

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A24-00001
Date Received: 9-22-89
Receipt No: C011763
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHURCH OF JESUS CHRIST LATTER DAY SAINTS 801-240-2929
Address: REAL ESTATE DIVISION
TWELFTH FLOOR
50 EAST NORTH TEMPLE STREET
SALT LAKE CITY, UT 84150

SEP 22 1989

2. Date of Priority: JUN 01, 1891

3. Source: WOLFLEY CREEK Trib. to: SALT RIVER
MILLER CREEK SALT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	46E	10	SE	SW			BONNEVILLE

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

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

8. Total consumptive use is 420.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	46E	10	SE	SW		IRR	40.0

A24-00001

Page 1

Date: 09/14/89

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NOV 06 1992

A2400001

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	46E	10	SW	SE	4	IRR	44.0
						Section Acres	84.0
		15	NE	NE	1	IRR	44.0
			NE	NW		IRR	40.0
						Section Acres	84.0
						Total Acres	168.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
24-00002

14. Remarks:
SOURCE: ALSO KNOWN AS MILLER CREEK FROM USGS QUAD SHEET.
ALL OF NORMAL FLOW WATERS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

JACOB MILLER
Decree Plaintiff

vs

CLARENCE & HELEN ASHMENT.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ AUTHORIZED AGENT _____ of _____ Title _____

Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah Corporation sole

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

Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah Corporation sole

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

James A. Bohm JAB
Signature of Authorized Agent

AUTHORIZED AGENT

Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah Corporation sole

Title and Organization

September 19, 1989
Date

Utah
State of Idaho)
County of Salt Lake) SS.

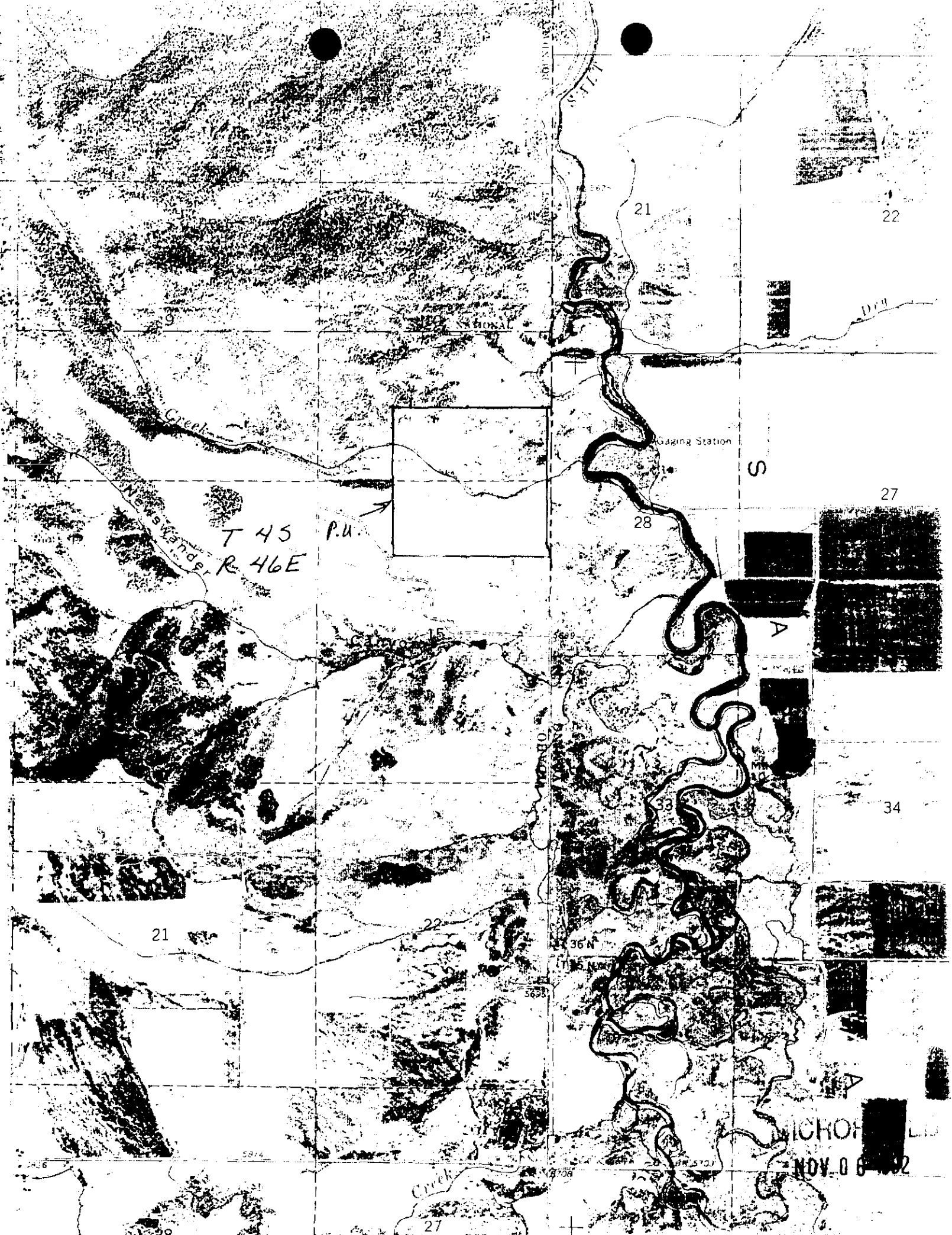
Subscribed and sworn (or affirmed) before me this 11 day
of Sept 19 89

Alice Duke
Notary Public

Seal



Residing at Salt Lake City
My Commission Expires Oct 22, 1992



T 45
R 46E

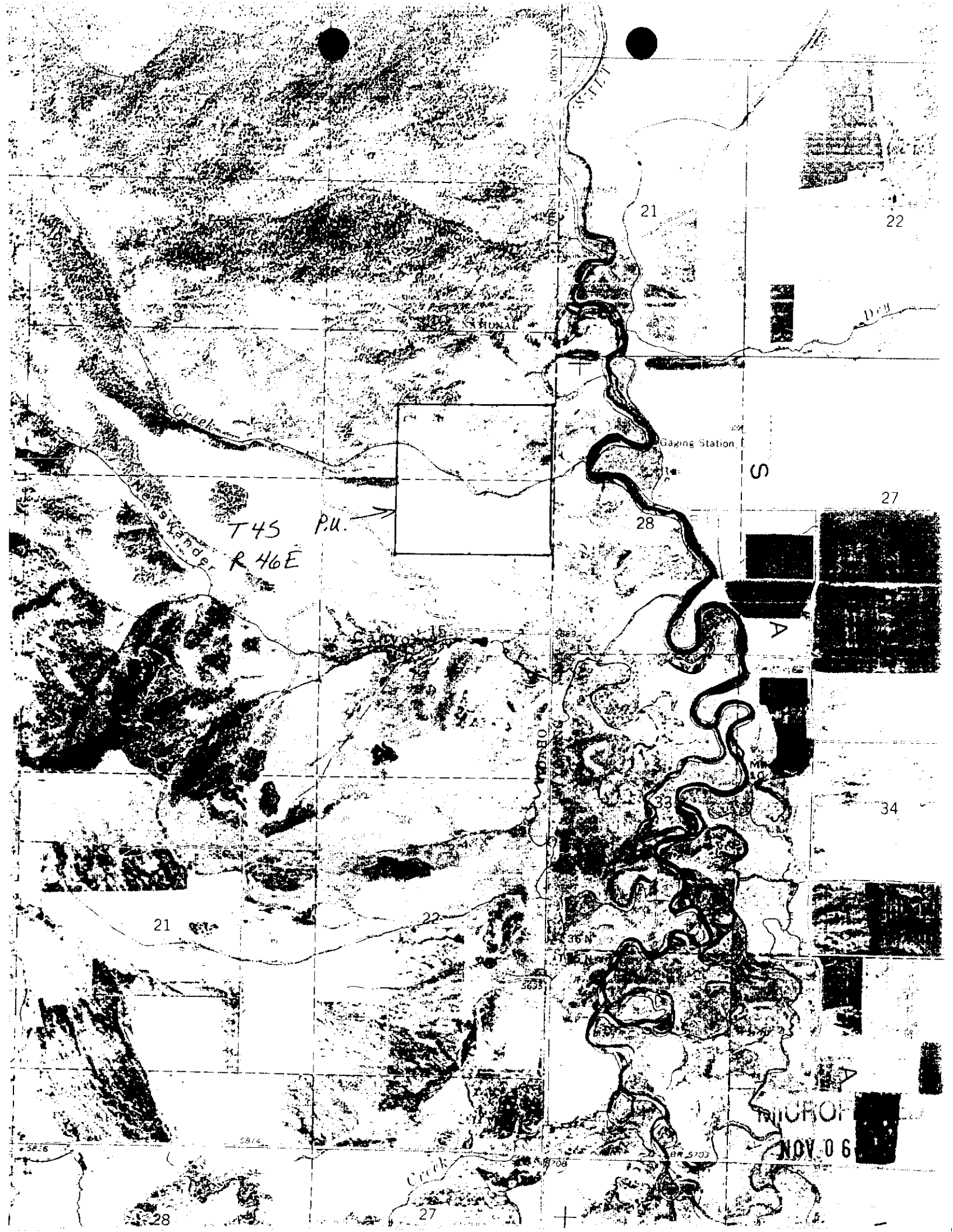
P.U.

S

A

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NOV. 06 1992



9

21

22

Creek

Newkander

T45 P.U. →
R 46E

Gaging Station

S

27

28

Salvo

OHIO

34

21

22

36

58-6

58-4

5708

5703

NOV 06

28

27

Log for claim 24-00001

Spatial Dynamics BTD

4/2/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
04s46e	10	SESW	40	40	POD placement?
04s46e	10	SWSE	44	43	
04s46e	15	NWNE	44	44	Wrong tract in database?
04s46e	15	NENW	40	40	
Totals:			168	167	

30 Sept. 1989

RECEIVED

OCT 5 1989

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
Mr. Dennis Dunn
150 Shoup Avenue
Suite 15
Idaho Falls, Idaho 83401

Dear Mr. Dunn:

I am writing to contest the Church of Jesus Christ of Latter-day Saints filing on a 160 acre water right out of Miller Creek.

I have always been under the impression that I have had water rights out of Miller Creek. On my abstract of title I have a seal and recorded patent number indicating so. In checking with the state Engineers office in Cheyenne, I find no recorded record.

This summer I spent several hours with Mr. Glen Nielson out of Boise, Idaho. He was representing the Church of Jesus Christ of Latter-day Saints. We reviewed the Church property, discussed the location of head gates, the stream flow and discussed the present use of water. He became very much aware that on a normal year starting about July 1, the stream flow was about the size of a garden stream.

The property presently owned by the Church and the property I own was homesteaded by the same family. My grandfather purchased the property I presently own in 1917 from Mr. Miller.

I am 48 years of age. I remember my father using the water from Miller Creek to flood irrigate the land I presently own. For the past twenty plus years, I have sprinkled this ground using the water from Miller Creek.

Most of the Church owned property is rolling hills. Some of the ground is too steep to farm and is used for dry farm pasture.

About fifteen years ago, I became interested in looking into the possibility of a gravity sprinkler system for myself, my neighbor, and the Church property. We involved the ASCS in a survey and they indicated after their study that it was not feasible because the Church ground was too steep and the elevation of the ground to the creek was too high.

I have hired a licensed engineer to make a legal survey of my land. I intend to file on water from Miller Creek to sprinkle approximately 30 acres of ground.

I would appreciate your consideration in this matter.

Thank you,

Marlow Bateman
P.O. Box 6
Ethna, WY 83118

Marlow Bateman

Marlow Bateman

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NOV 06 1992

1.
MARTIN S. CLINGER

Po Box 241

Freedom, Wyo 83120

29 SEPT. 1989

TO THE DEPARTMENT OF WATER RESOURCES :

I, MARTIN S. CLINGER, WAS BORN ON 10 JULY, 1946 IN AFTON, WYOMING. AT THE TIME OF MY BIRTH, MY PARENTS, DARWIN K. AND ARLEAN S. CLINGER OWNED AND OPERATED A FARM APPROXIMATELY 6-7 MILES NORTH OF THE TOWN OF FREEDOM. MY PARENTS FARM CONSISTED OF ROUGHLY 280 ACRES OF WHICH ABOUT 160 ACRES BEING LOCATED IN BONNEVILLE COUNTY IN IDAHO AND THE OTHER 120 ACRES BEING LOCATED RIGHT ACROSS THE IDAHO-WYOMING STATE LINE IN LINCOLN COUNTY, WYOMING.

I SPENT THE EARLY YEARS OF MY YOUTH GROWING UP ON THE ABOVE MENTIONED FARM. JUST PRIOR TO MY STARTING SCHOOL MY PARENTS SOLD THE FARM AND WE MOVED INTO THE TOWN OF FREEDOM. THE IDAHO PORTION OF THE ORIGINAL FARM HAS BEEN OWNED NOW FOR ABOUT 39 YEARS BY THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS AND HAS BEEN KNOWN AS THE FREEDOM WARD FARM.

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2

A SMALL STREAM KNOWN AS MILLER CREEK RUNS FROM WEST TO EAST THROUGH THE FREEDOM WARD FARM. TO MY KNOWLEDGE IN MY LIFETIME NONE OF THE WATER FROM MILLER CREEK HAS BEEN USED FOR IRRIGATIONAL PURPOSES ON ANY OF THE 160 ACRES LOCATED IN IDAHO AND NOW OWNED BY THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS.

AS PREVIOUSLY MENTIONED I SPENT MY EARLY YOUTH GROWING UP ON THIS RANCH, AND AFTER THE CHURCH PURCHASED IT I SPENT TIME EVERY SUMMER AS A FREEDOM WARD MEMBER WORKING ON THIS FARM. FOR SEVERAL YEARS THE FREEDOM WARD HAD A LIVESTOCK RAISING PROJECT OF WHICH I WAS IN CHARGE. AT LEAST 1 OR 2 DAYS EACH WEEK THROUGHOUT THE SUMMER AND EARLY FALL I WOULD RIDE A HORSE THROUGH THE WARD FARM TO CHECK THE CATTLE WE PASTURED THERE. I HAVE ALSO LIVED MOST OF THE LAST 32 YEARS ABOUT 2 MILES SOUTH OF THE FREEDOM WARD FARM.

DURING MY LIFETIME I HAVE HAD CONSTANT CONTACT WITH THIS PROPERTY AND AT NO TIME CAN I EVER REMEMBER OF

PHOTOCOPIED
NOV 06 1992

3

WATER FROM MILLER CREEK BEING USED
FOR IRRIGATIONAL PURPOSES OF CROPLAND
OR PASTURE EITHER ONE ON THE IDAHO
PORTION OF THE FARM.

HOWEVER, I MIGHT MENTION THAT
THROUGHOUT MY LIFE TIME MY GREAT UNCLE
ILIFF IUE, ALWAYS IRRIGATED HIS FARM
GROUND AND MEADOWS FROM MILLER CREEK
BOYD WILKES, WHO CURRENTLY OWNS THE
FORMERLY ILIFF IUE FARM, HAS CONTINUED
TO IRRIGATE THE SAME AS DID UNCLE
ILIFF.

ALSO ANOTHER NEIGHBOR MARLOW
BATEMAN HAS FOR MANY MANY YEARS NOW
PUMPED WATER FROM MILLER CREEK TO
IRRIGATE HIS FARMLAND THAT IS LOCATE
IMMEDIATELY NORTH OF UNCLE ILIFF'S
FARM.

IF I CAN BE OF ANY ASSISTANCE
AS PERTAINING TO THIS MATTER PLEASE
FEEL FREE TO CONTACT ME.

SINCERELY,
Martin S Clinger

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY
SAINTS

REAL ESTATE DIVISION
Twelfth Floor, RM-1241
50 East North Temple Street
Salt Lake City, Utah 84150
Phone (801) 240-4074

Reference reply to:

September 20, 1989

RECEIVED
SEP 22 1989

Department of Water Resources

Mr. Carter Fritschle
Senior Water Resource Agent
Adjudication Bureau
Idaho Department of Water Resources
1301 North Orchard Street
Boise ID 83720

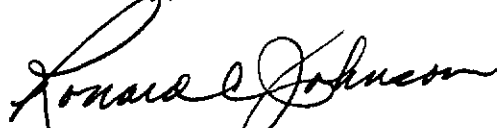
Dear Mr. Fritschle,

Attached are the signed documents and a check for \$268.00 to pay for the adjudication fees for water rights in Bonneville County.

<u>Groundwater</u> <u>Right</u>	<u>Property</u> <u>Number</u>	<u>Property Name</u>	<u>Adjud.</u> <u>Assess.</u>
24-00001	508-6582	Wel WY Freedom Prop.	\$218.00
24-00002	508-6582	Wel WY Freedom Prop.	50.00
Total			\$268.00

Thanks for your assistance and that of Glen Nielson in getting these rights adjudicated and recorded.

Sincerely,



Ronald C. Johnson
Water Analyst

RCJ:ja
encs.

cc: Terry F. Roylance
M. Glade Pincock
Glen Nielson

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ADJUDICATION FILING FEES FOR IDAHO

RECEIVED

SEP 22 1989

PROPERTY IDENTIFICATION

Idaho State Water Right Permit # 24-00001
LDS Church Property # 5086582

Department of Water Resources

FEE CALCULATIONS

Domestic, stockwatering, fire protection, etc. \$ _____
Flat fee for irrigation. \$ 50.00

VARIABLE FEE SCHEDULE

Irrigation (\$1.00 per acre). \$ 168.00
Power Generation (\$3.00 per kilowatt) \$ _____
Aquaculture (\$10.00 per cfs) \$ _____
All other uses (\$100.00 per cfs) \$ _____

Other charges. \$ _____

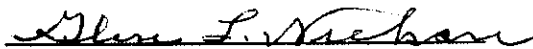
TOTAL

\$ 218.00

DATE 9-14-89



Carter Fritschle
Idaho Dept. of Water Resources



Glen Nielson
Field Representative
Church of Jesus Christ
of Latter-day Saints

REAL ESTATE DIVISION
NATURAL RESOURCE SECTION

SEP 19 1989

MICROFILMED

NOV 06 1992

August 8, 1990

Martin S. Clinger
P.O. Box 241
Freedom, WY 83120

RE: Exception to A24-00001, A24-00002, LDS Church

Dear Mr. Clinger:

The Department of Water Resources (IDWR) has received your letter dated September 29, 1990, stating an exception to Notices of Claims A24-00001 and A24-00002 filed by the Church of Jesus Christ of Latter-day Saints. The letter will be placed with the Notices for future consideration and a copy has been sent to church headquarters in Salt Lake City.

Recommendation for each notice of claim will be listed in the Director's Report. In preparing this report, IDWR is required by statute to review each notice to ensure it is complete and accurate. Information in the exception letter will be considered as part of this review.

Publication of the Director's Report including Miller Creek is tentatively scheduled for December 1994. When it becomes available for public review, IDWR will mail notification to each claimant. If you are dissatisfied with the recommendation in the Director's Report, you may contest it by filing an objection with the court. Following the objection, the matter will be set for hearing.

If there is a more immediate concern about the Church's use of water, you could file a formal request that the IDWR issue it a cease and desist order for illegally diverting water. It would be necessary, however, for you to file sufficient documentation for the IDWR to be certain that the Church was diverting water it did not own, that had been abandoned or forfeited in the past, or that the Church has failed to properly transfer the water to the place where it is presently being used. The evidence should be in the form of affidavits, photographs and any other documentation such as aerial photographs which shows the use of water.

Feel free to contact this office for further assistance (525-7161).

Respectfully Submitted

Ernest Carlsen
Adjudication Supervisor

cc:file

MICROFILMED
NOV 06 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

August 8, 1990

Marlow Bateman
P.O. Box 6
Etna, WY 83118

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RE: Exception to A24-00001, A24-00002, LDS Church

Dear Mr. Bateman:

The Department of Water Resources (IDWR) has received your letter dated September 30, 1990, stating an exception to Notices of Claims A24-00001 and A24-00002 filed by the Church of Jesus Christ of Latter-day Saints. The letter will be placed with the Notices for future consideration and a copy has been sent to church headquarters in Salt Lake City.

Recommendation for each notice of claim will be listed in the Director's Report. In preparing this report, IDWR is required by statute to review each notice to ensure it is complete and accurate. Information in the exception letter will be considered as part of this review.

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Feel free to contact this office for further assistance (525-7161).

Respectfully Submitted

Ernest Carlsen
Adjudication Supervisor

cc:file

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NOV 06 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

LDS Church

CLAIM IDENT. NO.

A24-00001

DATE RECEIVED

CK #

AMOUNT \$

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☐ YES ☐ NO ☐ *
2. Is a priority date entered? ☐ YES ☐ NO ☐ *
Is the priority date acceptable in view of mandatory filing dates? ☐ YES ☐ NO ☐ *
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☐ YES ☐ NO ☐ *
3. (a) Is a source entered? ☐ YES ☐ NO ☐ *
(b) Is a tributary to entered? (if required) ☐ YES ☐ NO ☐ N/A ☐ *
4. Is the legal description of the p.d. sufficient? ☐ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☐ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☐ YES ☐ NO ☐ *
Is the period of use included? ☐ YES ☐ NO ☐ *
Is a quantity claimed for each use? ☐ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☐ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☐ YES ☐ NO ☐ N/A ☐ *
Is the consumptive use correct? ☐ YES ☐ NO ☐ N/A ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☐ NO ☐ N/A ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☐ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☐ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☐ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☐ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☐ NO ☐ N/A ☐ *
15. Is the basis of the claim indicated? ☐ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☐ NO ☐ N/A ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☐ YES ☐ NO ☐ Exempt ☒ YES ☐ NO ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☐ NO ☐ N/A ☒ YES ☐ NO ☐ *
22. Should this claim be data entered? ☒ YES ☐ NO ☐ *

Claim checked by: CADate: 6-8-90

Claim must be returned to claimant:

☐ (Yes) ☒ (No)

Claimant must be notified of modifications:

☐ (Yes) ☒ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

MICROFILMED

NOV 06 1992