch that seems to provide the Ranch with water that the District does not have rights to provide. Our understanding is that water from our water right has been promised to the Ranch in exchange for the District's use of a spring located above the development. This water agreement was never properly filed for nor was it properly recorded. Therefore, it appears that you are trying to deliver water that the District has no right to or has no way to transmit.

Essentially, we do not want to be inserted into the District's problem. That said, it appears that we do have to address possible mutually beneficial solutions. The following items are what we believe need to occur to solve the District's water shortfall.

1. The District should continue to acquire a claim to .5 CFS of water from the S. Fork of Seven Mile Creek with the understanding that this claim will be subordinate to our claim, i.e. 1914 vs. 1972. This process should include us; any activity done without our involvement would be looked upon rather negatively by us.
2. The transmission ditch and pipeline are rights of way owned and leased by us from the BLM. Therefore in exchange for the conveyance of your water, we expect to be exempt from any water bills from the District. If this is not possible, we will consider charging for the conveyance.
3. The District needs to register their point of diversion, and their short ditch.
4. The water that is diverted should not exceed 20% of the water at the point of diversion. Although the District may have a claim for .5 CFS, seldom is it available, therefore because your claim is subordinate, only a percentage will be available for your use.
5. We are planning a major improvement to the diversion point on Seven mile Creek and would like to see financial assistance from the District.
6. The District also needs to implement firm water conservation measures to decrease the need to try diverting their full claim from the S. Fork of Seven Mile.

Thank you for your consideration in this matter.

Sincerely,

Cecil Jackson

Judith Bailey-Jackson

SUNSET HEIGHTS WATER DISTRICT

P.O. Box 4
Salmon, ID 83467

RECEIVED

MAY 05 2005
DEPARTMENT OF
WATER RESOURCES

May 2, 2005

Mr. Gary Spackman
Department of Water Resources
1301 N. Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Dear Mr. Spackman,

Thank you for talking with me last week. After our conversation I have been doing some research. I am sending to you some paperwork that I find justifies our position regarding Sunset Heights Water District Water Claim. These are:

1. Cecil Jackson's Deed – Exhibit A shows his property is subject to the Gift of Ownership recorded October 6, 2000 instrument No. 245479 and re-recorded October 11, 2000 under Instrument No. 245480, records of Lemhi County, Idaho
2. Copy of Gift of Ownership – this states gift includes all rights of the claim of water right number 875-07-032 (current number 75-7032)
3. PETITION FOR ORGANIZATION OF SUNSET HEIGHTS WATER DISTRICT – Case No. 2000-81 - Paragraph III ...water under gravity flow pressure pursuant to Water Right No. 75-0732 of the Records of the Idaho Department of Water Resources.
4. FINDINGS OF FACT CONCLUSIONS OF LAW, ORDER AND DECREE ESTABLISHING WATER DISTRICT File date 12-1-00 File No. 246732 signed by Judge Herndon

In addition to this documentation there is the 1972 agreement, filed with the Department of Water Administration Date May 9, 1973. A copy has already been faxed to you.

In your records you will find The Sunset Heights Water District Water Right No. 75-7032 has under remarks: Use of this RT. in NENE, S17, T20N, R22E in exchange for beneficial use RT. of S. Fk. 7 Mile Ck. See agreement 5-9-73.

In order to insure water for 52 current residences and future residences with domestic water, we ask that Sunset Heights Water District be granted a 1st priority water right claim of .4cfs from the South Fork 7 Mile Spring. We believe the date should be 1872 as this is the original date for the

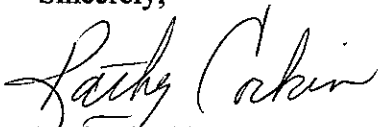
Mr. Gary Spackman
Dept. of Water Resources
Page 2

water right we currently use from Eli Spring that was Mr. George Hyde's and now is registered to Mr. Michael Tyacke. This water has been used as set forth in the 1972 agreement that was signed by Adams and Hyde and adhered to for years.

Mr. Cecil Jackson has informed the Sunset Heights Water District that he has the claim to all water from the South 7 Mile Spring and will be using it at his discretion.

It is imperative that this problem be solved in the shortest time possible. We thank you for your time and considerations regarding this water right claim.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathy Corkin".

Kathy Corkin for
SUNSET HEIGHTS WATER DISTRICT

cc Lenore Barrett

WARRANTY DEED

For Value Received WILLIAM R. STIGALL AND GLORIA J. STIGALL,
HUSBAND AND WIFE

the grantor s; do hereby grant, bargain, sell and convey unto CECIL JACKSON AND
JUDITH BAILEY-JACKSON, HUSBAND AND WIFE, A/K/A CECIL T. JACKSON & JUDITH A.
42 WILD ROSE ROAD BAILEY-JACKSON, HUSBAND AND WIFE.
SALMON, IDAHO 83467
the grantee s, the following described premises, in Lemhi County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to
and with the said Grantee s, that they are the owners in fee simple of said premises; that they
are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: AUGUST 6, 2004

William R. Stigall
WILLIAM R. STIGALL

Gloria J. Stigall
GLORIA J. STIGALL

STATE OF IDAHO, COUNTY OF LEMHI
On the 6TH day of AUGUST, 2004
I, _____, Notary Public in and for said State, personally appeared WILLIAM R. STIGALL AND GLORIA J. STIGALL

to be the person s whose name s are
to the within instrument, and acknowledged
to me that they executed the same.

Quinn K. Roberts
Notary Public
Residing at SALMON, Idaho
Comm. Expires 10.6.05

STATE OF IDAHO, COUNTY OF LEMHI

I hereby certify that this instrument was filed for record at the request of LEMHI TITLE

at 19 minutes past 2 o'clock p.m.,
this 9 day of August
2004, in my office, and duly recorded in Book
of Deeds at page

Ken Morton
Ex-Officio Recorder
By Debra Cutler Deputy.
Fees \$ 600
Mail to: CT

INSTRUMENT NO. 259684

LEMHI TITLE & ABSTRACT — SALMON, IDAHO

WADE SURVEYING

P.O. Box 1175
Salmon, Idaho 83467

Phone (208) 756-3070

October 5, 2000

EXHIBIT "A"

A parcel of land located in the SE 1/4, Section 8, T. 20 N., R. 22 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Beginning at the SE Corner of said section from which the E 1/4 Corner of said section bears N 01°07'49" E 2600.74 ft., the Basis Of Bearing of this description, run thence N 89°24'04" W along the southerly boundary of said section a distance of 2469.11 ft. to the SE corner of Adams Cemetery;

Thence N 00°50'14" E along the easterly boundary of said cemetery a distance of 147.58 ft.;

Thence N 89°24'04" W along the northerly boundary of said cemetery a distance of 147.58 ft. to a point on the north-south centerline of said section;

Thence N 00°50'14" E along said line a distance of 1539.72 ft. to the SW corner of Sunset Heights Subdivision Unit No. 1;

Thence the following courses and distances along the southerly boundary of said subdivision;

S 89°24'31" E 649.12 ft.; S 89°22'41" E 420.96 ft.;

S 89°22'20" E 307.32 ft.; S 89°25'34" E 400.09 ft.;

S 89°19'35" E 183.03 ft.; S 89°21'32" E 664.80 ft. to a point on the easterly boundary of said section;

Thence S 01°07'49" W along said boundary a distance of 1686.57 ft. to THE POINT OF BEGINNING.

SUBJECT TO: A 20 ft. existing water line right-of-way for Sunset Heights Water Company.

SUBJECT TO: A 30 ft. wide easement for ingress and egress, 15 ft. on either side of the following described centerline:

Commencing at the S 1/4 corner of said Section 8 run thence N 00°50'14" E along the north-south centerline of said section 8 a distance of 147.58 ft. to the northwest corner of Adams Cemetery; Thence S 89°24'04" E along the northerly boundary of said cemetery a distance of 15.00 ft. to the POINT OF BEGINNING;

Thence N 00°50'14" E a distance of 1474.94 ft.;

Thence 78.33 ft. along a curve to the right having a central angle of 89°45'15", a radius of 50 ft.;

Thence S 89°24'31" E a distance of 584.39 ft.;

Thence S 89°22'41" E a distance of 420.95 ft.;

Thence 23.56 ft. along a curve to the left having a central angle of 89°59'39", a radius of 15.00 ft. to a point on the southerly boundary of Sunset Heights Subdivision Unit No. 1.

SUBJECT TO: A right of ingress and egress per Gift of Ownership recorded October 6, 2000, under Instrument No. 245479 and re-recorded October 11, 2000, under Instrument No. 245480, records of Lemhi County, Idaho.

GIFT TRANSFER BY OWNER

Ralston W. Adams and Rachel Adams, husband and wife, of Rt 1, Box 224-50, Lemhi County, Salmon, Idaho 83467, hereinafter referred to as owners, hereby give, without reservations, to Sunset Heights Recreation Association, a non-profit Idaho corporation, all of the ownership of the water system that supplies water to Sunset Heights subdivision as shown on Exhibit "A" attached hereto and made part hereof. This includes all pipes, pumps, parts and accessories thereto. This gift includes all rights to the claim of water right number A75-07033, and the Bureau of Land Management right-of-way number 1-5840, shown as Exhibit "B" attached hereto and made part hereof. This gift also includes an easement for ingress and egress through the property known as the South 1649.95 feet of the East Half of Sec 8, Twp 20 N., range 22 East (through owners real property) to maintain all pipe and storage tanks, and a 20 foot easement along said pipes as described in Exhibit "C" attached hereto and made part hereof.

This document is a gift and there is no monetary consideration given therefore and is accepted by the President and Secretary of the Sunset Heights Recreation Association. The non-profit corporation donee accepted the same at it's association meeting in 1994.

Dated this 25th day of October, 1995.

STATE OF IDAHO
COUNTY OF LEMHI

I, TERRI J. MORTON, CLERK OF THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI DO HEREBY CERTIFY THAT THE PROCEEDING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

IN WITNESS WHEREOF I HAVE HERE UNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 25th DAY OF May YEAR 2005.

TERRI J. MORTON, CLERK
BY Tana Agle DEPUTY


RALSTON W. ADAMS

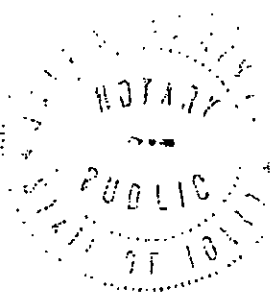
Rachel Adams
RACHEL ADAMS

STATE OF IDAHO)
) ss
County of Lemhi)

On this 25th day of October, 1995, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Ralston W. Adams and Rachel Adams, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and who acknowledged to me that they executed the same.

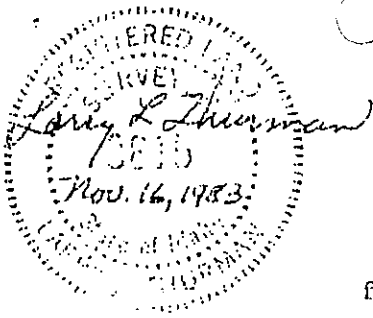
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)



Phil McKen
Notary Public for Idaho
Residing at Salmon
Commission expires: 4-8-98

State of Idaho)
County of Lemhi) SS No. 245479
This instrument was filed for record at the request
of Aileen Schaffner
at 3:20 o'clock p m 10-16 200
and duly filed and indexed in the records of Lemhi
County Terri J. Morton
Ex-Officio Recorder
By Brenda Munstrove Deputy
Fee 15.00
Return to _____



Larry Thurman
Rt. 1 Box 136
Salmon, ID 83467

245 79

EXHIBIT "C"

November 16, 1983

RALSTON ADAMS
Right of Way Description
for Sunset Heights Water Company

A parcel of land lying in the Southeast Quarter (SE $\frac{1}{4}$) of Section 8, Township 20 North, Range 22 East, Boise Meridian, Lemhi County, Idaho; being all that portion of said property contained within a strip of land 15 feet in width and 7 $\frac{1}{2}$ feet on each side of a traverse line described as follows:

Beginning at the upper 20,000 gallon underground storage facility, said facility bears North 89 degrees 40 seconds 47 minutes East a distance of 1255.53 feet from the South Quarter($\frac{1}{4}$) Corner of said Section 8;

Thence along the existing 6 inch buried P.V.C. water line North 13 degrees 08 minutes 31 seconds West a distance of 105.03 feet;

Thence North 21 degrees 22 minutes 31 seconds West a distance of 63.93 feet;

Thence North 02 degrees 57 minutes 11 seconds East a distance of 133.36 feet;

Thence North 04 degrees 27 minutes 22 seconds West a distance of 104.90 feet;

Thence North 09 degrees 50 minutes 58 seconds West a distance of 219.46 feet;

Thence North 12 degrees 00 minutes 03 seconds East a distance of 505.57 feet to a fork in the line;

Thence from said fork in one direction North 12 degrees 53 minutes 52 seconds East a distance of 375.70 feet to a point where the two lines meet and parallel;

Thence from said fork in another direction South 77 degrees 04 minutes 00 seconds East a distance of 73.72 feet to the inlet of an underground storage facility;

Thence North 43 degrees 47 minutes 43 seconds East a distance of 20.52 feet to the outlet of said storage facility;

Thence North 00 degrees 20 minutes 28 seconds West a distance of 367.92 feet to said point where the two lines meet and parallel;

Thence along the two buried water lines North 10 degrees 47 minutes 07 seconds East a distance of 192.97 feet to a point on the fenced property line; said point bears South 54 degrees 43 minutes 59 seconds West a distance of 1559.09 feet from the East Quarter($\frac{1}{4}$) Corner of said Section 8.

The parcel of land to which the above description applies contains 0.74 acres, more or less.

Basis of bearings taken from field measurements on the monumented East Quarter($\frac{1}{4}$) Corner of Section 8 and the monumented West Quarter($\frac{1}{4}$) Corner of Section 9 using the Forest Service plat bearing of North 00 degrees 02 minutes 19 seconds West.

PLACE OF USE LEGAL DESCRIPTION FOR: RECREATION STORAGE

		NE		NW		SW		SE	
		NENE		NNWN		NNWS		NNSE	
		NENE		NNWN		NNWS		NNSE	
		NENE		NNWN		NNWS		NNSE	
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ACCEPTANCE OF GIFT TRANSFER BY OWNER

Sunset Heights Recreation Association, a non-profit Idaho corporation, by and through it's president, Wally Halton and secretary, Pat Fitzgerald, with a mailing address of Rt 1, Box 224-81, Salmon, Idaho, hereby accepts the gift transfer signed by Ralston Adams and Rachael Adams on October 25, 1995.

This gift and acceptance was brought before the annual meeting of the association in 1994, and duly voted on and accepted unanimously by the members, therefore the undersigned president and securotary affix their signatures as acceptance to be attached to the gift transfer and to be recorded with the gift transfer.

DATED: October 31, 1995

SUNSET HEIGHTS RECREATION ASSOCIATION, INC.

State of Idaho)
County of Lemhi) SS No. 225480

This instrument was filed for record at the request

of Susan Schaffner

at 3:21 o'clock p.m. 10-6-1995

and duly filed and indexed in the records of Lemhi County

Terri J. Maxon
Ex-Officio Recorder

By Sandra Armstrong Deputy

Fee 6.00

Return to _____

Wally Halton
WALLY HALTON, President

Pat Fitzgerald
PAT FITZGERALD, Secretary

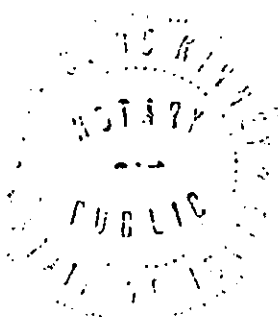
STATE OF IDAHO)
County of Lemhi) SS

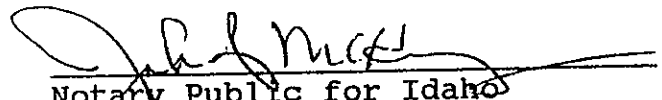
On this 31st day of October, 1995, before me, the

undersigned, a Notary Public in and for said County and State, personally appeared Wally Halton and Pat Fitzgerald, known to me to be the president and secretary, respectively, of the corporation that executed the within instrument or the persons who executed the instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)




Notary Public for Idaho
Residing at Salmon
Commission expires: 4-8-98

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

IN THE MATTER OF:

Case No. *2000 - 81*

The organization of Sunset Heights Water
District

**PETITION FOR ORGANIZATION
OF SUNSET HEIGHTS WATER
DISTRICT**

The undersigned Petitioners, constituting more than ten percent (10%) of the tax payers of the proposed water district, hereby represent and show:

I.

This court has jurisdiction to grant the relief prayed for herein under and by virtue of the provisions of Idaho Code, Title 42, Chapter 32, and this Petition is specifically filed pursuant to the provisions of Idaho Code §42-3204.

II.

The name of the proposed district shall be "SUNSET HEIGHTS WATER DISTRICT".

III.

A general description of the improvements already constructed and installed within and for the proposed district are as follows:

A concrete and plastic collection structure covered by a cinder block spring house is located on an unnamed spring at the head of and tributary to Hyde Creek, approximately in the SWNWNW of Section 16, T 20 N, R 22 E. From this point, a three inch pipeline carries the water in a northwesterly direction a distance of about ½ mile to a concrete reservoir with a capacity of some 15,000 gallons located near the southwest corner of the SESE Section 8, T 20 N, R 22 E. A six inch pipeline then continues from this reservoir approximately 1/4 of

a mile north to another concrete reservoir of approximately the same size and capacity, and then from the second reservoir there are two six inch pipelines which deliver the water into the Sunset Heights Subdivision where there are about ninety (90) lots. There are presently fifty-one (51) service connections which receive domestic water under gravity flow pressure pursuant to Water Right No. 75-07032 of the Records of the Idaho Department of Water Resources. Disinfection of the water supply is accomplished with a metering pump and a 55 gallon household bleach tank located in a small pump house at the first reservoir. Bleach is injected into the water supply at this location. As water leaves the first reservoir, the volume of water consumed by the proposed district is measured and totalized using a flow meter in a vault just downstream from the reservoir, and an electronic totalizer located in the metering pump house.

Maps showing details of the diversion and delivery system are attached hereto as Exhibits "A" and "B", and by this reference made a part hereof.

IV.

The approximate cost of the constructed and installed improvements, including the quality enhancement equipment and facilities was \$100,000.

V.

The territory to be included within the proposed district consists of the "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:

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

A map showing the boundaries and extent of said Subdivision is attached hereto as Exhibit "C", and by this reference made a part thereof.

5. Directing that the names of the five (5) qualified electors nominated be listed upon the ballot to be submitted to the electors at said election.
6. Granting or ordering such other and further relief as the court may deem just and proper.

This Petition has been subscribed by each of the following Petitioners, whose names have been printed and the dates of signing of each have been set forth opposite their signatures below:

NAME (Print)	SIGNATURE	DATE OF SIGNING
Michael Liner	<i>[Signature]</i>	July 19, 2000
Matthew Hightree	<i>[Signature]</i>	July 19, 2000
Fred G. McDonald	<i>[Signature]</i>	July 23, 2000
James M. Taylor	JAMES M. TAYLOR	July 24, 2000
Rick Schroeder	<i>[Signature]</i>	July 24, 2000
Cheri Roshon	<i>[Signature]</i>	Aug 2, 2000
LOUISE SHULENBERGER	<i>[Signature]</i>	Aug 2, 2000
LOU BINIKI	<i>[Signature]</i>	AUG. 3, 2000
Tolena Wolters	<i>[Signature]</i>	Aug 10, 2000

WHEREFORE, Petitioners pray that upon examination into this matter as required by law, the court enter the necessary order or orders as follows:

1. Fixing the time and place for the hearing of this Petition pursuant to Idaho Code §42-3206, not less than twenty (20) and not more than forty (40) days from the date of filing.
2. Directing the clerk of the court to:
 - a. Publish notice of the pendency of this Petition and of the time and place for hearing thereon in the Recorder Herald, a newspaper of general circulation in the County of Lemhi, State of Idaho; and
 - b. Cause a copy of said notice to be mailed by US registered mail to the Board of County Commissioners of the County of Lemhi, State of Idaho.
3. Direct the Lemhi County Assessor to ascertain from the tax roles of Lemhi County, Idaho, the total number of tax payers within the proposed district who pay a general tax on real property owned by such taxpayers within the proposed district and to prepare and furnish to counsel for the proposed district, a list of the names and addresses of such taxpayers.
4. Direct that the question of the organization of the district shall be submitted to the qualified electors of the district at an election to be held, subject to the provisions of §34-106, Idaho Code, for that purpose on a date appropriate therefore, and in connection therewith:
 - a. Appoint (3) qualified electors of the district as judges of said election. and
 - b. Direct the clerk of the court to publish notice of the time and place of the election to be held in the district in the Recorder Herald, a newspaper of general circulation within Lemhi County, Idaho, not more than twelve (12) nor less than five (5) days prior to said election.

5. Directing that the names of the five (5) qualified electors nominated be listed upon the ballot to be submitted to the electors at said election.
6. Granting or ordering such other and further relief as the court may deem just and proper.

This Petition has been subscribed by each of the following Petitioners, whose names have been printed and the dates of signing of each have been set forth opposite their signatures below:

NAME (Print)	SIGNATURE	DATE OF SIGNING
Susan Schaffner	<i>Susan Schaffner</i>	7-20-2000
Raymond V. Aftel	<i>Raymond V. Aftel</i>	7-21-2000
PATRICIA A. FITZGERALD	<i>Patricia Fitzgerald</i>	7-21-2000
PAUL Fitzgerald	<i>Paul Fitzgerald</i>	7-25-2000
PEGGY A Rischer	<i>Peggy A Rischer</i>	7-25-2000
Bardi Shellhut	<i>Bardi Shellhut</i>	7-30-2000
RAYMOND CROWNOVER	<i>Raymond Crownover</i>	7-30-2000
<i>Anne Crownover</i>	ANNE CROWNOVER	7/30/00
Greg Mills	<i>Greg Mills</i>	8-10-00

5. Directing that the names of the five (5) qualified electors nominated be listed upon the ballot to be submitted to the electors at said election.
6. Granting or ordering such other and further relief as the court may deem just and proper.

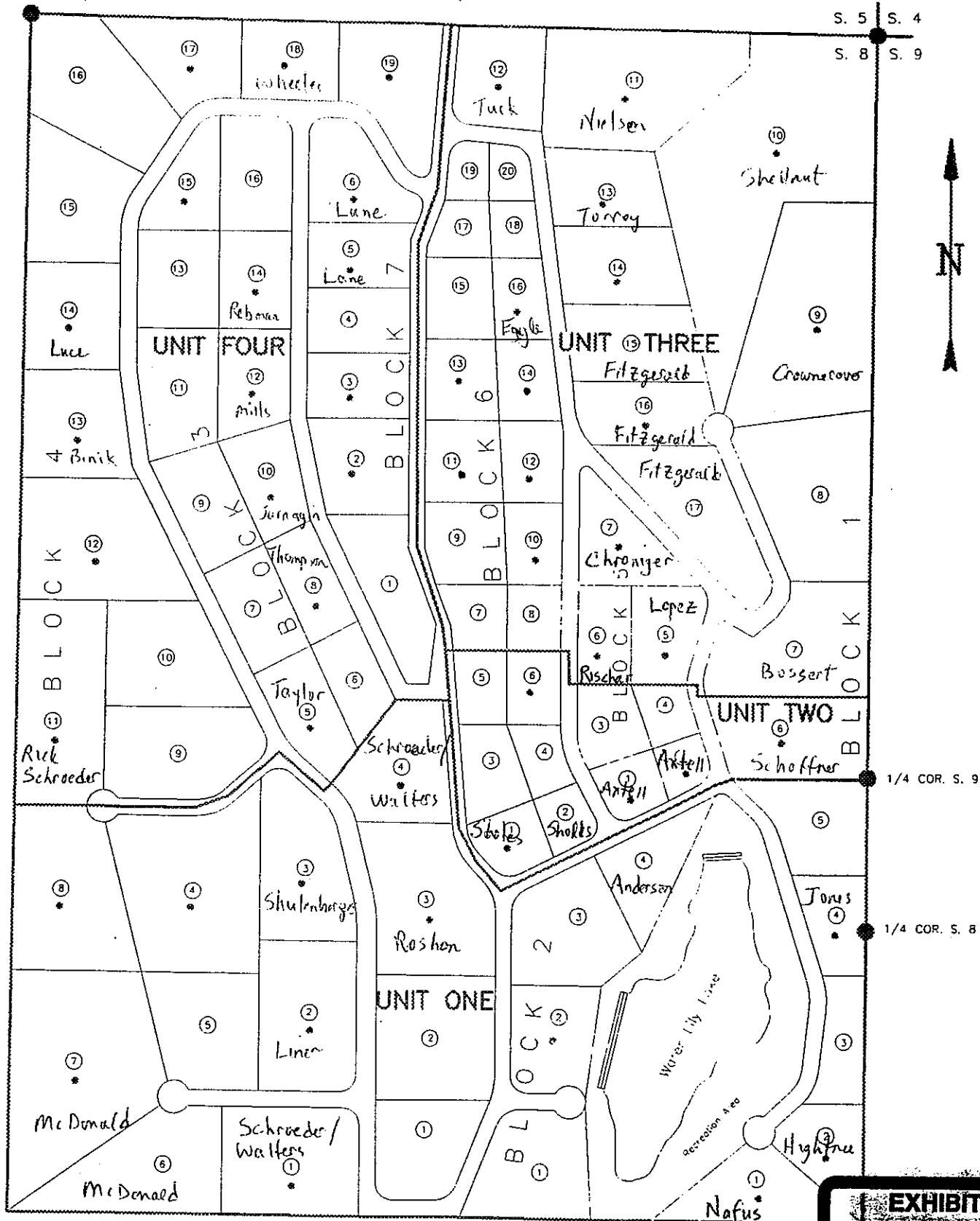
This Petition has been subscribed by each of the following Petitioners, whose names have been printed and the dates of signing of each have been set forth opposite their signatures below:

NAME (Print)	SIGNATURE	DATE OF SIGNING
John Reberman	John Reberman	7-25-00
PAT NIELSEN	Pat Nielsen	7-25-00
Dave Tuck	Dave Tuck	7-26-00
DEWAYNE LUCE	Dewayne Luce	7-26-00
Corky Torrey	Corky Torrey	7-26-00
Doug Sholes	Doug Sholes	7-26-00

SUNSET HEIGHTS SUBDIVISION UNITS ONE, TWO, THREE AND FOUR
 PORTION EAST 1/2 SECTION 8, TOWNSHIP 20 NORTH, RANGE 22 EAST, B.M.
 LEMHI COUNTY, IDAHO

1/4 COR. S. 5 & S. 8

S. 5 S. 4
 S. 8 S. 9



- ① = LOT NUMBER
- = LOT W/ RESIDENCE

UNIT ONE - BOOK 3 OF PLATS, PAGE 18, FILED OCTOBER 7, 1971, LEMHI COUNTY RECORDER.
 UNIT TWO - BOOK 4 OF PLATS, PAGE 5, FILED JULY 9, 1973, LEMHI COUNTY RECORDER.
 UNIT THREE - BOOK 4 OF PLATS, PAGE 42, FILED JANUARY 10, 1975, LEMHI COUNTY RECORDER.
 UNIT FOUR - BOOK 4 OF PLATS, PAGE 52, FILED APRIL 13, 1976, LEMHI COUNTY RECORDER.

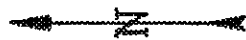
SCALE in FEET



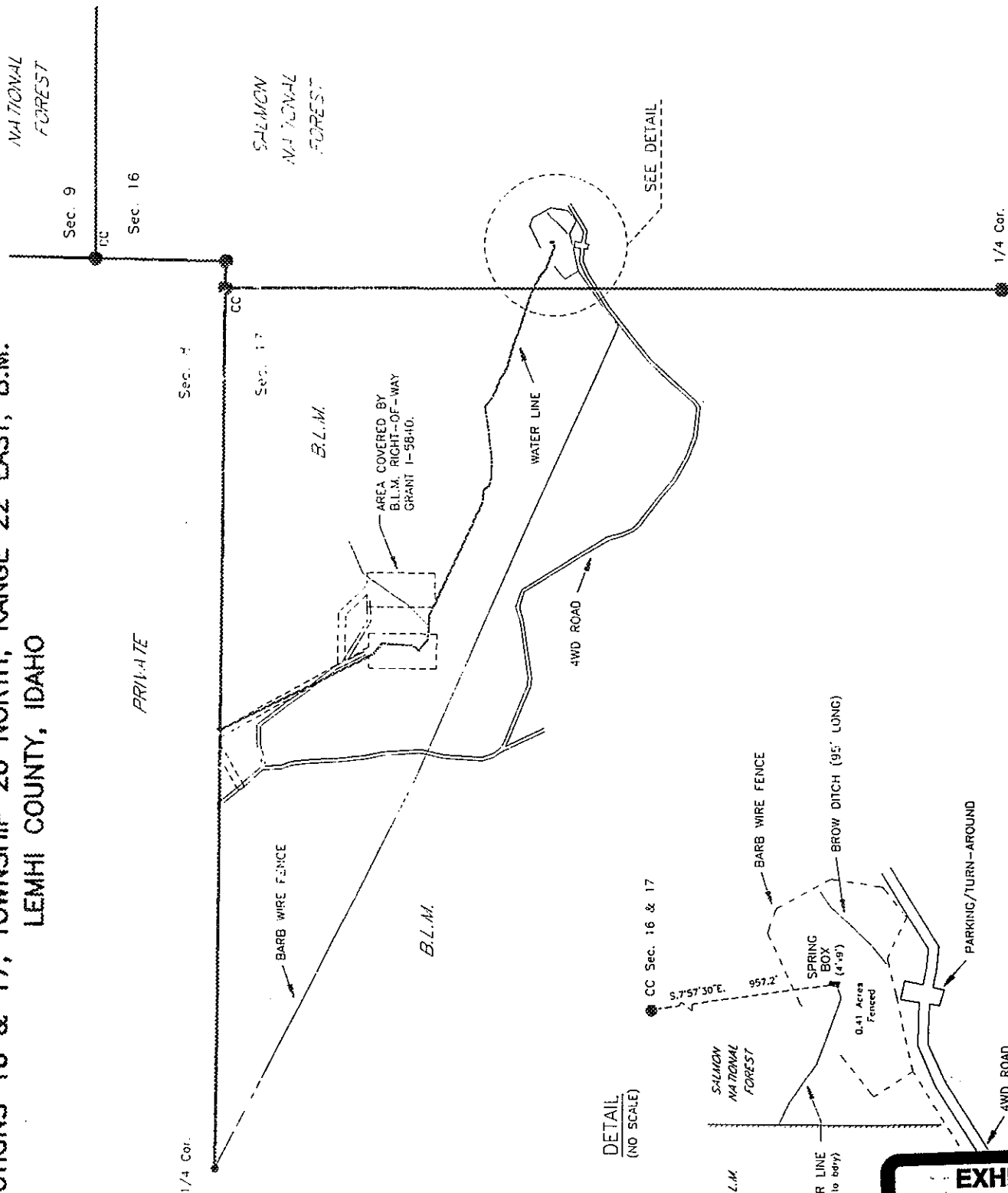
EXHIBIT

"C"

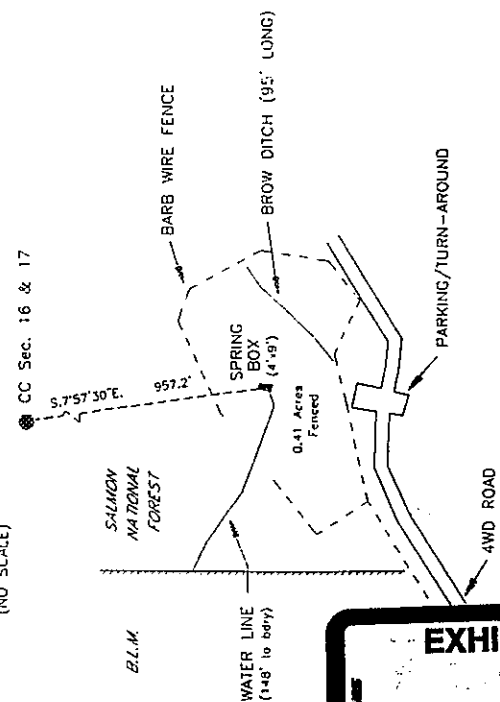
SUNSET HEIGHTS SUBDIVISION WATER DEVELOPMENT SECTIONS 16 & 17, TOWNSHIP 20 NORTH, RANGE 22 EAST, B.M. LEMHI COUNTY, IDAHO



SCALE IN FEET

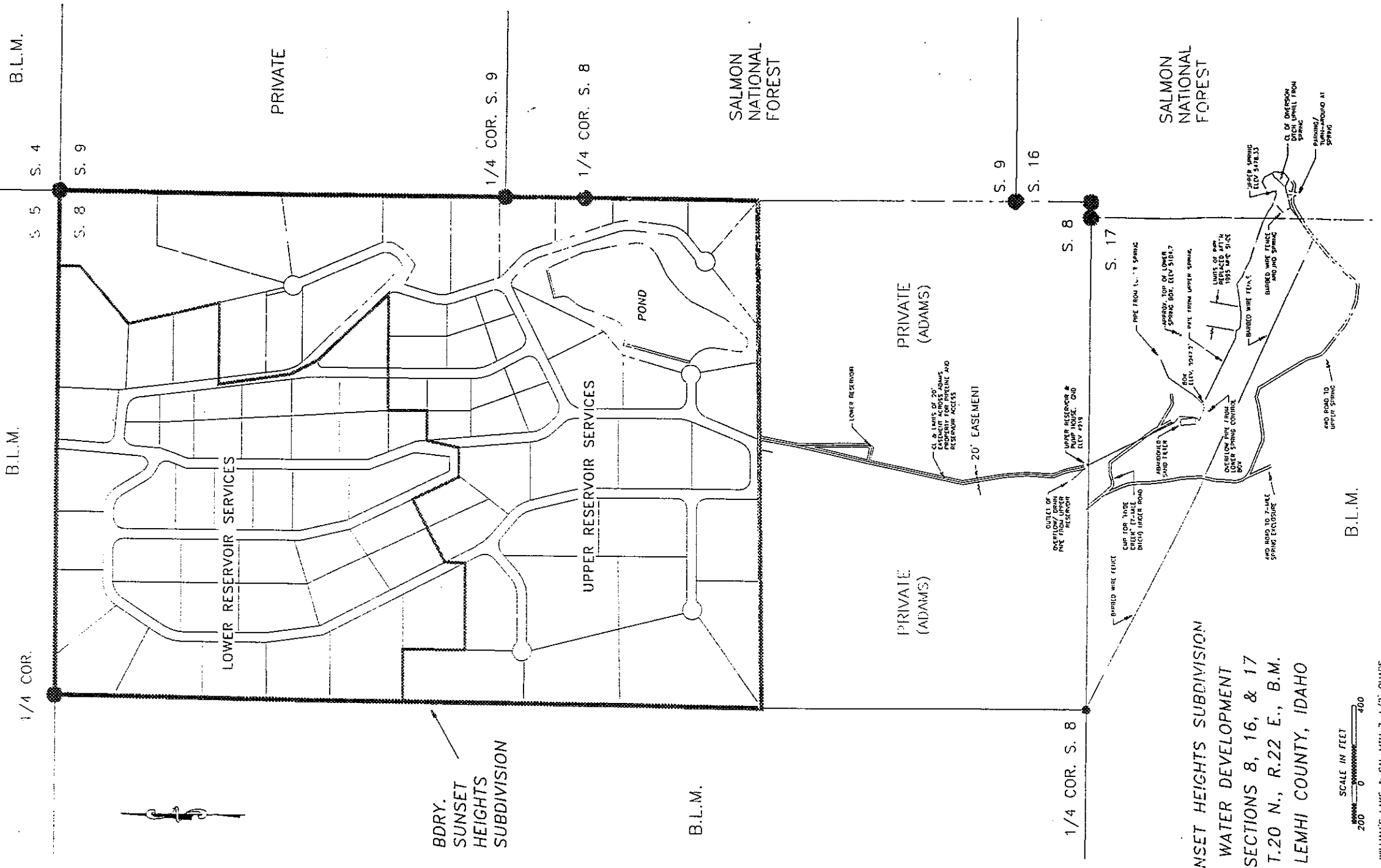


DETAIL
(NO SCALE)



EXHIBIT

"B"



246732

LEMHI COUNTY DISTRICT COURT

FILED 12-1-00

TIME 3:00 PM

LEMHI COUNTY CLERK

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

In the Matter of)

SUNSET HEIGHTS)
WATER DISTRICT)
_____)

Case No. 2000-81

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

The report of the election proceedings of the election held at the American Legion Hall in Salmon, Idaho for the proposed Sunset Heights Water District was submitted to the County Clerk immediately following the election on November 7, 2000 by the election judges, to-wit: Daniel Lansford, Gerald Craig and Kathy Hightree. A copy was been provided to the Court for review.

FINDINGS OF FACT

After review of the report of the election officials, the Court makes the following findings:

1. That an election was held on this matter on the 7th day of November, 2000 at the American Legion Hall in Salmon, Idaho, the regular precinct polling place for residents of the proposed District. Voters in the county's general election were also able to participate in the District election.

2. That the results in said election are as follows:

Total number of ballots:	61
Total voting in favor of the organization of the District:	49
Total voting against the organization of the District:	12

Electors receiving the highest number of votes for directors to serve as follows:

One director until first bi-annual election:	Dave Tuck	
	Number of Votes:	51
Two directors until second bi-annual election:	Lou Binik	
	Number of Votes:	24

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.

[Signature]
District Judge

State of Idaho) SS No. 246732
County of Lemhi)
This instrument was filed for record at the request
of Lemhi County
at 9:24 o'clock A.M. 3-23 2001
and duly filed and indexed in the records of Lemhi
County
Terry J. Morton
Ex-Officio Recorder
By *[Signature]* Deputy
Fee 0 -
Return to _____

STATE OF IDAHO
COUNTY OF LEMHI
I, TERRY J. MORTON, CLERK OF THE DISTRICT COURT
OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF LEMHI, DO HEREBY
CERTIFY 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 27 DAY
OF Nov, YEAR 2000
TERRY J. MORTON, CLERK
BY *[Signature]*

Post-It* Fax Note	7671	Date	04/27/05	# of pages	6
To	Andy Spackman	From	Sunset Heights		
Co./Dept.		Co.	Nashy Carlin		
Phone #		Phone #	756-7179		
Fax #	208-287-6700	Fax #			

AGREEMENT

THIS AGREEMENT, Made and entered into this 27 day of December, 1972, by and between RALSTON W. ADAMS and ALMA A. ADAMS, husband and wife, parties of the first part, hereinafter called 'Adams', and GEORGE L. HYDE and ALMA H. HYDE, husband and wife, parties of the second part, hereinafter called 'Hyde',

WITNESSETH:

WHEREAS, Adams and Hyde are owners of certain separate tracts of land situated in Lemhi County, and more particularly described in Exhibit A attached hereto and made a part hereof, for which the second parties claim to be able to furnish proof of prior diversion and appropriation water rights dating back to the year 1873; and

WHEREAS, Adams filed application for permit #79-7032 before the Department of Water Administration to appropriate public waters from a spring situated in the Northeast Quarter of the Northeast Quarter, Section 17, Township 20 North of Range 22 E.D.N.; and

WHEREAS, Hyde filed a protest against the approval of said application, and an informal hearing was held on said protest before the Department of Water Administration on October 16, 1972; and

WHEREAS, The parties hereto desire to settle their differences in regards to said application and enter into an agreement for the exchange of water rights;

NOW, THEREFORE, For and in consideration of the mutual covenants and agreements hereinafter contained, the parties hereto

to a certain ditch belonging to Hyde, via a certain ditch, one hundred (100) feet in length, more or less, at a point within the Southwest of the Southwest of the Northeast, Section 16, Township 20 North of Range 22 N.B.M., as more particularly described in Exhibit B; that Adams shall construct said diversion ditch and Hyde shall maintain said ditch.

II

That Adams shall exchange for waters from the South Fork of Seven Mile Creek in equal shares, measured in cubic feet per second or fraction thereof, for waters from a certain spring situated in the Northeast quarter of the Northeast quarter of Section 17, Township 20 North of Range 22 N.B.M.; that Adams shall have the privilege and right of using said spring water for domestic and/or irrigation purposes, and Hyde grants a right and easement to divert said waters from said spring.

III

That Adams shall have the right to divert a quantity of water from said spring in an amount not to exceed .40 cubic feet per second and to use said waters on the East Half of Section 8, Township 20 North of Range 22 N.B.M. and to obtain a permit from the Department of Water Administration of the State of Idaho as an exclusive appropriator and user of said .40 cubic feet per second of water; that a diversion dam and weir, constructed in accordance with specifications approved by the State of Idaho, shall be placed at the diversion point on said irrigation ditch and at the diversion point on said spring; that Adams shall pay for the costs of construction of the weir on the ditch and for the

diversion at the spring; that the maintenance of the diversion on the ditch shall be borne by Hyde and maintenance of the diversion on the spring shall be borne by Adams; that it is specifically understood and agreed by the parties hereto that no larger amount of water shall be diverted from the Adams ditch from Seven Mile Creek to the Hyde ditch than Adams uses of waters from the spring, and the second parties shall at any and all times have the right of inspection of the weir, measuring devices, flow meters and such other diversion works as may be used by the parties hereto, wherever they are located,

IV

That Hyde covenants and agrees to withdraw the water protest filed September 18, 1972 against application #75-7032, application for the appropriation of public waters of the State of Idaho, filed by Ralston W. and/or Rachel Adams, a notice thereof having been published in the Recorder Herald at Salmon, Idaho on August 31, 1972 and September 7, 1972, and by these presents does withdraw said protest; and, the parties hereto agree that a copy of this agreement shall be sent to the Department of Water Administration of the State of Idaho.

That this agreement supersedes all prior agreements and understandings between the parties hereto relating to the subject matter hereof, and this agreement specifically includes and supersedes a certain Stipulation and Memorandum of Agreement, dated October 16, 1972, and entered into certain informal hearing on application #75-7032, at the Lemhi County Courthouse at Salmon, Idaho; and that there are no agreements or representations between the parties relating to the subject matter hereof other than that expressly contained herein. This agreement may not be modified or amended orally, and no attempted modification or amendment shall be binding unless

shall pay all costs in connection therewith, including reasonable attorney fees for the prevailing party.

VII

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

IN WITNESS WHEREOF The parties hereto have hereunto set their hands and seals the day and year first above written.

W. Adams

Rachel L. Adams

Parties of the First Part

George L. Hyde

Althea B. Hyde

Parties of the Second Part

STATE OF IDAHO :
 : ss.
 County of Lemhi :

On this 21 day of December, 1972, before me, the undersigned, a Notary Public in and for said State, personally appeared JONLSTON W. ADAMS and RACHEL L. ADAMS, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

15/James L. Adams
 Notary Public for State of Idaho
 Residing at Salmon, Idaho
 Comm. expires 10-15-74

STATE OF IDAHO :
 : ss.
 County of Lemhi :

On this 4 day of December, 1972, before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE L. HYDE and ALTHEA R. HYDE, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

15/C. W. Ryan
 Notary Public for State of Idaho
 Residing at Salmon, Idaho

EXHIBIT A**Reiston W. Adams and Rachel L. Adams Property:**

The following described real property situate in the County of Lemhi, State of Idaho, more particularly described as follows, to-wit:

The East One-Half of Section 8, Township 20 North, Range 22, East of the Boise Meridian.

George L. Hyde and Althea R. Hyde Property:

The following described real property situate in the County of Lemhi, State of Idaho, more particularly described as follows, to-wit:

West Half of the Northeast Quarter (1/2 NE 1/4), East Half of the Northwest Quarter (1/2 NW 1/4) and the East Half of the Southwest Quarter (1/2 SW 1/4) of Section Thirty-two (32), Township Twenty-one (21) North of Range Twenty-two (22) East of the Boise Meridian.

Together with all water and water rights, ditch and ditch rights appertaining thereto or used in connection therewith.

Excepting therefrom, the Northwest fifteen acres of said Northeast Quarter of the Northwest Quarter of Section thirty-two.

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

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 loss 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

September 18, 1990

RALSTON W. ADAMS
RACHEL L. ADAMS
P.O. BOX 1479
SALMON, ID 83467

RE: PERMIT NO. 75-07032

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

SEP 21 1990

~~February~~ ^{July} 25, 1990

RALSTON W. ADAMS
RACHEL L. ADAMS
P.O. BOX 1479
SALMON, ID 83467

RE: PERMIT NO. 75-07032

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED
SEP 21 1990

RF-EXAM

Re: Cham

REF-SUM

Permit No. 75-7032

Phone No. 756-3611

1. Owner: Ralston W. or Rachel L. Adams Phone No. 756-3611
Current Address: Rt 1 Box 224-50 Salmon Id 83467

2. Accompanied by: Mr. Adams EXAM. DATE: 22 Aug 85
Address: _____ Phone No. _____
Relationship to Permit Holder: _____

3. Source: Spring tributary to Elk Creek

	Well/Diversion ^a No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

* Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Collection pipes to 2 - 20000 gal storage tanks with mainline distribution system to 88 lots within Sunset Heights Subdivision Unit # 1, 2, 3 & 4 plus domestic home of applicant giving a total of 89 units

6.	Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

7. Measurements ☐ Additional data/computation sheets attached

As per letter 6 Aug 1985 permit for Domestic (89 units) = 0.40 cfs
32 units occupied at this time

* 159 acres irrigated with in subdivision - irrigation on vacant lots for fire protection
Plu: 51 acres w/in SE 1/4 Sec 8 not w/in subdivision

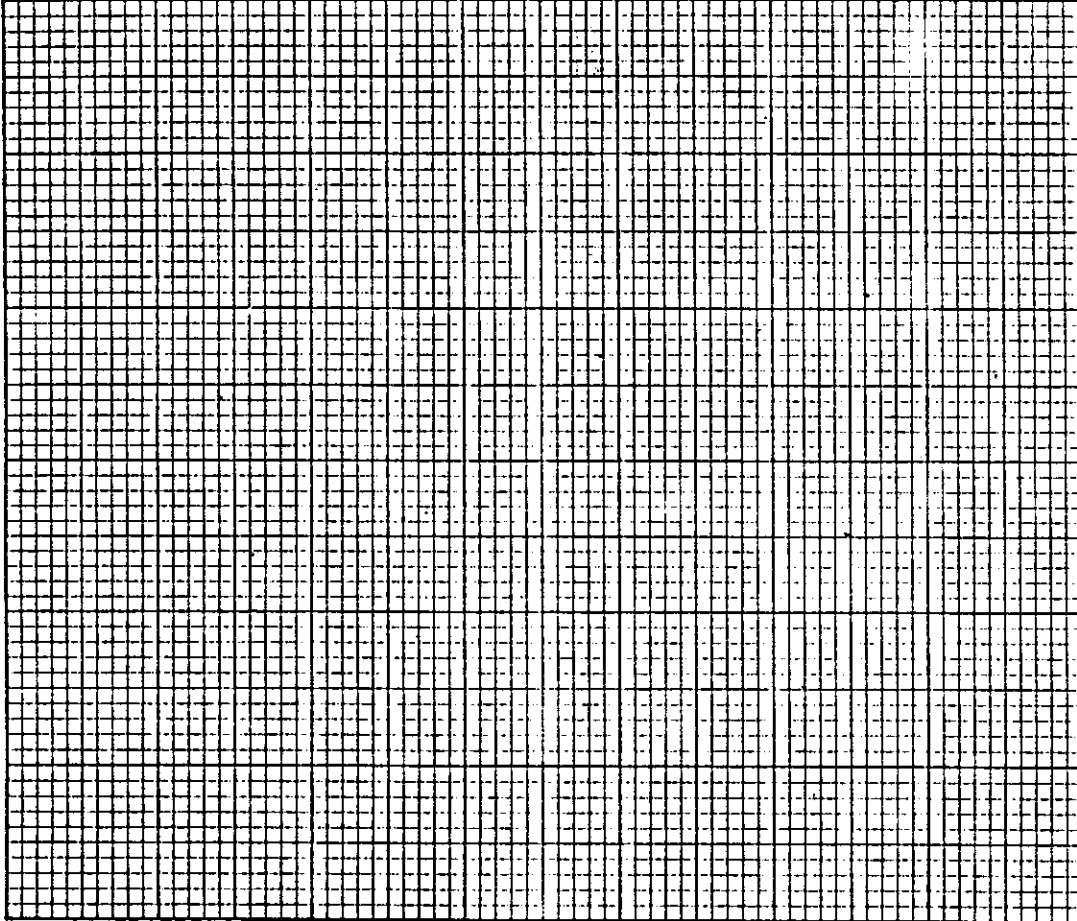
8. Point(s) of Diversion: Indicate Method of Determination *Exam of 16 May 1979*

[illegible]

9.	Place(s) of Use:	Irrigation - give acres served by system at time of exam. Indicate Method of Determination
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[illegible]

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 21 1991

CONSULTANT SEAL



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

APR 29 1986

Permit No.

Department of Water Resources

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

$$Q = 250 \text{ gpm} = 0.557 \text{ cfs CAPACITY}$$

$$Q_{DOM} = 0.4 \text{ cfs Limited by Permit}$$

$$Q_{IRR} = 210 \text{ ac} \times 0.02 \text{ cfs/ac} = 4.2 \text{ cfs } Q_{LIMITED BY PERMIT} = 0.4 \text{ cfs}$$

b) Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 210 \text{ ac} \times 3.0 \text{ cfs} = 630 \text{ acfs}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .4 \times 214 \times 1.9835 = 169.78 \checkmark$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 169.78 \text{ acfs}$$

c) Volume Calculations for Other Uses: ~~None~~

$$V_{DOM} = 0.6 \text{ cfs} \times 89 \text{ units} = 53.4 \text{ acfs}$$

2. Overlap Review

a) Other water rights with same place of use: 75-4029 (Sevenmile Creek, South Fork)

b) Other water rights with same point of diversion: NONE

c) Analysis: R29

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SEP 21 1990

RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
	75-7032					0.557cA

4. Permit Holder: _____

Address: _____

5. Source: SPRINGS tributary to ELI CREEK

6. Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/1	11/1	0.40	169.8

DOMESTIC (89 UNITS)	1/1	12/31	0.40	53.4
---------------------	-----	-------	------	------

Allowable Maximums: 0.40 223.3 afc

7. Point(s) of Diversion:

[illegible]

8. Place(s) of Use

[illegible]

9. Recommended Conditions/Remarks:

MICROFILMED

SEP 21 1950

10. 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 _____

11. Examiner's Signature *Leith Carlson*

Date 18 APRIL 1986

Checked in Regional Office by _____

Date _____

Approved in State Office by _____

Date _____

SUNSET HEIGHTS WATER CO.
INC.

SUNSET HEIGHTS WATER CO.
INC.

- SUNSET HEIGHTS WATER CO.
INC.

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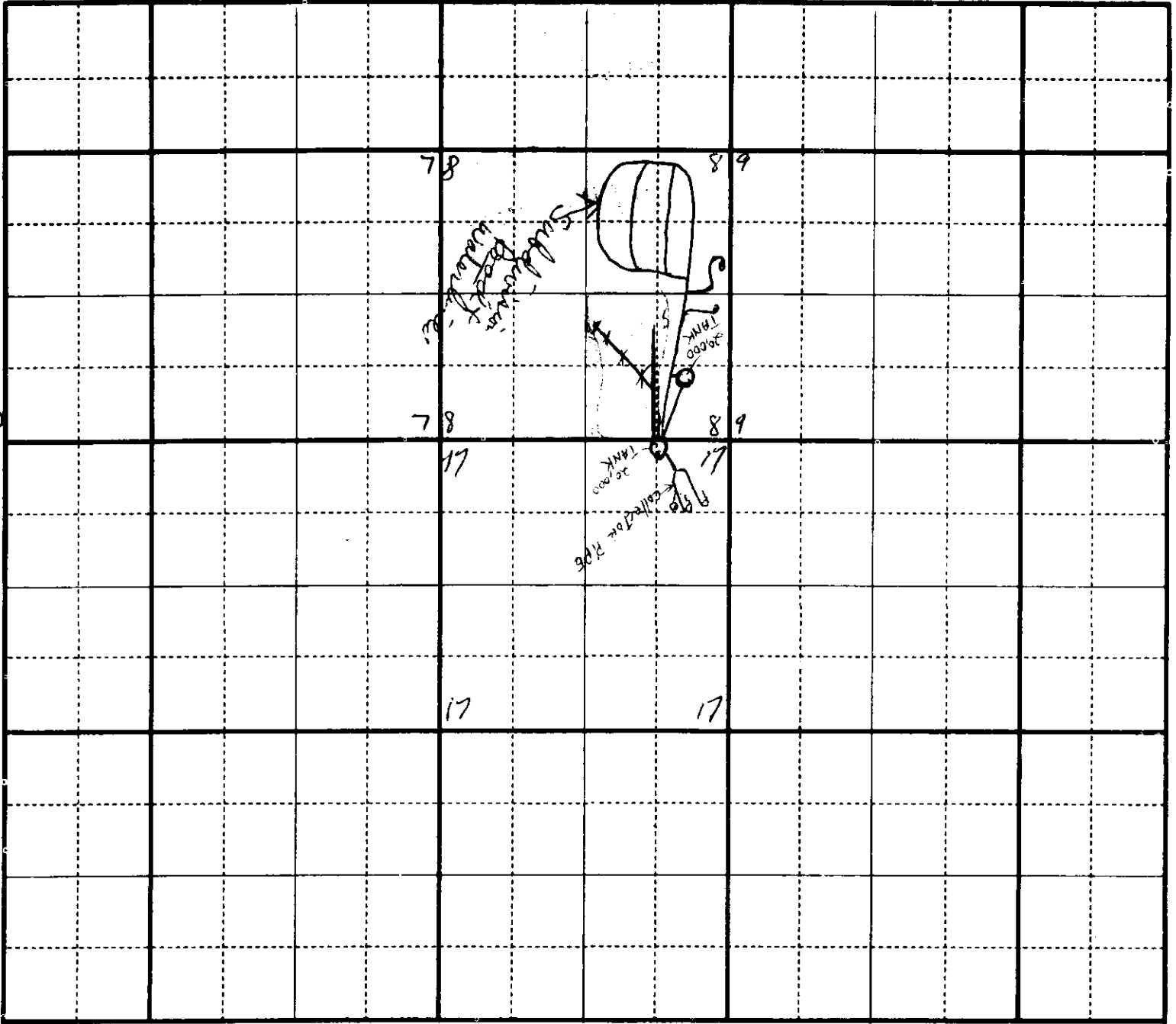
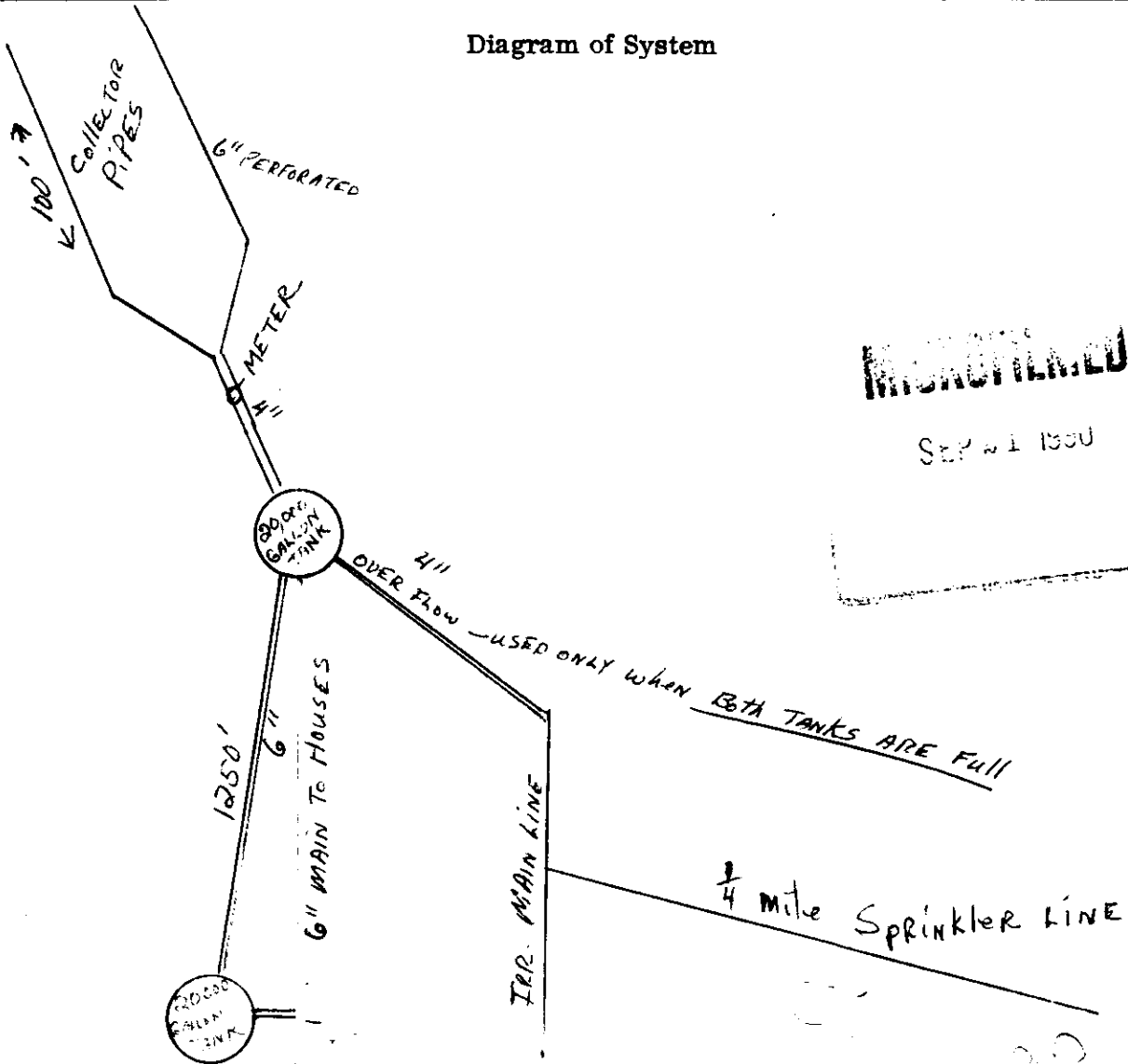


Diagram of System



MICROFILMED

SEP 21 1960



$\frac{3}{4}$ mile Sprinkler Line

DATE OF EXAM May 16, 79

ACREAGE
Found 65 ✓
Recommended 65 ✓

Irrigation Requirement 3.0 ✓ Ac Ft/Ac

USE
✓ Irrigation Q = 0.22 c.f.s. V = 93.4 AF/Ann. from 4-1 ✓ to 11-1 ✓
✓ Domestic Q = 0.30 c.f.s. V = 30.4 AF/Ann. from 1-1 to 12-31
Livestock Q = 0.18 c.f.s. V = 10.2 AF/Ann. from 7-10-84 to 214 days

allow 0.18 for domestic - see memo of 7/10/84

Is water co-mingled? yes no ✓

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes no

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured .557 CFS Method of measurement IN LINE METER

Total Q recommended .40 Meter No. 744218 Type Muesco Condition GOOD

Total V recommended 62.8 AF/yr

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None NONE capacity

MEASUREMENT CALCULATION:

METER FACE READING 250 gpm = .557 CFS
Domestic V = $30 \times 1.9835 \times 365 = 217.1934 \text{ AF/yr}$
IRR V = $10 \times 1.9835 \times 214 = 42.44 \text{ AF/yr}$
Domestic Q = $.02 \text{ cfs} \times 17 = .34$ - recommend .30 cfs

SYSTEM DESCRIPTION:

2 - 100 FT PERFORATED collector LINES FEED 2 - 20,000 gal storage tanks
overflow from storage used to irrigate 65 acres of pasture by gravity flow.
Submain served by 6" main & 4" laterals & 1" to laterals.
17 houses now on system.

REMARKS:

Exchange with South Fork Seven Mile Creek, rd. Seven Mile Creek - NE 1/4 NW 1/4
Sec 20 T.20N-R.22E (Claim # 75-4029)

Examiner's Signature Edney D. Parker Date 11-28-79

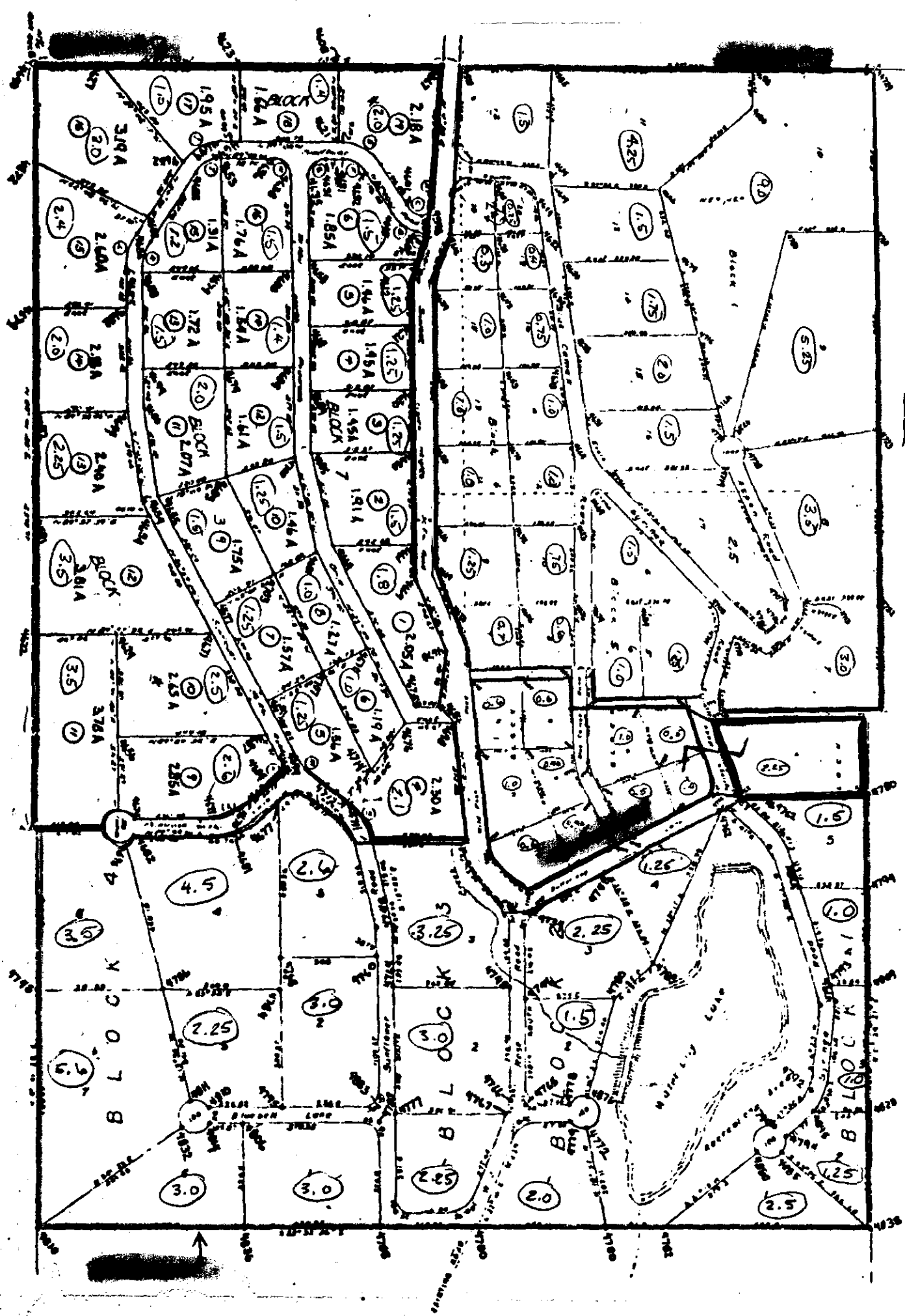
Checked by J.W. Jones Date 9-11-81

Approved by Kay Walker Date 7-10-84

SEP 21 1990

CLIMATE DATA	Altitude	Temperature
1	7,000	37.0
2	7,500	35.0
3	8,000	33.0
4	8,500	31.0
5	9,000	29.0
6	9,500	27.0
7	10,000	25.0
8	10,500	23.0
9	11,000	21.0
10	11,500	19.0

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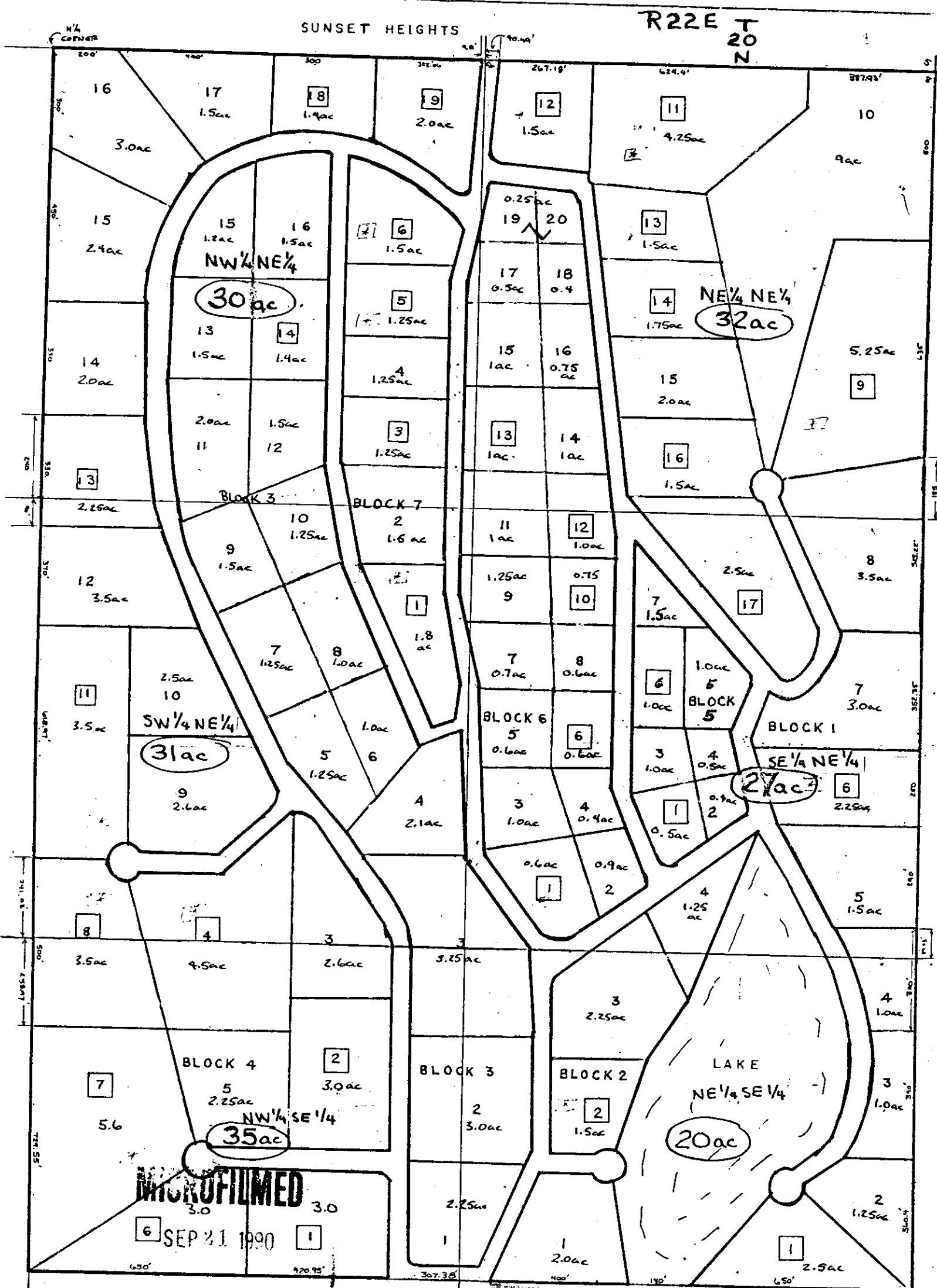


SUNSET HEIGHTS SUBDIVISION

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

MICROFILMED

SEP 21 1990

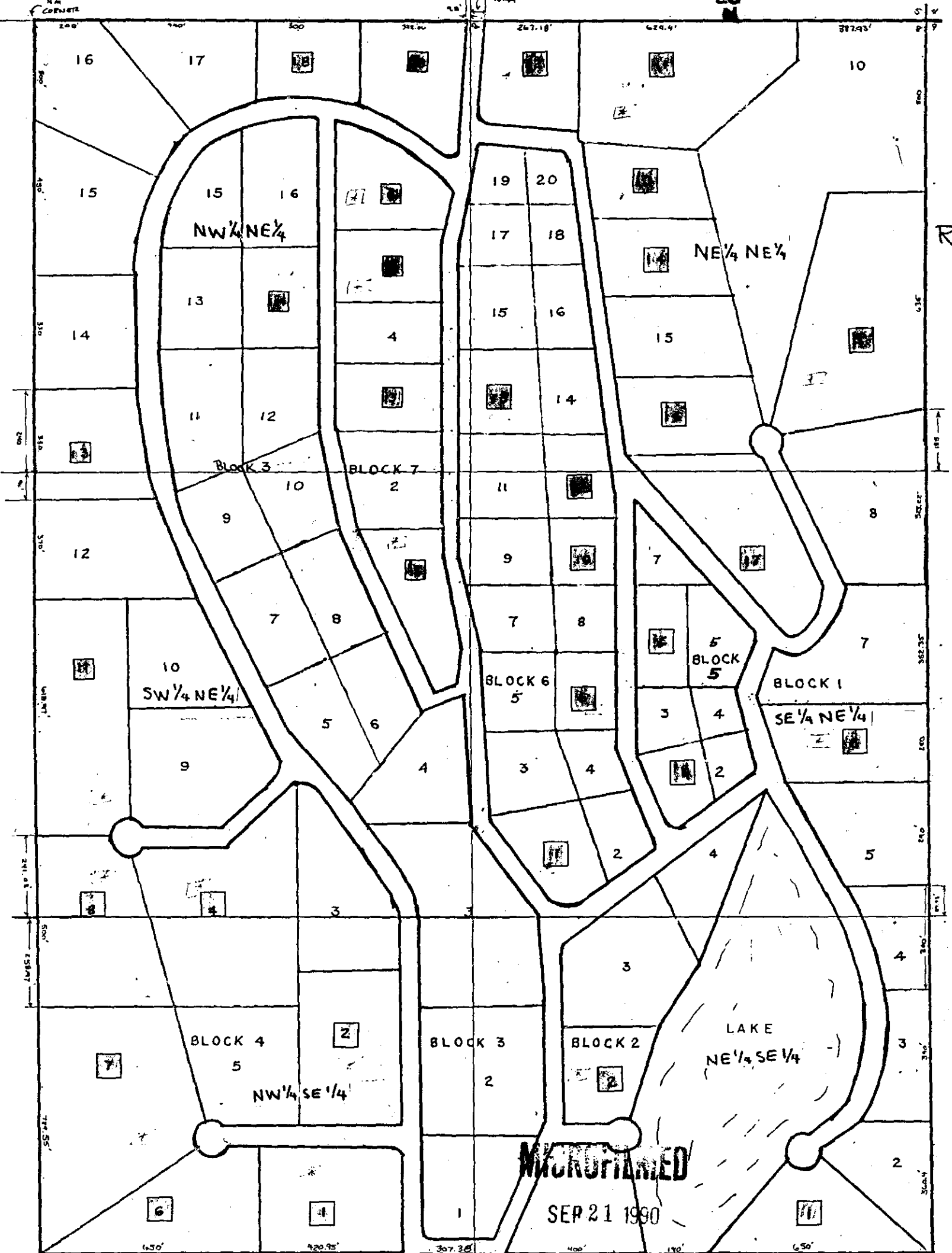


ACREAGE IN N 1/2 SE 1/4 INCLUDES
ACREAGE NOT IN SUBDIVISION
BUT IS IRRIGATED.

THIS MAP IS NOT TO SCALE
IT IS A SUMMARY MAP

SUNSET HEIGHTS

T
20
N



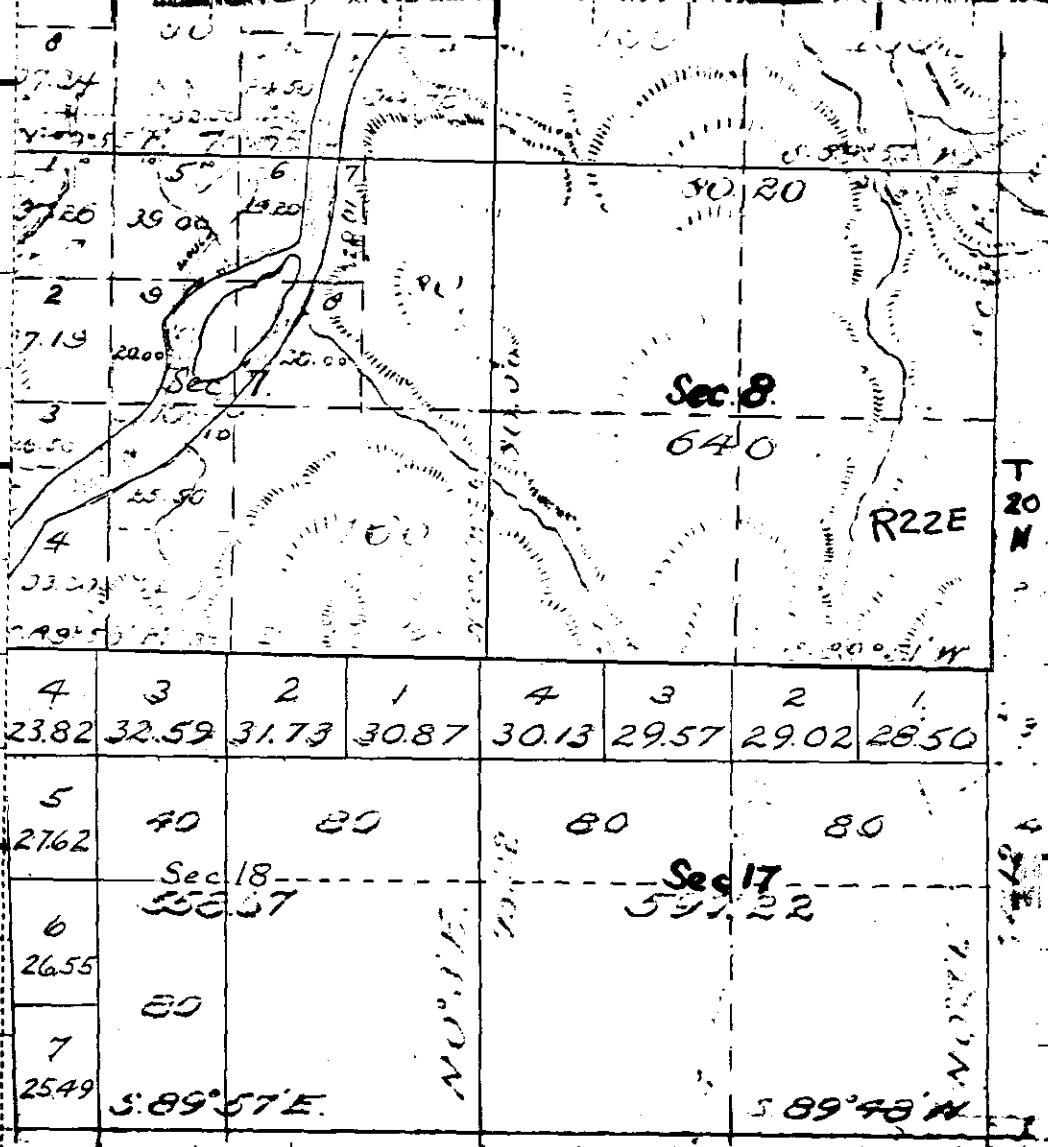
- HOME SITES AT TIME OF EXAM

ON 22 AUG 1985

75-7032

MICROFILMED

SEP 21 1990



T
20
N

R22E

Sec. 8

640

Sec 17

Sec 17

557

Sec 18

5587

S. 89° 57' E

589-48A

UNFILMED

SEP 21 1990

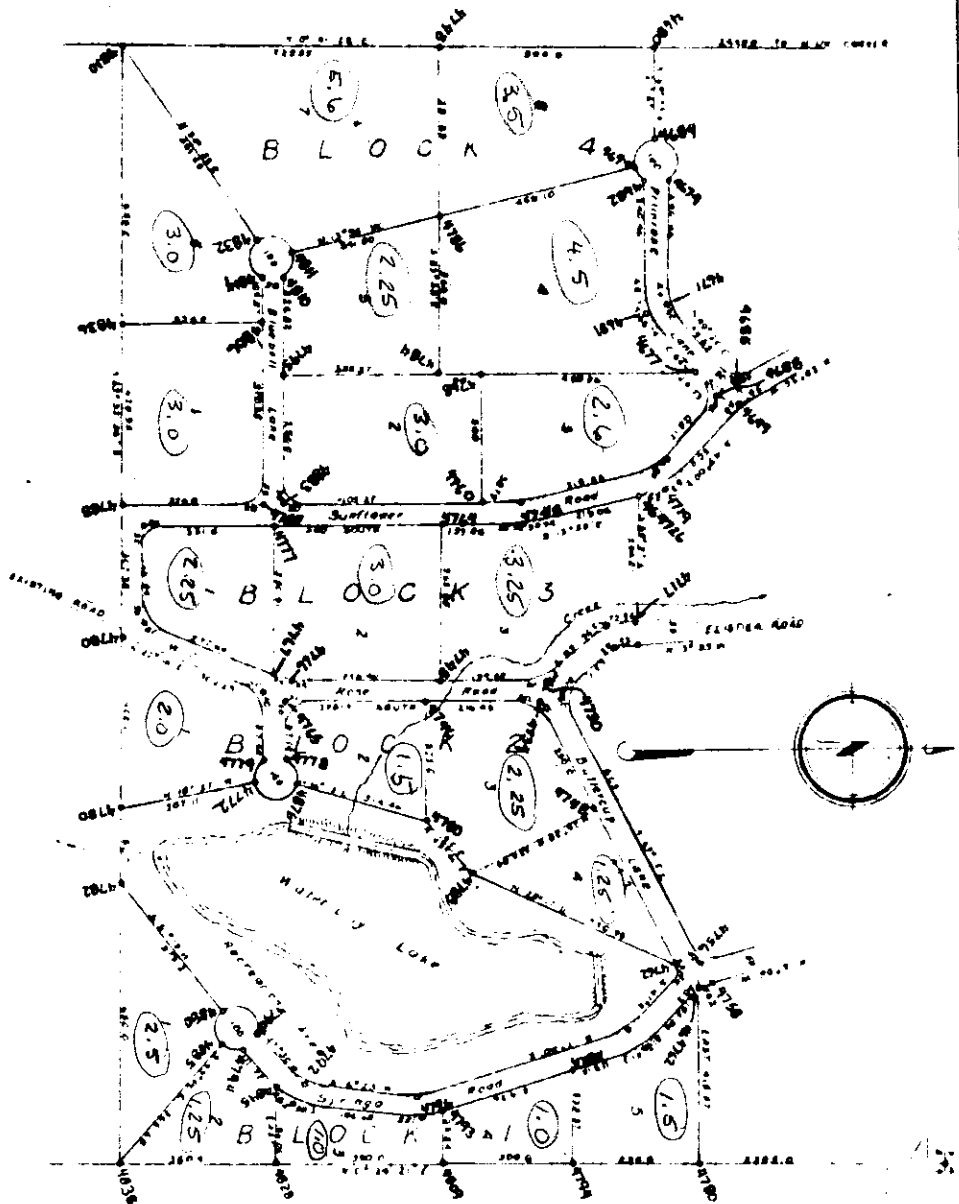
E 1/2 Section 8
T 20 N, R 22 E, Boise Meridian
Lemhi County, Ida.
UNIT ONE

E. 1/2 Section 8

T 20 N, R 22 E, Boise Meridian

Lemhi County, Ida.

UNIT ONE



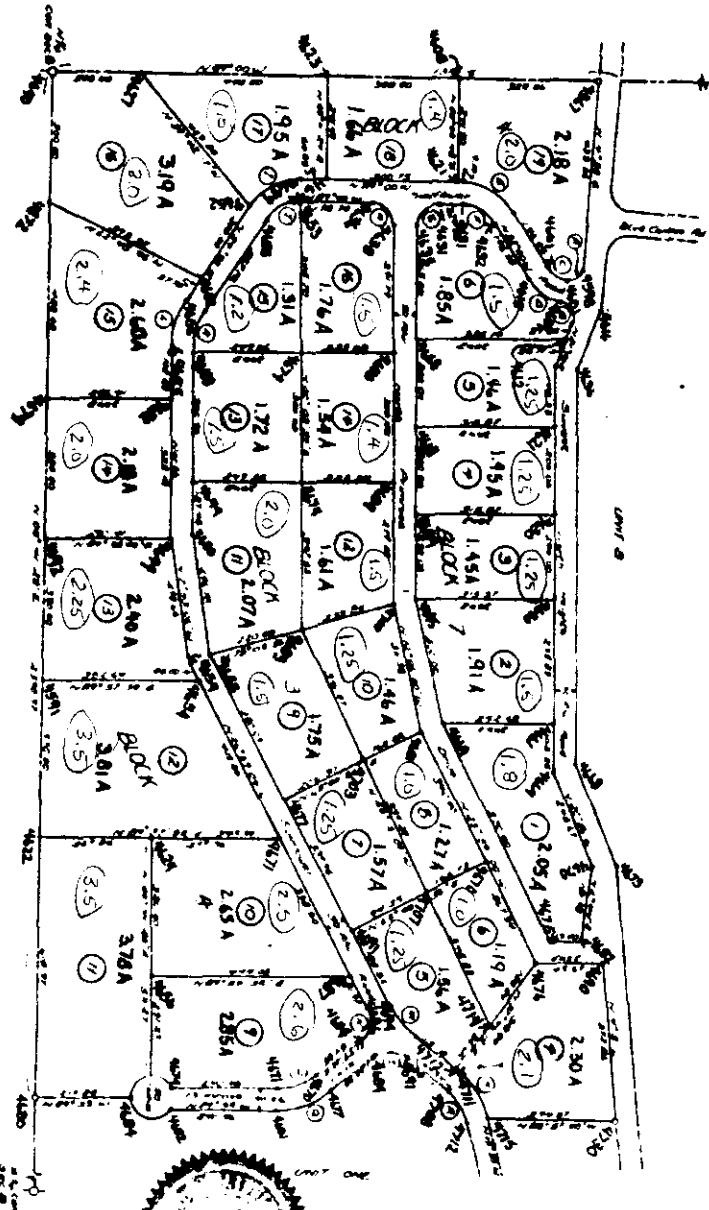
UNRECORDED

SEP 21 1990

75-7032

655

N
SCALE: 1"=200'



CURVE DATA

Point	Station	Angle	Radius
1	101+00.00	90.00	27.13
2	101+00.00	90.00	27.13
3	101+00.00	90.00	27.13
4	101+00.00	90.00	27.13
5	101+00.00	90.00	27.13
6	101+00.00	90.00	27.13
7	101+00.00	90.00	27.13
8	101+00.00	90.00	27.13
9	101+00.00	90.00	27.13
10	101+00.00	90.00	27.13
11	101+00.00	90.00	27.13
12	101+00.00	90.00	27.13
13	101+00.00	90.00	27.13
14	101+00.00	90.00	27.13
15	101+00.00	90.00	27.13
16	101+00.00	90.00	27.13
17	101+00.00	90.00	27.13
18	101+00.00	90.00	27.13
19	101+00.00	90.00	27.13
20	101+00.00	90.00	27.13
21	101+00.00	90.00	27.13
22	101+00.00	90.00	27.13
23	101+00.00	90.00	27.13
24	101+00.00	90.00	27.13
25	101+00.00	90.00	27.13
26	101+00.00	90.00	27.13
27	101+00.00	90.00	27.13
28	101+00.00	90.00	27.13
29	101+00.00	90.00	27.13
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31	101+00.00	90.00	27.13
32	101+00.00	90.00	27.13
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34	101+00.00	90.00	27.13
35	101+00.00	90.00	27.13
36	101+00.00	90.00	27.13
37	101+00.00	90.00	27.13
38	101+00.00	90.00	27.13
39	101+00.00	90.00	27.13
40	101+00.00	90.00	27.13
41	101+00.00	90.00	27.13
42	101+00.00	90.00	27.13
43	101+00.00	90.00	27.13
44	101+00.00	90.00	27.13
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47	101+00.00	90.00	27.13
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65	101+00.00	90.00	27.13
66	101+00.00	90.00	27.13
67	101+00.00	90.00	27.13
68	101+00.00	90.00	27.13
69	101+00.00	90.00	27.13
70	101+00.00	90.00	27.13
71	101+00.00	90.00	27.13
72	101+00.00	90.00	27.13
73	101+00.00	90.00	27.13
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92	101+00.00	90.00	27.13
93	101+00.00	90.00	27.13
94	101+00.00	90.00	27.13
95	101+00.00	90.00	27.13
96	101+00.00	90.00	27.13
97	101+00.00	90.00	27.13
98	101+00.00	90.00	27.13
99	101+00.00	90.00	27.13
100	101+00.00	90.00	27.13

SUNSET HEIGHTS SUBDIVISION

UNIT FOUR

WITHIN EAST 1/2 SECTION 8,
T20N R22E S05E, MILKMAN
LEWIS COUNTY, IDAHO

SUNSET HEIGHTS SUB-UNIT FOUR

75-7032

NOTICE: This is a preliminary map showing the proposed subdivision of the land shown on the attached map. The map is not a final map and should not be used for any purpose other than for information only. The map is subject to change without notice and the final map shall be the one of record.

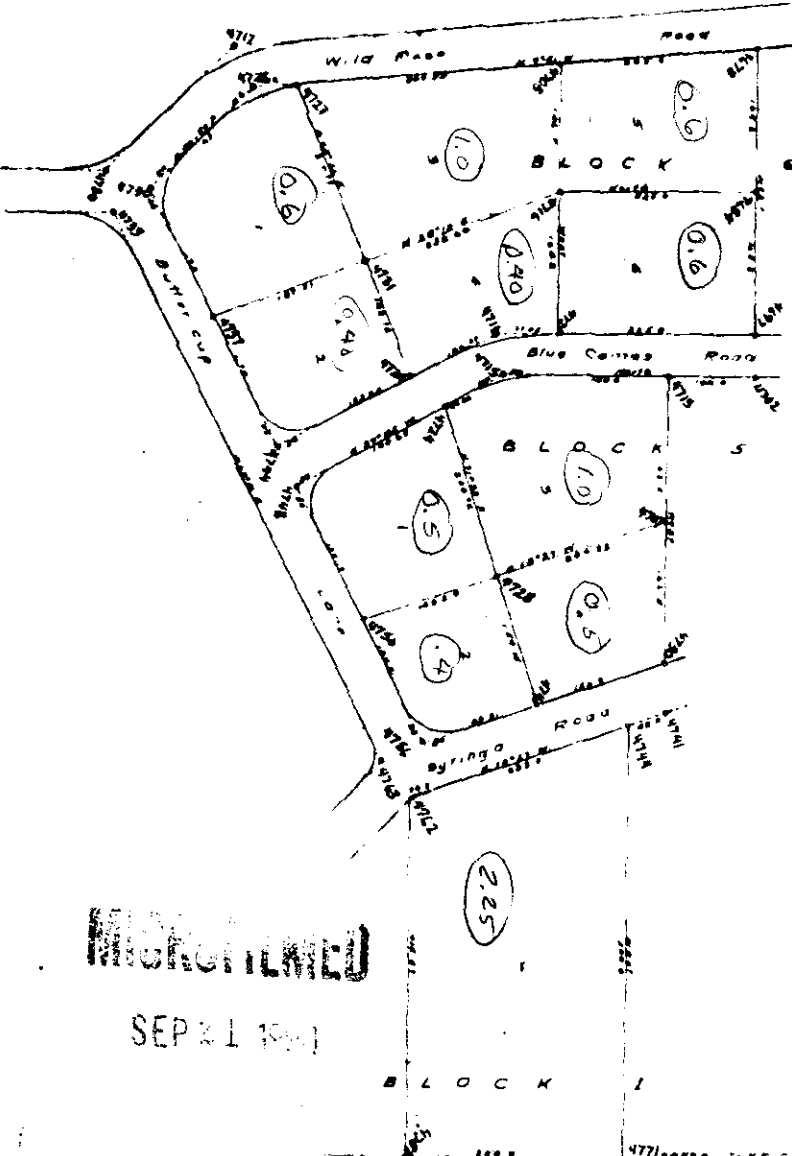
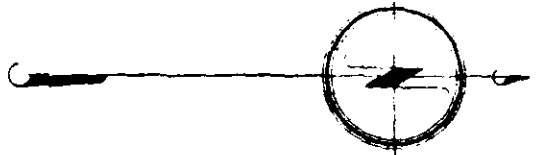
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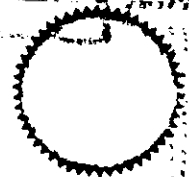
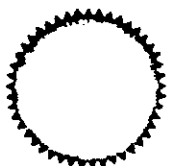
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SUNSET HEIGHTS SUBDIVISION
E 1/2 Section 8
T 20 N, R 22 E, Boise Meridian
Lemhi County, Idaho
UNIT TWO

MICROFILMED
SEP 21 1961



Handwritten notes in the bottom left corner, including 'SUNSET HEIGHTS' and other illegible text.

Handwritten notes in the bottom center, including 'SUNSET HEIGHTS' and other illegible text.

Handwritten notes in the bottom right corner, including 'SUNSET HEIGHTS' and other illegible text.



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 6, 1985

RE: Permit No. 75-7032

Ralston W. Adams
Rt. 1, Box 224-50
Salmon, ID 83467

Dear Mr. Adams:

We are in receipt of your letter of 7/16/85 concerning the licensing of the above referenced permit.

The information given in my letter of 7/11/85 was based upon the examination of your water delivery system. The examination was conducted in 1979 and at that time only 17 units appeared to be using the water.

The Department has since revised it's policy of only licensing the units actually hooked up at the time of the examination. Therefore, since you have indicated that all lots have provisions for hooking up to the main water supply system and since the system appears to have been designed to supply water to all lots, the Department only needs to confirm how many lots are on the system.

The field exam is being returned to our regional office for follow-up. I do not know exactly when the re-exam will take place. However, no further action will be taken towards licensing until the field exam has been completed.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED

SEP 21 1990

Route 1, Box 224-50
Salmon, Idaho 83467
July 16, 1985

Jim Johnson
Water Distribution Supervisor
450 W. State Street
Boise, Idaho 83720

RECEIVED
JUL 22 1985

Re: Permit #75-7032
Letter of July 11, 1985

Department of Water Resources

Dear Mr. Johnson:

Received your letter of July 11, 1985 regarding Permit No. 75-7032.

We have some problems that we are very concerned about. You show only 17 units - there are 88 units located in the East 1/2 of Sec. 8. The lines are in and water is going to all the lots at a cost of over \$100,000.00. At present 27 units are using the water, but 73 units have been sold with 15 still to sell. When a lot owner wants water, we just turn on the curb stop.

The 27 units, that are using water for domestic and irrigating, are scattered through the East 1/2 of Sec. 8, not just the N. 1/2 S.E. 1/4, & S.W. 1/4 S.E. 1/4 as shown in your letter. With the overflow from the Sunset Heights Water Company (a licensed public utility) we sprinkle irrigate most of the S.W. 1/4 of the S.E. 1/4. Some of the water users also irrigate some of their lots.

The problem I see is what you show as beneficial use does not cover what is, and will be, used. The main's all have water flowing in them and they cover all the East 1/2, Sec. 8, Twp. 20 N. Rge 22 E.

Thank you for your attention to this.

Sincerely,



Ralston W. Adams

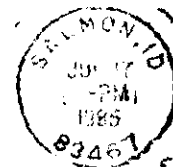
P. S. Would you please advise me as to the status of Permit No. 75-7177?
A field examination was made in 1983 for beneficial use. I have not had a report since. Thanks.

MICROFILMED

SEP 21 1990

ADAMS ENTERPRISES, INC.

**Rt. No. 1 Box 224-50
SALMON, IDAHO 83467**



Mr. Jim Johnson
Water Distribution Supervisor
Statehouse
Boise, Idaho 83720



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

July 11, 1985

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

RE: Permit No. 75-7032

Ralston W. &/or Rachel L. Adams
Box 1479
Salmon, ID 83467

Dear Mr. and Mrs. Adams:

A representative of this Department has made an examination of the works covered by your Permit No. 75-7032, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.40 cfs Source: springs trib to Eli Creek

The maximum quantity diverted shall not exceed 103.6 acre feet
per year.

Point(s) of diversion: Gov. Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 17, Twp 20N, Rge 22E

Beneficial Use: Domestic use for 17 units and irrigation of 65 acres
within N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, Twp 20N, Rge 22E P/U also known as Sunset Heights
Subdivision

Priority date established: August 29, 1972 (Late Proof)

Conditions (if any):

If you do not concur with these findings, please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

MICROFILMED

SEP 21 1990

MEMORANDUM

TO: File 75-7032

FROM: Jim Johnson

DATE: July 10, 1985

RE: Recommended Rate for 17 Domestic Units

The field examiner recommended 0.3 cfs for domestic use which when compared to the water requirements of 17 domestic units shown in Administrator's Memo dated 6/4/1980, is somewhat excessive.

Rather than using the 0.3 cfs without further justification, the amount recommended for the 17 units, in accordance with Departmental Administrative Memorandum, is 0.18 cfs.

MICROFILMED

SEP 21 1990

Identification No. 75 4029

Claim No. _____

Map No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

**CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use**

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

- Name of claimant Ralston W. and/or Rachel L. Adams
post office address Box 1479 Salmon, Idaho 83467
- The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 20 Township 20 N
Range R 22 E B.M. located on South Fork Seven Mile Creek
(name of source)
tributary to Salmon River in Lewisi County.

- Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

- Date of priority claimed: (March) 3/21/1914 *Permit No 10060-75-2041
amount: 2.5 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 2.5 c.f.s. or _____ acre feet.

- Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

- use irrigating period of use from April 1 to Nov 1 (both dates inclusive)
use Stock water period of use from Jan 1 to Dec 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

- Description of diverting works:

- Surface water diversion dam and/or headgate: material is composed of dirt
diversion; length is _____ feet; height is one feet;
width at bottom is 3 feet; width at top is 3 1/2 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

MICROFILMED

SEP 21 1990

- Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

* Beneficial use was never filed but this has been used on this land since original application. Proof of works was made by State engineer J.H. Smith
75-4029

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is 7920 feet; width of ditch at top is 4 feet; width of bottom of ditch is 3 feet; depth of water is 1 feet; grade of ditch per 1000 feet is Varies feet; material through which ditch passes is Varies; maximum length of pipe line to first place of use is feet; diameter of pipe line is inches; type of pipe ; grade of pipe per 1000 feet is

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. In Sept 1966 a James

ing date and dimensions if possible. In Sept 1966 a James H. Tappan put a "Y" in ditch, ran a new ditch 791 feet and used a pipe sprinkler system from there, as well as the old ditch for flood irrigating.

- d. If water is stored: name of reservoir There was a reservoir built years ago. it went out about 1967 or 1968.
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream ☒ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built about 1914 or 15, if so, give dates and describe I intend to rebuild the Reservoir

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe. I intend to rebuild the Reservoir at same future date At present I just use live water

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 200

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? NO If yes, give the name of the ditch
The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 150 hd. cattle

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

As previously noted this water
was filed for under permit No 10060 =
a New No 75-2241 - Proof of completion
of works was made by J.H. Smith
State Engineer 7/21/1916. Beneficial use
was never filed but this water has
been used on this land since that
original application and possibly
be Rorve.

State of Idaho

County of Larimer } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
foregoing claim to a water right, together with all attached information, and that the matters and facts therein are
true to the best of the affiants knowledge.

Ralston L. Adams
Rachel L. Adams
Claimant

Sworn to before me this 7/71 day of 23 1973

Christ J. Hall
Notary Public
Residing at Salinas

My commission expires 1/10/74

For Department Use Only

Received by Smk Date 7-11-73

Prelim. check by NCY Date 7/11/73

Fee received by Smk Date 7-11-73 Fee \$ 10.00

Approved for publication by NCY # 10265

Published in Recorder-Herald Dates 7-19-73

Publication App'd PDC 8/5/73

MICROFILMED

SEP 21 1990

Forwarded to
claimant by:

Date

79-4029

Overlap Review for 75-7032

per permit: none

per micro-fische 7/10/84:

p/d- 75-4395 N. Fork Seven Mile Ck

p/u- 75-4029 S. Fork Seven Mile Ck.

Claims - no overlap review necessary.

kw

permit allows 0.4x0 cfs for irrigation and 0.4x0 cfs for domestic purposes. Recommend licensing domestic use @ 0.18 cfs (see firm's memo) and 0.22 cfs for irrigation, allowing 0.4x0 cfs under this right.

$$\text{domestic } V = 17 \text{ units} \times 0.6 (\text{in house use}) = 10.2 \text{ AF} \checkmark$$
$$V = 0.18 \text{ cfs} \times 1.9835 \times 365 = 130.3$$

MICROFILMED

$$\text{irrig. } V = 65 \times 3.0 \text{ AFA} = 195.0 \text{ AF}$$

SEP 21 1990

$$V = 0.22 \times 1.9835 \times 214 = 93.38 \approx 93.4 \text{ AF} \checkmark$$

wnship N° 20 North, Range N° 22 East

1 E 2 E 3 E 4 E 5 E 6 E 7 E 8 E 9 E 10 E 11 E 12 E

39.60 78.00 40.20 H RETRACED 40.27 80.10 39.83 N. 89° 51' E. 39.86 78.83 40.07 39.95 78.9

Sec. 6

Sec. 7

Sec. 8

Sec. 9

RIVER

Surveyed by Samuel G. Rhoades 1891

RESURVEY

00

579.83

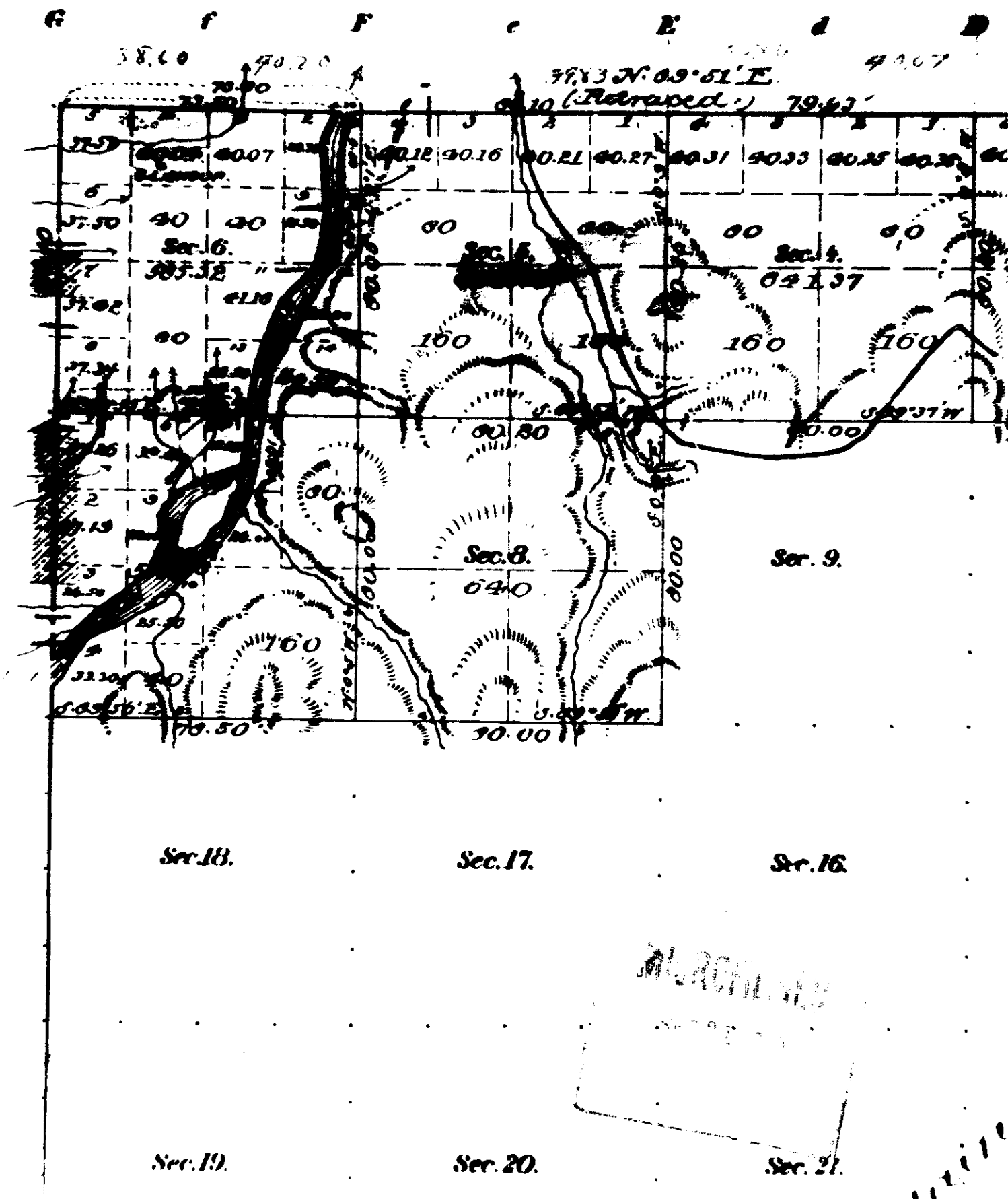
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Township N° 20 North Range N° 22 E





State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 9, 1984

RE: Water Right Nos. 75-4173, 75-7032 & 75-7177

R. W. Adams
Rt. 1, Box 224-50
Salmon, ID 83467

Dear Mr. Adams:

We are in receipt of your note to Mr. Ron Carlson, of our Eastern Regional Office, and the copies of Affidavits you submitted in connection with Claim No. 75-4173. We have added the Affidavits to your claim file for future reference.

As for the status of Water Right Nos. 75-7032 and 75-7177 we offer the following:

Permit No. 75-7032 is in good standing. It is ready to be licensed, as the field examination was conducted in May of 1979. We will be sending correspondence regarding the licensing of the permit to you in the near future.

Permit No. 75-7177 is also in good standing. You have complied with all requirements necessary to license the permit. The next step will be for one of our examiners to inspect your water right system developed under this permit. If you wish to find out when the examination will be conducted, you'll need to contact our office in Idaho Falls.

If we can be of any further assistance to you, please feel free to contact us.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

MICROFILMED

SEP 21 1990

ADAMS ENTERPRISES, INC.

Sunset Heights Subdivision

Sunset Heights Water Co.

RT II Box 224-50

THE RANCH ARROW

Department of Water Resources

Eastern District Office

P.O. Box 1479

Phone 208-756-3611

Salmon, Idaho - 83467

To: Ronald D Carlson

Address: Idaho Falls

Date: 6/2/83

From The Desk of — R. W. "ROLLIE" ADAMS

Re: Claim to Water Right No 75-4173
3. APL. davis

Please add these to
The Claim to Water Right No. 75-4173

Please advise on the status of the following and what needs done with them:

Permit # 75-7032 Sent from I.F. to Boise 9/81
H.W. Jones reported - still in Boise file 7/83

Permit # 75-7177 Received Cert. of approval 3/6/84
was filled and in use 12/82
Completion notice sent in Aug 4/83

Claim to water Right 75-4173 with Dam permit
by same Number. Have not been able to get dam
started yet but want to keep it active.
Thanks

MICROFILMED

SEP 21 1990

3/79

IDENT. NO. 75-7032

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

September 18, 1978

Ralston W. &/or Rachel L. Adams
P. O. Box 1479
Salmon, ID 83467

Dear Mr. and Mrs. Adams:

Re: Permit No. 75-7032

Enclosed is a copy of the Order reinstating your permit and advancing your priority date to August 29, 1972.

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our regional office in **Idaho Falls**.

Sincerely,

RITA FLECK
Water Rights

RECEIVED

Identification No. _____

Permit No. _____

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

JUL 7 1978

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Ralston W and/or Rachel L Adams
b) Post Office Address P.O. Box 1479 Salmon 83467
2. Permit Number 75-7032
3. Date of Priority that you are prepared to establish Aug 22, 1972
4. a) Source from which water was appropriated Springs
b) Location of the point of diversion: Lot #1 1/4 Section 17
Township 20N Range 22E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
Amount 0.30 for Domestic purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount .10 for Irrig. purposes from April 1 to Nov 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .40 cfs and/or acre-feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: By a CFS Flow meter installed in the line from Springs to Holding tanks taken by Water Master Adams

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder: Water Master Adams
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
None.
b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) There are two buried 6" perforated pickup lines each 100' long. From there into 2-20,000 gal (40,000) buried storage tanks

b) Describe the type and size of measuring device which you have installed at your point of diversion:
CFS Flow meter in line between Spring pickups and Storage

c) Give well driller's name and address and the date the well was completed: _____

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
Main use is for Domestic water. For Division - we use the excess for irrigating.

Exam typed 9/18/78 by JS

RECEIVED

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
~~2011~~																			
2022		8													15	25	15	10	65
N E																			

Total number of acres irrigated 65A

10. Remarks: It is impossible to give exact
acreage as all that is used for irrigating
is the excess amount that the homes
do not use so varies drastically

The above information is a true statement of the extent to which the above numbered permit has been developed.

7/5/78
(Date)

Ralston Williams
(Signature)

State of Idaho)

County of Lemhi) ss.

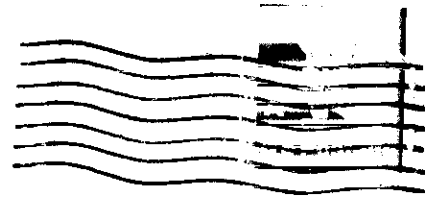
On this 5th day of July, 19 78, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Dolores E. Fisher
Notary Public residing at Salmon, ID

My commission expires 10-17-80

MICROFILMED

R.W. Adams
P.O. Box 1479
Salmon, Ida.
83467



Dept of Water Resources
Statehouse
Boise Idaho

MICROFILMED

ATT.
Norm Young

83720



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

RECEIVED

JUL 27 1978

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

Department of Water Resources

July 11, 1978

Re: Permit No. 75-7032

Ralston M. &/or Rachel L. Adams
Box 1479
Salmon, ID 83467

Dear Mr. & Mrs. Adams:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 75-7032 has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided forms for that purpose in our notice to you dated April 28, 1978.

Your permit cannot be reinstated unless you submit the proof of beneficial use affidavit, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.

C. STEPHEN ALLRED
Director

CSA:jfr

Encl.

*This was sent in to Norman
C. Young. Please check
with him
Thanks*

MICROFILMED

RW. Adams

R.W. Adams
PO Box 1479
Salmon, Idaho
83467



Dept of Water Resources
Statehouse
Boise Idaho
83720

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

July 11, 1978

Re: Permit No. 75-7032

Ralston M. &/or Rachel L. Adams
Box 1479
Salmon, ID 83467

Dear Mr. & Mrs. Adams:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 75-7032 has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided forms for that purpose in our notice to you dated April 28, 1978.

Your permit cannot be reinstated unless you submit the proof of beneficial use affidavit, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.



C. STEPHEN ALLRED
Director

CSA:jfr

Encl.

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 28, 1978

CERTIFIED MAIL

188679

Re: Permit No. 75-7002

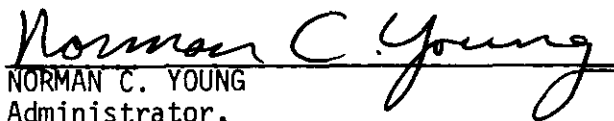
Reiston W. &/or Rachel L. Adams
Box 1470
Salmon, Idaho 83467

Dear Mr. & Mrs. Adams:

One of the conditions of approval of your water Permit No. 75-7002 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before July 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.


NORMAN C. YOUNG
Administrator,
Resources Administration Division

NCY:jfr

Encl: Proof affidavit

MICROFILMED

February 15, 1973

Re: Application No. 75-7032

Ralston W. & Rachel L. Adams
Box 1479
Salmon, ID 83467

Dear Mr. & Mrs. Adams:

During the processing of the above referenced application it was noted that the location of the point of diversion is on land under the control of the Bureau of Land Management. This office must have an indication that you have legal access to the ground in question. Please provide this office within thirty (30) days of the date of this letter a copy of the easement or special use right-of-way allowing you access to the spring, or evidence that you are in the process of obtaining such right-of-way. Failure to provide this office with this information could be considered as reason for denying your application as speculative.

This office has not as yet received the formal agreement which was to be provided as a result of the conference held October 16, 1972. Is any progress being made toward settling the protest? If not, is it necessary or desirable to hold another hearing?

I would appreciate receiving your thoughts on this.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:ba

✓ bc: BOISE OFFICE

RECEIVED
FEB 21 1973
FBI - BOISE

July 24, 1973

Re: Permit No. 75-7032 - Ralston W. & Rachel L. Adams

Department of the Interior
Bureau of Land Management
Idaho State Office
Room 398, Federal Building
550 W. Fort Street
P. O. Box 042
Boise, Idaho 83724

Gentlemen:

Enclosed please find a copy of the approved Application for Permit No. 75-7032
in the name of Ralston W. &/or Rachel L. Adams.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

~~EDR~~:cd

Enclosure

bc: Eastern District

75-7032

July 18, 1973

Re: Permit No. 75-7032

Ralston W. & Rachel L. Adams
Box 1479
Salmon, ID 83467

Dear Mr. & Mrs. Adams:

Enclosed is a copy of your approved Application for Permit No. 75-7032. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

75-7032

RECEIVED

JUL 11 1973

Department of Water Administration
Eastern District Office

P. O. Box 1479
Salmon, Idaho 83467
July 7, 1973

Idaho Dept. of Water Adm.
240 South Holmes Avenue
Idaho Falls, Idaho 83401

Re: App. #75-7032

Attention: Mr. Norman Young

Dear Mr. Young:

Thank you for your letter of July 3, 1973.

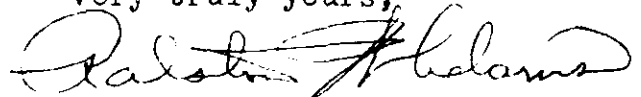
Enclosed please find the Claim to Water Right. I did not know this had to be filed. I would appreciate it, if in the future, you would send me a copy of all correspondence.

I hope this can be expedited, as I certainly need to get the water in.

As to the exchange ditch location, it is in Sec. 17,
T 20 N., R. 22E.

Thank you, Mr. Young, for anything you can do to expedite this.

Very truly yours,



RALSTON N. ADAMS

cc. James C. Herndon

75-7032

Identification No. _____

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Ralston W. and/or Rachel L. Adams
post office address Box 1479 Salmon, Idaho 83467
2. The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 20 Township 20 N
Range R 22 E B.M. located on South Fork Seven Mile Creek
(name of source)
tributary to Salmon River in Lemhi County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

- a. Date of priority claimed:

*Permit No 10060-75-2041

(March) 3/21/1914 amount: 2.5 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 2.5 c.f.s. or _____ acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigating period of use from April 1 to Nov 1 (both dates inclusive)
use Stock water period of use from Jan 1 to Dec 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

- a. Surface water diversion dam and/or headgate: material is composed of dirt
diversion; length is _____ feet; height is one feet;
width at bottom is 3 feet; width at top is 3 1/2 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

- b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

* Beneficial use was never filed but ^{water} this has been used on this land since original application. Proof of works was made by State Engineer J.H. Smith July 21 1916 75-7032

_____, if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is 7920 feet; width of ditch at top is 4 feet; width of bottom of ditch is 3 feet; depth of water is 1 feet; grade of ditch per 1000 feet is Varies feet; material through which ditch passes is Varies; maximum length of pipe line to first place of use is — feet; diameter of pipe line is — inches; type of pipe —; grade of pipe per 1000 feet is —.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. In Sept 1966 a James

H. Tappan put a "Y" in ditch, ran a new ditch 791 feet and used a pipe sprinkler system from there, as well as the old ditch for flood irrigating.

d. If water is stored: name of reservoir There was a reservoir built years ago. It went out about 1967 or 1968.
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;

year construction commenced 1961; year completed 1962; date first used 1962

period of storage is from _____ to _____; is reservoir drained each year _____;

is reservoir on or off stream on explain reservoir is on stream

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe I intend to rebuild the Reservoir

describe I intend to rebuild the Reservoir at
same future date At present I just use
live water

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 200

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

d. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch
The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 150 hd. cattle

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

As previously noted this water
was filed for under permit No 10060 -
A New No 75-2041 - Proof of completion
of works was made by J H Smith
State Engineer 7/21/1916. Beneficial use
was never filed but this water has
been used on this land since that
original application and possibly
before.

State of Idaho

County of Latah } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
going claim to a water right, together with all attached information, and that the matters and facts therein are
true to the best of the affiants knowledge.

Ralston L. Adams
Rachel L. Adams
Claimant

Sworn to before me this 7/7/ day of July, 1973

Carroll J. Hall
Notary Public

Residing at Salmon

My commission expires 1/10/74

For Department Use Only

Received by <u>mt</u> Date <u>7-11-73</u>	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by <u>NCI</u> Date <u>7/11/73</u>	_____	claimant by: _____	_____
Fee received by <u>mt</u> Date <u>7-11-73</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by _____	_____	_____	_____
Published in _____	Dates _____	_____	_____

75-7032

July 3, 1973

Re: Application for Permit No. 75-7032

Mr. Balston Adams
Box 1470
Slamon, ID 83467

Dear Mr. Adams:

We are in receipt of your letter of July 1, 1973, requesting the status of the above referenced application. I am enclosing a letter that was sent to your attorney, Mr. Herndon, requesting that he have you file a claim to a water right on Seven Mile Creek so that the exchange might be approved. Enclosed is the necessary claim form for this purpose. To my knowledge this is the only reason that the above referenced application is being held up.

Please submit the claim at your earliest convenience and this Department will then continue processing your application.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Enclosures

cc: James C. Herndon

75-7032

To Dept of Water Admin,
ATTN. Mr Norman Young.

7/1/73
RECEIVED

JUL 4 1973

Re: ~~Department of Water Administration~~ 75-7032
Eastern District Office

Enclosed please find copy of letter
from B.L.M. It is self explanatory.
I have not received any information as
to the status of the permit since the
Hyde - Adams agreement was sent to
you. I am very anxious to start
construction on this but the BLM will
not issue their permit until they receive
a copy of the water permit.

Thank you for your attention
to this.

Ralston Adams
P.O. Box 1479 Salmon
75-7032



IN REPLY REFER TO:

United States Department of the Interior

I-5840 (943)

BUREAU OF LAND MANAGEMENT

Idaho State Office
Room 398, Federal Building
550 W. Fort Street
P.O. Box 042
Boise, Idaho 83724

RECEIVED
JUL 26/73
1973

Department of Water Administration
Eastern District Office

Ralston Adams
P.O. Box 1479
Salmon, Idaho 84367

Dear Mr. Adams:

Your right-of-way application I-5840 has been recommended for approval subject to your submission of additional information and rental.

A copy of your approved water permit must be filed. We received a copy of your water permit application No. 75-7032. The State of Idaho, Department of Water Administration will not approve the permit until they are notified that the right-of-way will be granted. The extra copy of this letter should be taken to them. This copy should be sufficient clearance from the Bureau to permit them to approve the water permit.

Your map shows areas referred to as "Spring Easements." We are not sure of what type and kind of facilities will be located in these areas. A copy of a semi-detailed plan showing the facilities would be very helpful. In lieu of submitting the plan we can return the linen tracing so that you can include more details. Please advise if you want the linen tracing returned.

The rental for use of the right-of-way has been determined to be \$180.00 for a ten year period. Advance rental in the amount of \$25 was previously filed. The balance of the rental in the amount of \$155.00 for the first ten year period is now and payable.

We will process your right-of-way application further after we receive the approved water permit, semi-detailed plan of facilities and the rental payment of \$155.00

Sincerely yours,

/s/ Vincent S. Strobel

Vincent S. Strobel, Chief
Branch of L&M Operations

75-7032

May 14, 1973

Re: Application for Permit No. 75-7032

Mr. James C. Herndon
Attorney-at-Law
P.O. Box 789
Salmon, ID 83467

Dear Jim:

We have received the copy of the agreement between the Adams and the Hydes. I had forgotten at the time that I discussed this with you last week that the agreement involved an exchange between the spring for which the application was submitted and the South Fork of Seven-Mile Creek. With your permission, I will note on the application for permit the details on exchange as outlined in the agreement. I do not believe it will be necessary to readvertise the exchange.

There is, however, one additional detail that needs to be taken care of before we can approve the permit. Because an exchange is involved with an unrecorded use right, it appears that Section 42-240 of the Idaho Code requires that a claim to a water right be filed by Mr. Adams for his right from the South Fork of Seven-Mile Creek before the application (exchange) can be approved. I am enclosing a claim to a water right form for this purpose. Please have the claimant complete this form and return to this office with the necessary filing fee.

I also note that paragraph #1 of the agreement indicates that the point of exchange between the Adams' ditch and the Hyde's ditch is in Section 16, whereas Exhibit B indicates that this location is in Section 17, Twp. 20N, Rge. 22E. Probably this should be checked into.

I appreciate the help that you have provided on this application and on others in the past, and look forward to working with you again.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:ba
Enc: claim form

75-7032



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

SALMON DISTRICT OFFICE

P.O. Box 430

Salmon, Idaho 83467

RECEIVED

MAY 14 1973

May 11, 1973

Department of Water Administration
Eastern District Office

Norman C. Young, District Engineer
State of Idaho, Dept. of Water Administration
240 South Holmes St.
Idaho Falls, Idaho 83401

Dear Sir:

This is in answer to your recent visit to our office concerning Mr. Ralston Adams pipeline R/W Application No. I-5840.

To recall this case, Mr. Adams filed an application to construct a domestic water pipeline from two large springs across approximately 1140 feet of public lands in Lot 1, Section 17, T. 20 N., R. 22 E., B.M., Idaho. A question arose between Mr. Adams and Mr. George Hyde over the water rights to the springs. The dispute was settled and a signed copy of the agreement was delivered by Mr. Adams to this office on May 9, 1973.

The district can now approve his application and grant him a right-of-way for a period of 50 years. This is predicated on the State of Idaho approving the agreement between Hyde and Adams and issuing a water permit to Mr. Adams to appropriate water from the two springs.

Sincerely yours,

Harry R. Finlayson
Harry R. Finlayson
District Manager

Encl.

75-7032

RECEIVED

MAY 14 1973

Department of Water Administration
Eastern District Office

AGREEMENT

RECEIVED
MAY 0 1973
Bureau of Land Mgt.
Eastern District

THIS AGREEMENT, Made and entered into this December, 1972, by and between RALSTON W. ADAMS and RACHEL L. ADAMS, husband and wife, parties of the first part, hereinafter called 'Adams', and GEORGE L. HYDE and ALTHEA R. HYDE, husband and wife, parties of the second part, hereinafter called 'Hyde', --

WITNESSETH:

WHEREAS, Adams and Hyde are owners of certain separate tracts of land situated in Lemhi County, and more particularly described in Exhibit A attached hereto and made a part hereof, for which the second parties claim to be able to furnish proof of prior diversion and appropriation water rights dating back to the year 1873; and

WHEREAS, Adams filed application for permit #75-7032 before the Department of Water Administration to appropriate public waters from a spring situated in the Northeast Quarter of the Northeast Quarter, Section 17, Township 20 North of Range 22 E.B.M.; and

WHEREAS, Hyde filed a protest against the approval of said application, and an informal hearing was held on said protest before the Department of Water Administration on October 16, 1972; and

WHEREAS, The parties hereto desire to settle their differences in regards to said application and enter into an agreement for the exchange of water rights:

NOW, THEREFORE, For and in consideration of the mutual covenants and agreements hereinafter contained, the parties hereto covenant and agree as follows:

I

That Adams shall deliver waters of the South Fork of Seven Mile Creek, to which Adams has accrued a beneficial water right,

to a certain ditch belonging to Hyde, via a certain ditch, one hundred (100) feet in length, more or less, at a point within the Southwest of the Southwest of the Northeast, Section 17, ^{See} _{12th} Township 20 North of Range 22 E.B.M., as more particularly described in Exhibit B; that Adams shall construct said diversion ditch and Hyde shall maintain said ditch.

II

That Adams shall exchange for waters from the South Fork of Seven Mile Creek in equal shares, measured in cubic feet per second or fraction thereof, for waters from a certain spring situated in the Northeast quarter of the Northeast quarter of Section 17, Township 20 North of Range 22 E.B.M.; that Adams shall have the privilege and right of using said spring water for domestic and/or irrigation purposes, and Hyde grants a right and easement to divert said waters from said spring.

III

That Adams shall have the right to divert a quantity of water from said spring in an amount not to exceed .40 cubic feet per second and to use said waters on the East Half of Section 8, Township 20 North of Range 22 E.B.M. and to obtain a permit from the Department of Water Administration of the State of Idaho as an exclusive appropriator and user of said .40 cubic feet per second of water; that a diversion and a weir, constructed in accordance with specifications approved by the State of Idaho, shall be placed at the diversion point on said irrigation ditch and at the diversion point on said spring; that Adams shall pay for the costs of construction of the weir on the ditch and for the costs of construction of the weir and measuring device at the spring; that the amount of the said water to be exchanged shall be determined by a propeller - flow meter placed within the

diversion at the spring; that the maintenance of the diversion on the ditch shall be borne by Hyde and maintenance of the diversion on the spring shall be borne by Adams; that it is specifically understood and agreed by the parties hereto that no larger amount of water shall be diverted from the Adams ditch from Seven Mile Creek to the Hyde ditch than Adams uses of waters from the spring, and the second parties shall at any and all times have the right of inspection of the weir, measuring devices, flow meters and such other diversion works as may be used by the parties hereto, wherever they are located.

IV

That Hyde covenants and agrees to withdraw the water protest filed September 18, 1972 against application #75-7032, application for the appropriation of public waters of the State of Idaho, filed by Ralston W. and/or Rachel Adams, a notice thereof having been published in the Recorder Herald at Salmon, Idaho on August 31, 1972 and September 7, 1972, and by these presents does withdraw said protest; and, the parties hereto agree that a copy of this agreement shall be sent to the Department of Water Administration of the State of Idaho.

V

That this agreement supersedes all prior agreements and understandings between the parties hereto relating to the subject matter hereof, and this agreement specifically includes and supersedes a certain Stipulation and Memorandum of Agreement, dated October 16, 1972, and entered into certain informal hearing on application #75-7032, at the Lemhi County Courthouse at Salmon, Idaho; and that there are no agreements or representations between the parties relating to the subject matter hereof other than that expressly contained herein. This agreement may not be modified or amended orally, and no attempted modification or amendment shall be binding, unless it is in writing and signed by both parties.

VI

If either party finds it necessary to file any formal action to enforce any provision of this agreement, then the losing party

shall pay all costs in connection therewith, including reasonable attorney fees for the prevailing party.

VII

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

IN WITNESS WHEREOF: The parties hereto have hereunto set their hands and seals the day and year first above written.

Robert H. Adams

Rachel L. Adams

Parties of the First Part

George L. Hyde

Alfred B. Hyde

Parties of the Second Part

75-7032

EXHIBIT A

Ralston W. Adams and Rachel L. Adams Property:

The following described real property situate in the County of Lemhi, State of Idaho, more particularly described as follows, to-wit:

The East One-Half of Section 8, Township 20 North, Range 22, East of the Boise Meridian.

George L. Hydo and Althea R. Hydo Property:

The following described real property situate in the County of Lemhi, State of Idaho, more particularly described as follows, to-wit:

West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) and the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Thirty-two (32), Township Twenty-one (21) North of Range Twenty-two (22) East of the Boise Meridian.

Together with all water and water rights, ditch and ditch rights appertaining thereto or used in connection therewith.

Excepting therefrom, the Northwest fifteen acres of said Northeast Quarter of the Northwest Quarter of Section thirty-two.

STATE OF IDAHO :
 : ss.
County of Lemhi :

On this 24th day of December, 1972, before me, the undersigned, a Notary Public in and for said State, personally appeared RALSTON W. ADAMS and RACHEL L. ADAMS, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

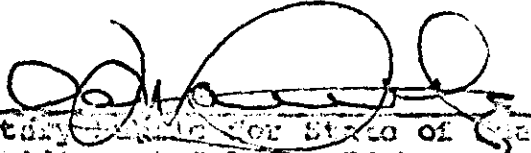
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for State of Idaho
Residing at Salmon, Idaho
Comm. expires 10/15/74

STATE OF IDAHO :
 : ss.
County of Lemhi :

On this 4th day of May, 197³, before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE L. HYDE and ALTHEA R. HYDE, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for State of Idaho
Residing at Salmon, Idaho
Comm. expires 2-7-76

LAW OFFICES OF
JAMES C. HERNDON
HERNDON HOTEL BLOCK
P. O. BOX 789

J. CHARLES HERNDON [1911-1994]

SALMON, IDAHO 83467

TELEPHONE 756-2412
AREA CODE 208

May 7, 1973

MAY 1973

Department of Water Administration
Eastern District Office

Department of Water Administration
Eastern District Office
240 South Holmes Avenue
Idaho Falls, Idaho 83401

Attention: Norman C. Young
District Engineer

Re: Application No. 75-7032
Adams - Hyde

Dear Norman:

Enclosed please find an executed copy of the agreement, Ralston W. Adams and Rachel L. Adams, parties of the first part, George L. Hyde and Althea R. Hyde, parties of the second part, dated December 21, 1972, in regards to the above entitled matter.

As far as the parties are concerned, the agreement settles the issues between them at the present time, and we believe that there is no need for another hearing.

Thus, you should consider this letter as our request that the hearing be dismissed.

In order that Mr. and Mrs. Hyde are informed that I have written to you, I am sending a copy of this letter to Mr. C. Walker Lyon, attorney for Mr. and Mrs. Hyde.

Very truly yours,



JAMES C. HERNDON

JCH/ts

Enclosure

cc: C. Walker Lyon
Ralston W. Adams

75-7032

75-7032

RECEIVED
DEPARTMENT OF WATER ADMINISTRATION
OCT 17 1972

A G R E E M E N T

THIS AGREEMENT, Made and entered into this 21st day of December, 1972, by and between RALSTON W. ADAMS and RACHEL L. ADAMS, husband and wife, parties of the first part, hereinafter called 'Adams', and GEORGE L. HYDE and ALTHEA R. HYDE, husband and wife, parties of the second part, hereinafter called 'Hyde', --

WITNESSETH:

WHEREAS, Adams and Hyde are owners of certain separate tracts of land situated in Lemhi County, and more particularly described in Exhibit A attached hereto and made a part hereof, for which the second parties claim to be able to furnish proof of prior diversion and appropriation water rights dating back to the year 1873; and

WHEREAS, Adams filed application for permit #75-7032 before the Department of Water Administration to appropriate public waters from a spring situated in the Northeast Quarter of the Northeast Quarter, Section 17, Township 20 North of Range 22 E.B.M.; and

WHEREAS, Hyde filed a protest against the approval of said application, and an informal hearing was held on said protest before the Department of Water Administration on October 16, 1972; and

WHEREAS, The parties hereto desire to settle their differences in regards to said application and enter into an agreement for the exchange of water rights:

NOW, THEREFORE, For and in consideration of the mutual covenants and agreements hereinafter contained, the parties hereto covenant and agree as follows:

I

That Adams shall deliver waters of the South Fork of Seven Mile Creek, to which Adams has accrued a beneficial water right,

to a certain ditch belonging to Hyde, via a certain ditch, one hundred (100) feet in length, more or less, at a point within the Southwest of the Southwest of the Northeast, Section 16, Township 20 North of Range 22 E.B.M., as more particularly described in Exhibit B; that Adams shall construct said diversion ditch and Hyde shall maintain said ditch.

II

That Adams shall exchange for waters from the South Fork of Seven Mile Creek in equal shares, measured in cubic feet per second or fraction thereof, for waters from a certain spring situated in the Northeast quarter of the Northeast quarter of Section 17, Township 20 North of Range 22 E.B.M.; that Adams shall have the privilege and right of using said spring water for domestic and/or irrigation purposes, and Hyde grants a right and easement to divert said waters from said spring.

III

That Adams shall have the right to divert a quantity of water from said spring in an amount not to exceed .40 cubic feet per second and to use said waters on the East Half of Section 8, Township 20 North of Range 22 E.B.M. and to obtain a permit from the Department of Water Administration of the State of Idaho as an exclusive appropriator and user of said .40 cubic feet per second of water; that a diversion and a weir, constructed in accordance with specifications approved by the State of Idaho, shall be placed at the diversion point on said irrigation ditch and at the diversion point on said spring; that Adams shall pay for the costs of construction of the weir on the ditch and for the costs of construction of the weir and measuring device at the spring; that the amount of the said water to be exchanged shall be determined by a propeller - flow meter placed within the

diversion at the spring; that the maintenance of the diversion on the ditch shall be borne by Hyde and maintenance of the diversion on the spring shall be borne by Adams; that it is specifically understood and agreed by the parties hereto that no larger amount of water shall be diverted from the Adams ditch from Seven Mile Creek to the Hyde ditch than Adams uses of waters from the spring, and the second parties shall at any and all times have the right of inspection of the weir, measuring devices, flow meters and such other diversion works as may be used by the parties hereto, wherever they are located.

IV

That Hyde covenants and agrees to withdraw the water protest filed September 18, 1972 against application #75-7032, application for the appropriation of public waters of the State of Idaho, filed by Ralston W. and/or Rachel Adams, a notice thereof having been published in the Recorder Herald at Salmon, Idaho on August 31, 1972 and September 7, 1972, and by these presents does withdraw said protest; and, the parties hereto agree that a copy of this agreement shall be sent to the Department of Water Administration of the State of Idaho.

V

That this agreement supersedes all prior agreements and understandings between the parties hereto relating to the subject matter hereof, and this agreement specifically includes and supersedes a certain Stipulation and Memorandum of Agreement, dated October 16, 1972, and entered into certain informal hearing on application #75-7032, at the Lemhi County Courthouse at Salmon, Idaho; and that there are no agreements or representations between the parties relating to the subject matter hereof other than that expressly contained herein. This agreement may not be modified or amended orally, and no attempted modification or amendment shall be binding unless it is in writing and signed by both parties.

VI

It either party finds it necessary to file any formal action to enforce any provision of this agreement, then the losing party

shall pay all costs in connection therewith, including reasonable attorney fees for the prevailing party.

VII

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

IN WITNESS WHEREOF The parties hereto have hereunto set their hands and seals the day and year first above written.





Parties of the First Part





Parties of the Second Part

75-7032

EXHIBIT A

Ralston W. Adams and Rachel L. Adams Property:

The following described real property situate in the County of Lemhi, State of Idaho, more particularly described as follows, to-wit:

The East One-Half of Section 8, Township 20 North, Range 22, East of the Boise Meridian.

George L. Hyde and Althea R. Hyde Property:

The following described real property situate in the County of Lemhi, State of Idaho, more particularly described as follows, to-wit:

West Half of the Northeast Quarter ($W\frac{1}{2}NE\frac{1}{4}$), East Half of the Northwest Quarter ($E\frac{1}{2}NW\frac{1}{4}$) and the East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$) of Section Thirty-two (32), Township Twenty-one (21) North of Range Twenty-two (22) East of the Boise Meridian.

Together with all water and water rights, ditch and ditch rights appertaining thereto or used in connection therewith.

Excepting therefrom, the Northwest fifteen acres of said Northeast Quarter of the Northwest Quarter of Section thirty-two.

EXHIBIT B

STATE OF IDAHO :
 : ss.
County of Lemhi :

On this 2nd day of December, 1972, before me, the under-
signed, a Notary Public in and for said State, personally appeared
RALSTON W. ADAMS and RACHEL L. ADAMS, known to me to be the persons
whose names are subscribed to the within instrument, and acknowledged
to me that they executed the same.

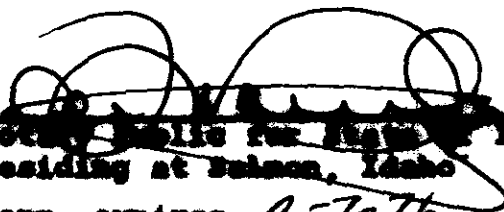
IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year in this certificate first above
written.


Notary Public for State of Idaho
Residing at Salmon, Idaho
Comm. expires 10/15/74

STATE OF IDAHO :
 : ss.
County of Lemhi :

On this 4th day of ^{May} ~~December~~, 197³, before me, the under-
signed, a Notary Public in and for said State, personally appeared
GEORGE L. HYDE and ALTHEA R. HYDE, known to me to be the persons
whose names are subscribed to the within instrument, and acknowledged
to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year in this certificate first above
written.


Notary Public for State of Idaho
Residing at Salmon, Idaho
Comm. expires 2-7-76

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Eastern District Office
240 South Holmes Ave. • Idaho Falls, Idaho
83401

SENDER: Be sure to follow instructions on other side *12-16-52*

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)



Show to whom, date and address
where delivered



Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

180

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

75-7032

PS Form 3811 Nov. 1970 CSS-18-81277-1

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

IDAHO DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE
240 S. HOLMES
IDAHO FALLS, IDAHO 83401

75-7032

APPROPRIATE RETURN TO
APR 20 1971
U.S. MAIL
75-7032

SENDER: Be sure to follow instructions on other side *75-7032*

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

179

①

C. Walker Dixon

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

Joy S. Kane

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

APR 16 1973

75-7032

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moistened gummed ends and attach to back of article.

**RETURN
TO**

IDAHO DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE
240 S. HOLMES
IDAHO FALLS, IDAHO 83401

75-7032

PS Form 3811 Nov. 1970 65-16-0127-1

75-7032 - Ralston W. and/or Rachel L. Adams

Courtroom, Lemhi County Courthouse, Salmon, Idaho

May 10, 1973 - 10:00 a.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
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— HRG CALLED off —

75-7032

NAME AND ADDRESS OF SENDER

Indicate type of mail:
☐ Registered ☐ Registered O.D.
☐ Certified

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3	177 17th St., P.O. Box 23, 6th St., S.W.							"
4	178 17th St., S.W., Wash., D.C. 1979 Johnson							75-7032
5	179 17th St., S.W., Wash., D.C.							"
6	180 17th St., S.W., Wash., D.C. 1723 Johnson							"
7	181 17th St., S.W., Wash., D.C. 1723 Johnson							75-7036
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APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharge are not required on international registered mail)

75-7032

April 13, 1973

Lemhi County Courthouse
Clerk of the District Court
Salmon, ID 83467

Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Thursday, May 10, 1973, at 10:00 a.m. and 1:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

75-7032



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

SALMON DISTRICT OFFICE

P. O. Box 430
Salmon, Idaho 83467

RECEIVED

MAR 16 1973

Department of Water Administration
Eastern District Office

March 14, 1973

File
75-7032

Mr. Norman C. Young, District Engineer
Eastern District Office
Department of Water Administration
240 South Holmes Avenue
Idaho Falls, Idaho 83401

Dear Sir;

This is in answer to your recent letter requesting a copy of Mr. Ralston W. Adams application for a right-of-way across public lands.

The springs involved in this R/W Application are still snow bound, but we will complete the application as soon as possible.

Enclosed are copies of Mr. Adams application forms and a blue-line copy of his corrected map.

Please call or write if we can be of any further assistance to you.

Sincerely,

Kenneth E. Irons
Realty Specialist

Encls.

75-7032



P.O. Box 1479
Salmon, Idaho 84367
August 24, 1972

Manager, Land Office
Bureau of Land Management
Idaho Land Office
Room 334, Federal Building
550 West Fort Street
Boise, Idaho 83702

Re: Water line easement

Dear Sir:

By this letter I am applying for easements to develop two spring sources for domestic water and to construct necessary transmission pipelines across public lands.

This application is made pursuant to the regulations of 43 CFR 2234 and I agree that the right-of-way, if approved, will be subject to the terms and conditions of the applicable regulation in 43 CFR 2234.

This application is made under the Act of March 3, 1891 (26 Stat. 1101) as amended.

I wish to develop two springs for the purpose of furnishing domestic water to land owned by me. After collection at the springs, the water would be conveyed through 6" transmission lines to a storage reservoir located on private land.

Development of the springs and transmission line will require approximately 1140 linear feet of easement; the width of which is requested to be 20 feet.

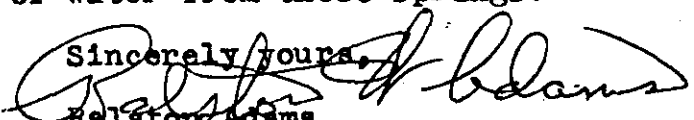
In addition, I am also requesting an access easement to the facilities to facilitate maintenance. This easement would be approximately 125 feet in length and 20 feet in width.

The surveyed location and widths of the access pipeline and spring locations are shown on the attached linen tracing. Three map copies of the tracing are also attached.

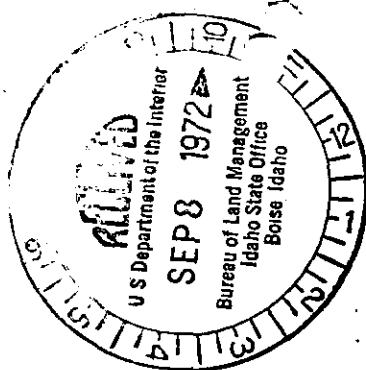
I will need the right-of-way for a period of 99 years.

Application has been made to the Department of Water Administration under permit No. 75-7032 for the use of water from these springs.

Sincerely yours,


Ralston Adams

75-7032



P. O. Box 1479
Salmon, Idaho 83467
September 6, 1972

RECEIVED

MAR 16 1973

Department of Water Administration
Eastern District Office

Manager, Land Office
Bureau of Land Management
Idaho Land Office
Room 334, Federal Building
550 West Fort Street
Boise, Idaho 83702

Re: Supplement to Easement.

Dear Sir:

Please refer to my letter of application dated August 24, 1972.

Since I sent the letter and engineer plat to you, the Health Department has inspected my plans and insist that the spring collection areas be fenced.

Each fenced in area would be 100' x 200'. They require it to be fenced so that livestock cannot graze within 50 feet of the collection pipes.

Thank you for your attention to this request.

Very truly yours,

Ralston W. Adams

RWA:rla

75-7032

March 7, 1973

Bureau of Land Management
Salmon Area Office
Salmon, ID 83467

Gentlemen:

Ralston W. Adams of Salmon, Idaho, has filed Application No. 75-7032 to appropriate water from an unnamed spring tributary to Eli Creek in Lot 1 of Section 17, Township 20N, Range 22E, Lemhi County. Mr. Adams has indicated that this property is under your control, and that he has on August 24, 1972, applied for a right-of-way to gain access to the spring. He lists this application as B.L.M. No. I-5840(943).

Could you please provide this office with a copy of that application at your earliest convenience.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:ba

75-7032

RECEIVED

To: Dept of Water

MAR 4 1973

ATT Mr. Norman Young

Department of Water Administration
Eastern District Office

2/28/73

RE App # 75-7032

From: Ralston W Adams
Salmon Idaho

The attorneys are still working on the agreement between Mr Hyde and me. I hope it will be finalized soon.

Right of way application was made to The BLM, Aug 24 1972. There permit of course hinges on the Water permit.

The BLM, No. is.

I-5840 (943)

Thanks for your Attention

Ralston Adams
75-7032

February 28, 1973

Re: Application No. 75-7032

Mr. Ralston W. Adams
Box 1479
Salmon, ID 83467

Dear Mr. Adams:

I am sorry to have missed your telephone call of February 26. It is my understanding that you indicated to the secretary at that time that you have applied for a right-of-way from the Bureau of Land Management concerning the above referenced application, and that they are waiting until you receive an approved water right permit from this department before they will grant the right-of-way. We will need to be supplied with a written statement to that affect for our records.

Also, will you please indicate if any progress has been made toward settling the protest against your application, No. 75-7032, and if not, whether it is necessary or desirable to hold another hearing.

Please provide this office with the information requested above within twenty (20) days from the date of this letter. Failure to do so could be considered as reason for denying your application as speculative.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

75-7032

IMPORTANT MESSAGE

FOR Norm

DATE 2-26-73 TIME 8:10 A.M.
P.M.

WHILE YOU WERE OUT

M Raleigh Adams

OF _____

PHONE NO. _____

TELEPHONED	☐	PLEASE CALL	☐
CALLED TO SEE YOU	☐	WILL CALL AGAIN	☒
WANTS TO SEE YOU	☐	RUSH	☒

MESSAGE He is on tour - got out
the and decided to call Attorney
still working on transfer.

The bblm permit for right of way
is applied for. Writing to be

SIGNED issued until he gets permit
from us. He said

he would call later
on today and talk
to you.

75-7032

February 15, 1973

Re: Application No. 75-7032

Ralston W. & Rachel L. Adams
Box 1479
Salmon, ID 83467

Dear Mr. & Mrs. Adams:

During the processing of the above referenced application it was noted that the location of the point of diversion is on land under the control of the Bureau of Land Management. This office must have an indication that you have legal access to the ground in question. Please provide this office within thirty (30) days of the date of this letter a copy of the easement or special use right-of-way allowing you access to the spring, or evidence that you are in the process of obtaining such right-of-way. Failure to provide this office with this information could be considered as reason for denying your application as speculative.

This office has not as yet received the formal agreement which was to be provided as a result of the conference held October 16, 1972. Is any progress being made toward settling the protest? If not, is it necessary or desirable to hold another hearing?

I would appreciate receiving your thoughts on this.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:ba

75-7032

CONVERSATION MEMORANDUM

DATE

1/3/72

FILE

75-7032

NAME OF PARTY

Jim Herndon

EMPLOYEE

NCR

RE:

ASKED Jim if any progress on getting agreement on 75-7032 protest. He indicated that he sent proposed agreement over to protestant's attorney. He must be settling one. Have been some holdups due to need for BLM agreement.

Jim asked that we not hold a hearing that problem can be solved better without us.

I asked that he expedite the process & if hearing is needed to let me know so that it can be set for early Feb. along with 75-7036.

75-7032

November 27, 1972

Re: Application No. 75-7032 - Adams

Mr. James C. Herndon
Attorney-at-Law
Salmon, ID 83467

Dear Mr. Herndon:

You are hereby reminded that at the conference held October 16, 1972, on the above referenced application for permit, it was agreed that the details of the formal agreement would be provided to this office within 30 days.

Please provide the information to this office within 30 days of the date of this letter, or it will be necessary for the Department to again set this matter for hearing.

If the Department can be of any assistance in helping you reach this agreement or in working out the water exchange, please do not hesitate to contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:ba

cc: Ralston W. & Rachel L. Adams
Box 1479
Salmon, ID 83467

Mr. C. Walker Lyon, Atty.
Challis, ID 83226

George L. & Althea R. Hyde
Box 1173
Salmon, ID 83467

~~Mr. C. Walker Lyon, Atty.~~
~~Challis, ID 83226~~

75-7032

MEMORANDUM

Re: Application for Permit No. 75-7032

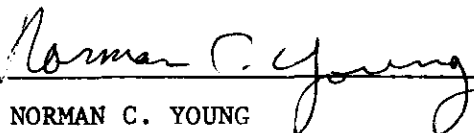
A conference was held at Salmon, Idaho, on October 16, 1972, to consider the protest against issuance of permit on the above referenced application.

The applicant, Ralston W. Adams, was present and represented by Attorney James Herndon of Salmon. The protestants, George L. Hyde and Althea R. Hyde, were present and represented by Attorney C. Walker Lyon. In addition, William Jakovac was present to protest the effect of the proposed right on his winter stockwatering use right, and testified in behalf of the protestants.

The informal discussion brought out that the applicant did propose use of a spring that the protestants and their predecessors claimed to have used since before 1878. The applicant also claimed a use right on this same spring for irrigation of approximately three acres of BLM ground. Both the applicant and protestants have a ditch bringing water from Seven-Mile Creek. Both of the ditches cross just below the marshy area of the spring and pick up the spring flow for irrigation or storage in a small reservoir.

Those present were advised that the IDWA could not consider use rights at a hearing or conference, and that a court determination would be necessary to establish these rights. Neither applicant nor protestants desired to pursue the matter in court. A tentative agreement for an exchange from Seven-Mile Creek was drawn up at the conference and signed by both parties. The tentative agreement provides that a final agreement will be supplied to the Department within thirty (30) days removing the protest.

October 18, 1972


NORMAN C. YOUNG
District Engineer

75-7032

10-16-72 - Salmon Court House

MEASURED May 3rd, 1972 - 5 inches
+ 5.6 inches with pygmy meter by
GARY FUNDERBURG. AREA IS ABOUT 30'
WIDE UNABLE TO MEASURE IT ALL.

HYDES feel they have been getting
20 inches from this spring by intercepting
in a ditch coming over from Seven
mile ck. - Would have to replace any
loss by pumping from Salmon River.

William Jactovac uses the spring in
winter to water 100 head of stock.

75-7032

1
This matter coming on in an informal hearing on the protest of George L. Hyde and Althea R. Hyde to the application No. 75-7032 before hearing examiner Norman C. Young at the Lincoln County Courthouse at Salmon, Idaho, James Henderson and Rolston Adams, appearing for the applicants, and C. Walker Lyon and George Hyde & Althea R. Hyde, appearing for the protestors, and the parties being in agreement hereby stipulate as follows:

I

That the applicant Rolston Adams shall deliver waters of the South fork of Seven mile Creek to a certain ditch belonging to the said George L. Hyde at a point in approximately 1/4 the NE NE of Section 17, T20N, R22E B.M.

II

That the said George L. Hyde and Althea R. Hyde shall in exchange for the waters from the South fork of Seven mile, ~~grant~~ ^{grant} a right and easement to divert waters from a certain ~~area~~ spring situated in the NE NE in

Section 17, T~~90~~N, R22EBM for domestic use.

III

That the amount of the said water to be exchanged shall be determined by a propeller-flow-meter placed within the Adams diversion.

IV

That this memorandum of agreement is intended as a memorandum of agreement + understanding between the parties hereto and it is intended and understood by the parties that a formal agreement shall be filed with the Department within 30 days outlining the details of the exchange.

Dated: Oct 16, 1972.

Ralston F. Adams

George Z. Hyde

Arthur P. Hyde

75-7032 - Ralston W. and/or Rachel L. Adams

Courtroom, Lemhi County Courthouse, Salmon, Idaho

October 16, 1972 - 1:00 pm

ROSTER OF ATTENDANCE

Name	Address	Representing
Edna Hyde		self
Altha R. Hyde		"
George L. Hyde		"
William Yakovlev	Salmon Falls	"
C. Walker Lyon	Box 400	- PROTESTANT
Quadrader		- Applicant
Ralston W. Adams		- self

75-7032

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

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CERTIFIED NO.

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

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OCT - 6 1972

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IDAHO POWER ADMINISTRATION
DISTRICT OFFICE
BOISE
IDAHO FALLS, IDAHO 83401

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to addressee

RECEIPT

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SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

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OCT - 3 1972

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PS Form 3811 Nov. 1970 c55-10-81277-1



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IDAHO DEPARTMENT OF WATER ADMINISTRATION
DISTRICT OFFICE
JAMES HOLMES
IDAHO FALLS, IDAHO 83401

SENDER: Be sure to follow instructions on other side

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☐

Show to whom, date and address
where delivered

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Deliver **ONLY**
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

8

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

R. Walker Dixon

CERTIFIED NO.

1

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Joy S. White

DATE DELIVERED

OCT 10 1972

3

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PS Form **3811**

Nov. 1970

©55-16-81277-1

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RETURN



U.S. POSTAL SERVICE
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OCT 10 1972

Department of Water Administration
Eastern District Office

LAW OFFICES
C. WALKER LYON
LYON BUILDING
SALMON, IDAHO
83467

P. O. BOX 250

October 6, 1972

Mr. Norman C. Young, District Engineer
Department of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

RE: Application # 757032

Dear Mr. Young:

Received the copy of your letters to the Hydes and noticed the four questions that you have under Section 42-203, Idaho Code.

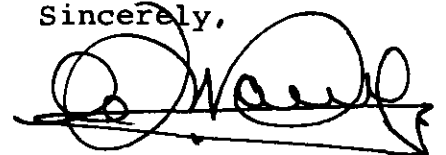
1. The proposed use advertised by the Adams will reduce the quantity of water under the Hydes prior existing water right.
2. The notice speaks for itself in that the proposed water supply of 0.40 cubic feet per second applied for would be insufficient for 100 families for domestic purposes and for 320 acres of land.
3. It would appear that the application is not made in good faith as for speculative purposes because there is only one old house on the property and no one is living there at this time or has this summer. When would the 100 families move in?
4. The Hydes have no information as to the applicant's financial resources and therefore could not answer this question.

The permit should be rejected by the Department upon the very facts of the notice.

The Hydes are very willing to furnish the Department with any further information that they have.

CWL/jw

Sincerely,



75-7032

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protest Against)
Approval of Application for Permit)
No. 75-7032 in the name of RALSTON)
W. &/or RACHEL L. ADAMS)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

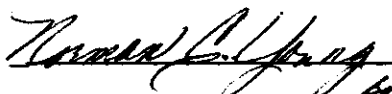
On August 22, 1972, Ralston W. and/or Rachel L. Adams filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On September 18, 1972, the Department received a protest against approval of said application from George L. & Althea R. Hyde.

The Department has set the matter of protest for conference and/or hearing for Monday, October 16, 1972, at 3:00 p.m., in the Courtroom of the Lemhi County Courthouse, Salmon, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 5 day of October, 1972.


NORMAN C. YOUNG
District Engineer

75-7032

And many have it lined as evidence of making on the part of the captain of this boat.

75-7032

October 5, 1972

Lemhi County Courthouse
Clerk of the District Court
Salmon, ID 83467

Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Monday, October 16, 1972, at 1:00 p.m. and 3:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

75-7032

CONVERSATION MEMORANDUM

DATE 10-2-72FILE 75-7032NAME OF PARTY Ralston W. AdamsEMPLOYEE NCYRE: Wants the hearing soon -

Wanted to know if telegram got in before
protest period ended. I told him W.U. phone
call did get in on time, but written
telegram didn't.

Called again - wants protest hearing
held in Theater Fausset told him
required to hold in Salmon if protesters
insist.

75-7032

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Ralston W. & Rachel Adams
Box 1479
Salmon, ID 83467

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

Eastern District
September 26, 1972



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

Re: Application for Permit No. 75-7032

Dear Mr. & Mrs. Adams:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 75-7032. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

Enc: Copy of protest(s)

75-7032

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

Eastern District

September 26, 1972



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

Re: Application No. 75-7032

George L. & Althea R. Hyde
Box 1173
Salmon, ID 83467

Dear Mr. & Mrs. Hyde:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

cc: C. Walker Lyon, Atty.-at-Law, Salmon, ID 83467

75-7032

LAW OFFICES
C. WALKER LYON
LYON BUILDING
SALMON, IDAHO
83467

TELEPHONE 756-2814

P. O. BOX 250

RECEIVED

SEP 26 1972

Department of Water Administration
Eastern District Office

September 25, 1972

Idaho Department of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

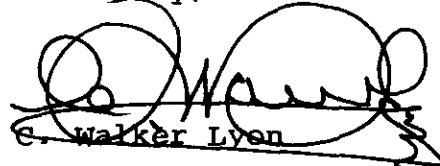
Gentlemen:

Enclosed herewith is the written water protest of George L. and Althea R. Hyde, Box 1173, Salmon, Idaho, in conformance with your oral request of September 18, 1972, when a protesting telegram was sent to your office.

I deduct that by the Idaho statutes that there will be no need of a hearing if the Ralston Adams admit the prior rights of the Hydes.

We will furnish any additional information you desire, and for your information, I have the original Federal patents to the Hyde land in my office.

Sincerely,


C. Walker Lyon

CWL/jw
ENC: 1

75-7032

RECEIVED

SEP 26 1972

Department of Water Administration
Eastern District Office

IDAHO DEPARTMENT OF WATER ADMINISTRATION

STATE OF IDAHO)
) SS WATER PROTEST
COUNTY OF LEMHI)

GEORGE L. HYDE and ALTHEA R. HYDE, husband and wife,
whose address is Box 1173, Salmon, Idaho, being duly sworn
according to law depose and say:

That they are the owners of the following described
property situated in the County of Lemhi, State of Idaho, to-wit:

West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$),
East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$)
and the East Half of the Southwest Quarter
(E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Thirty-two (32), Township
Twenty-one (21) North of Range Twenty-two
(22) East of the Boise Meridian.

Together with all water and water rights,
ditch and ditch rights appertaining thereto
or used in connection therewith.

Excepting therefrom, the Northwest fifteen
acres of said Northeast Quarter of the
Northwest Quarter of Section thirty-two.

That they protest the Application No. 75-7032 for a
Water Permit of Ralston W. and/or Rachel Adams, Box 1479, Salmon,
Idaho, the Notice thereof having been published in the Recorder
Herald at Salmon, Idaho, on August 31, 1972, and September 7,
1972, for the appropriation of 0.40 cubic feet per second of
water from unnamed springs tributary to Eli Creek by means of
headbox and pipeline within the Northeast Quarter of the Northeast
Quarter, Section 17, Township 20 North of Range 22 E.B.M.,
Lemhi County, to be used January 1 to December 31 for domestic

75-7032

purposes for 100 families and from April 1 to November 1 for irrigation of 320 acres, both uses within the East half of Section 8, Township 20 North Range 22, E.B.M.

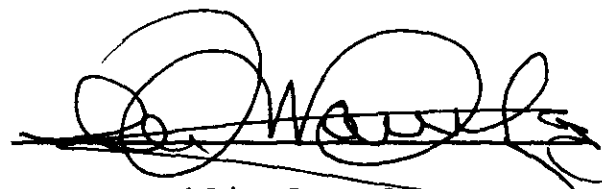
That the reason for protest is that they and their predecessors in interest have used all of the waters of Eli Creek and the tributaries thereto, being the North fork of Seven Mile Creek and the springs thereof continually from before the year 1878; and that the Hyde family have been in exclusive possession of said waters since said year 1878.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 18th day of September, 1972.

 (SEAL)

 (SEAL)

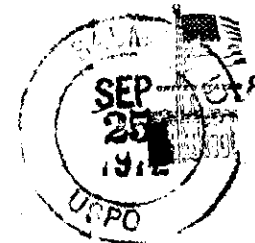
Subscribed and sworn to before me this 18th day of September, 1972.


Notary Public for Idaho
Residing at Salmon, Idaho

75-7032

AFTER FIVE DAYS RETURN TO
LYON LAW OFFICES
SALMON, IDAHO 83467

RETURN RECEIPT REQUESTED



IDAHO DEPARTMENT OF WATER ADMINISTRATION
240 South Holmes
Idaho Falls
Idaho 83401

75-7032

September 22, 1972

Re: Application No. 75-7032

Mr. C. Walker Lyon
Attorney-at-Law
Challis, ID

Dear Mr. Lyon:

Enclosed is a copy of the letter sent to your clients, George L. and Althea R. Hyde, pursuant to their telegram protesting application for permit No. 75-7032.

I indicated to you in our telephone conversation of September 18, 1972, that I would provide you with a letter confirming that conversation. During the conversation, you notified this office of the Hyde's intent to protest, and I indicated to you that a telegram would be sufficient evidence of their intention to protest.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:Ba

Enclosure

75-7032

CONVERSATION MEMORANDUM

DATE 9/18/72FILE 75-7032NAME OF PARTY Attorney Lyon's @ SalmonEMPLOYEE NCY

RE: Called to ask if a telegram protest would
suffice. A Rancher^(Mr Hyde) below the proposed development
has used all the water for many years. This is
last day of protest if they will drive down
to deliver protest if telegram isn't adequate.
I called Rob Spencer who indicated that
we should accept protest by telegram as
an indication of intent to protest & give
them 10 days to follow-up in writing.
Applicant may object to this procedure &
we may have to release the protest but
at least applicant is warned.

I called Attorney Lyon and told him
we would accept telegram as intent to protest
& give 10 additional days for formal written protest.
Told him of applicant possibly using this to
defeat protest, but since this protest is
based only on a use right, a hearing can not
have much other outcome. If the applicant persists,
the protestants will be forced to seek relief
in court.

75-7032

September 19, 1972

Re: Application for Permit No. 75-7032 - Adams

Mr. George L. Hyde
Box 1173
Salmon, ID 83467

Dear Mr. Hyde:

We are in receipt of your intent to protest Application No. 75-7032, by means of a telegram relayed to this office by Western Union. Before we can officially receipt a protest, it must be written and signed by the protestant or his agent. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

We will give you ten (10) days from the date of this letter to provide this office with a written protest. If we have not received the protest at the end of that time period, we will assume that you no longer wish to continue your protest, and the application will be submitted to our Boise Office for final action.

If you have any questions, please contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

cc: Ralston W. & Rachel L. Adams
Box 1479
Salmon, ID 83467

75-7032

Telegram

western union

WJAO71 9-18-72 444P MDT

UP PDT SEP 18 72 LBOL

SSG307 L BUA021 GM PDC SALMON IDAHO 18 330P MDT

IDAHO DEPT OF WATER ADMINISTRATION

240 S HOLMES IDAHO FALLS IDA 83401

GEORGE L AND ALTHEA R HYDE BOX 1173 SALMON IDAHO DO HEREBY

PROTEST ADAMS APPLICATION NO 75-7032 FOR WATER FROM UNNAMED

SPRINGS TRIBUTARY TO ELI CREEK SECTION 17 LEMHI COUNTY IDAHO

FOR REASON THAT THIS HAS BEEN EXCLUSIFELY USED ON THE HYDE

RANCH SO CALLED SECTION 32 TOWNSHIP 21 NORTH RANGE 22 E B

M BEFORE 1878

GEORGE L HYDE ALTHEA R HYDE

1173 75-7032 17 32 21 22 1878

SEP 18 5 29 PM '72

S	75-7032	To
S		
E		

Try tomorrow 17th

RECEIVED

SEP 21 1972

Department of Water Administration
Eastern District Office

75-7032

RE: Application No. 75-7032

The following telegram was relayed to this office on September 19, 1972, by Western Union:

George L. Hyde or Althea R. Hyde, Box 1173, Salmon, Idaho, do hereby protest Adams' Application No. 75-7032, from unnamed springs, tributary to Eli Creek, Section 17, Lemhi County, Idaho, for reasons that this has been exclusively used on the Hyde Ranch, so called Section 32, Township 21N, Range 22E, B.M. before 1878.

75-7032

**NOTICE OF APPOINTMENT FOR
WATER PERMIT**

Notice is hereby given that Ralston W. &/or Rachel L. Adams, Box 1479, Salmon, Idaho has on 8/22/72 submitted Application No. 75-7032 for a permit to appropriate 0.40 cubic feet per second of water from unnamed springs, tributary to Eli Creek by means of headbox & pipeline within the NE¼-NE¼, Sec. 17, T. 20N, R. 22E, B. M., Lemhi County; to be used from Jan. 1 to Dec. 31 for domestic purposes for 100 families, and from Apr. 1 to Nov. 1 for the irrigation of 320 acres, both uses within the E½, Sec. 8, T. 20N, R. 22E, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before September 18, 1972.

R. KEITH HIGGINSON
Director

Published in the Recorder-Herald, Salmon, Idaho on August 21, and September 7, 1972.
8-31-30c

August 25, 1972

Re: Application No. 75-7029 - Charles & Sue Walker
75-7031 - Eugene G. Hussey
75-7032 - Ralston W. &/or Rachel L. Adams

Recorder-Herald
P.O. Box 310
Salmon, ID 83467

Gentlemen:

Enclosed you will find a legal notice which we wish to have for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Norman C. Young
District Engineer

NCY:BA
Enc: Legal notice

*Bill submitted to
Baise 9/11/72
C.W.*

75-7032

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Ralston W. &/or Rachel L. Adams, Box 1479,
Salmon, Idaho
has on 8/22/72 submitted Application No. 75-7032
for a permit to appropriate 0.40 cubic feet per second ~~XXXXXX~~
of water from unnamed springs, tributary to Eli Creek
by means of headbox & pipeline
within the NE1/4, Sec. 17, T. 20N, R. 22E, B.M., Lemhi County;

to be used from Jan. 1 to Dec. 31 for domestic purposes for 100 families,
~~for~~ and from Apr. 1 to Nov. 1 for the irrigation of 320 acres, both uses
within the E1/4, Sec. 8, T. 20N, R. 22E, B.M.
within the _____

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before
September 18, 1972.

R. KEITH HIGGINSON

Director

Published in the Recorder-Herald, Salmon, Idaho
on August 31, and September 7, 1972

NCY
75-7032

August 22, 1972

RE: Permit No. 75-7032

Ralston W. and/or Rachel L. Adams
Box 1479
Salmon, Idaho 83467

Dear Mr. and Mrs. Adams:

Attached herewith is departmental receipt No. 7371 in the amount of \$25 for the
Application for Permit you submitted.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:cw

Attachment

75-7032