

#56.50

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: A25-12186  
Date Received: 11/30/1988  
Receipt No: E005744  
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: CHURCH OF JESUS CHRIST OF LDS 208-754-0481  
Address: BOX 112  
LEWISVILLE, ID 83431

2. Date of Priority: JUN 10, 1935

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County    |
|----------|-------|---------|--------|--------|--------|-----|-----------|
| 04N      | 38E   | 8       | NW     | NE     |        |     | JEFFERSON |

5. Description of diverting works:  
2 SANDPOINT WELLS FOR IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.130  |      |        |

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

8. Total consumptive use is 16.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 04N      | 38E   | 8       | NW     | NE     |     | IRR | 6.5   |

Section Acres 6.5

Total Acres 6.5

A25-12186

Page 1

Date: 02/10/89

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A2512186



11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:  
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 Bishop of \_\_\_\_\_ Title

LEWISVILLE LDS TWARD, that I have signed the foregoing Organization

document in the space below as Bishop of \_\_\_\_\_ Title

LEWISVILLE LDS TWARD and that the statements contained in the Organization

foregoing document are true and correct.

Doyle M. Weaver  
Signature of Authorized Agent

Bishop Lewisville LDS Tward  
Title and Organization

Feb 10, 1989  
Date

State of Idaho

County of Bonneville

)  
) SS.

Subscribed and sworn (or affirmed) before me this 10<sup>th</sup> day

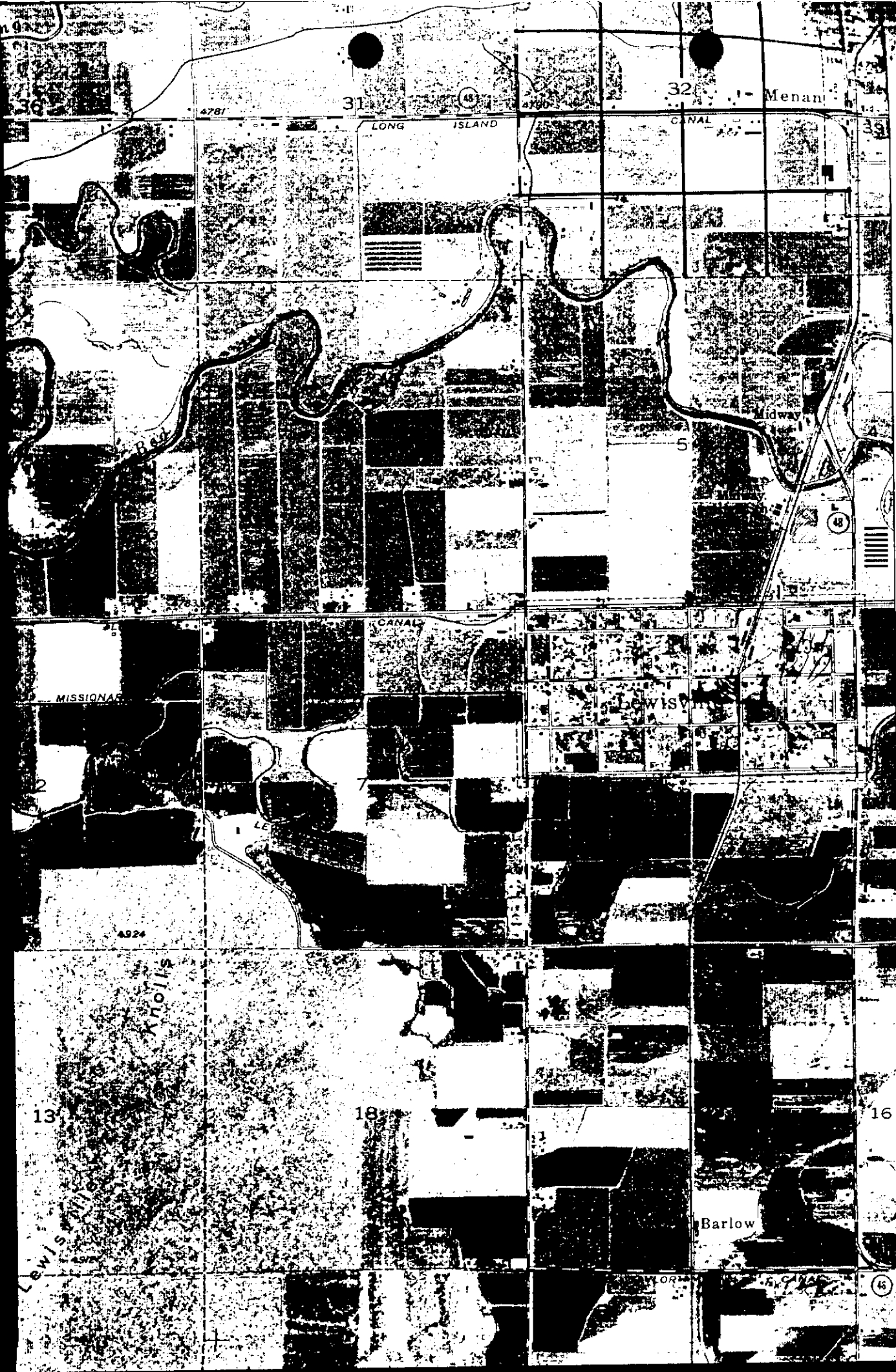
of February 19 89

Seal

Anthony S. Olmsted  
Notary Public

Residing at Idaho Falls

My Commission Expires 9/12/1798



T5  
T4

T5 N.  
T4 N.

433

437

16

10111111

V 1 1 1992

46

Log for claim 25-12186

Spatial Dynamics CAT

12/29/00

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT                        |
|---------|-----|------|------------------|----------------|--------------------------------|
| 04n38e  | 8   | NWNE | 6                | 41             | POD placement? / Indiscernible |
| Totals: |     |      | 6                | 41             |                                |

AJ5809NP  
No. A25-12186

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/00  
PAGE: 150

| OWNER<br>CODE    | NAME & ADDRESS                                                                    | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-----------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | CHURCH OF JESUS CHRIST OF LDS<br>BOX 112<br>LEWISVILLE ID 83431<br>(208) 754-0481 | 06/10/1935       | IRRIGATION | 04-01 11-01           | 0.130 CFS         |                     |
| TOTAL DIVERSION: |                                                                                   |                  |            |                       | 0.130 CFS         |                     |
| CONSUMPTIVE USE: |                                                                                   |                  |            |                       |                   | 16.20 AFA           |

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T04N R38E S08

NWNE

JEFFERSON County

Place of use Legal Description for: IRRIGATION

|     |     |   |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |             |     |
|-----|-----|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|-----|
| T   | R   | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :           | SUM |
| 04N | 38E | 8 | : |    |    | 06 |    |    |    |    |    |    |    |    |    |    |    |    |    | :           | 6.5 |
|     |     |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 6.5 |

POU County: JEFFERSON

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

|           |           |           |           |           |           |           |           |           |           |  |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--|
| 25-04237  | 25-10307  | 25-10308  | 25-10749  | 25-11279  | 25-11317  | 25-12048  | 25-12049  | 25-12065  | 25-12141  |  |
| 25-12185  | A25-04237 | A25-10307 | A25-10308 | A25-10482 | A25-10749 | A25-11197 | A25-11317 | A25-12048 | A25-12049 |  |
| A25-12065 | A25-12099 | A25-12141 | A25-12185 | A25-13579 |           |           |           |           |           |  |

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00142A A01-00143A A01-00144A A01-00145C A01-00240 A01-02068C

Dates: Exam Made Date: Verified Date: 02/13/1991 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

Audit: 02/10/89 OLENICHA 02/13/91 THOMPSON 03/29/95 POST-STD

Evidence of Priority

Reference: Water Right Number - A25-12186

I, Wells Barney, moved to Lewisville, Idaho, in 1915, at the age of 14 years. At that time, there was a sandpoint well on the property where the Lewisville LDS Church now stands.

Wells Barney  
Wells Barney

June 4 - 1991  
Date

STATE OF IDAHO )  
COUNTY OF JEFFERSON )

On this 4th day of June, 1991, before me, the undersigned, a Notary Public in and for the State, personally appeared Wells Barney, and signed above document.

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

Gary D. Mullen

Notary Public, for Idaho

Residing at: Kenan

Commission expires: June 16, 1992

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12/80

May 6, 1991

CHURCH OF JESUS CHRIST OF LDS  
BOX 112  
LEWISVILLE ID 83431

RE: **Evidence of Priority**

Dear Sir:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by **June 6, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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CHURCH OF JESUS CHRIST OF LDS

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen  
Water Right Supervisor, Adjudication

EC:jt

Enclosure: Brochure on "Evidence of Priority"  
Proof Report

A25-12186  
CHURCH OF JESUS CHRIST OF LDS  
BOX 112

LEWISVILLE

ID 83431

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NOTE: THE FIFTH JUDICIAL DISTRICT COURT IS CURRENTLY CONSIDERING A STIPULATION TO DROP THE REQUIREMENT FOR FILING CLAIMS FOR SMALL DOMESTIC AND STOCK USES. THE DECISION IS EXPECTED IN LATE JANUARY. YOU MAY WISH TO WAIT UNTIL THEN TO FIND OUT IF YOU WILL BE REQUIRED TO RETURN THE CORRECTED FORM(S).

EASTERN REGION

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

DATE: 12-30-88  
CLAIMANT: Joseph Weaver  
Box 112  
Lewisville, ID 83431

RE: Stockwater or domestic claim.

Dear Claimant:

Thank you for submitting the claim to your water uses. Before the Department can accept the claim, some additional information is required. We are returning your claim(s) and your check no. 4921 in the amount of \$ 75.43.

Please refer to the comments from the reviewer and correct the items as indicated. If you need to make changes to the claim, please sign and notarize a new claim form since it is incorrect to change a notarized document. A blank form is enclosed for your convenience.

Please note the date stamp which indicates the dead-line for submitting your revised claim. You will not be assessed a late filing fee if the claim is returned to this office by 2-16-89. Please feel free to contact our office if you need assistance with this matter.

Sincerely;

Harold W. Jones

Claim #1 - This should be on the Black/white irrigation Form.  
Irrigation dates should be "4-1 to 11-1"  
Fee will be \$50 + \$1 per acre irrigated  
Claim #2 - This claim is acceptable & can be returned  
as is. Fee is \$25

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NOV 11 1992

Reference: Water Right Number - A25-12186

the District Court, personally appeared Augustus M. Slatery, Treasurer of Fremont County, State of Idaho, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

Seal.

Ernest Bramwell, Clerk

Recorded December 2<sup>nd</sup> 1898 at 6:20 O'clock P. M. at request of

STATE OF IDAHO  
COUNTY OF JEFFERSON  
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING  
IS A TRUE AND CORRECT COPY OF THE  
ORIGINAL RECORD AS FILED IN MY  
OFFICE.  
DATED Dec 9 1898

Ernest Bramwell, Recorder.

Transcribed from Book H of Deeds, page 156, Fremont County Records.

COPIED FROM  
EX-10710 RECORDED  
BY [Signature]  
DEPT

This deed made the ..... day ..... A. D. 18..... between Richard F. Jardine and Luna C. Jardine, his wife of Louisville in the County of Fremont and State of Idaho, the parties of the first part and of Louisville, in the County of Fremont and State of Idaho, Trustees in Trust for the members of that branch of the Church of Jesus Christ of Latter-Day Saints, residing and who may hereafter reside in the Louisville Ecclesiastical Ward of the Bannock Stake of Zion, in Fremont County, State of Idaho, parties of the second part, Witnesseth: That the said parties of the first part, for and in consideration of the sum of ..... Dollars, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, conveyed and confirmed and by these presents, do grant, bargain, sell convey and confirm unto the said parties of the second part, as joint tenants, and not as <sup>in</sup> ~~tenants~~/common, and to the survivor or survivors of them, and to their successors in office, as hereinafter designated, and to their heirs and assigns forever, upon the trusts hereinafter specified and subject to the conditions and limitations hereinafter set forth, all that certain piece or parcel of land known and described as follows, to wit:

All of lots one (1) Two (2) three (3) and four (4) in Block twenty (20) containing ten (10) acres of land, in the town of Louisville aforesaid, also all of lot three (3) in Block Twenty one (21) containing two and one half (2½) acres of land, in the town of Louisville, aforesaid, the whole as appears on the plat of said town now on file in the County Records office of said Fremont County, which was formerly known as a portion of Bingham County, State of Idaho,

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereof, and all estate, right, title, interest, property, possession, dower and right of dower, claim and demand whatsoever, as well in law as in equity of the said parties of the first part, of, in or to said premises, and every part and parcel thereof with the appurtenances.

To have and to hold all and singular the said premises, together with the appurtenances, unto the said parties of the second part, as joint tenants, and not as tenants in common, and to the survivor or survivors of them, and to their successors as hereinafter designated, and to their heirs and assigns forever in trust to hold the legal title to the aforesaid premises for the use and benefit of the members of that branch of the Church of Jesus Christ of Latter-Day Saints, residing and who from time to time hereafter may reside in the Louisville Ecclesiastical Ward of the Bannock Stake of Zion, in the County of Fremont, and State of Idaho, subjection to the direction, control and disposal of said  
as their will may be expressed from time to

called for that purpose.

DATED 5-17-91

**CONNIE M. KELLER**

And the said trustees shall have power to sell and convey the same by deed and sufficient deed or deeds in fee simple for that purpose, whenever authorized by a majority vote of said members present at any meeting as aforesaid. Not less than five days notice of any special meeting shall be given the holding thereof and it may be governed by before/posting notices in three public places in the Ward, or by announcement at any regular meeting of said members, specifying the time, place and object of said meeting. No person can be eligible to the office of trustee who is not a member of said Church in said Ward, in good standing, but in case the members of said Ward hereafter incorporate the said corporation may hold said title. Trustees may be removed and others appointed in their place at any of the aforesaid meetings, by a majority vote of said members present at such meeting. In case of vacancy occurring in said Board of Trustees by the death, removal from said Ward, resignation or excommunication from said Church by competent authority according to the rules and discipline of said Church, of any of said trustees, said vacancy may be filled, by a majority vote of said members of said Church in said Ward, present at any of the meetings aforesaid and upon such election the person or persons so elected shall hold said title to said premises fully and absolutely and be vested with all the rights and privileges, and be empowered to perform the same duties and be subject to the same control and direction as any trustee hereinbefore named. And the powers and duties of any trustee resigning, removing from said Ward, or being excommunicated from said Church, shall wholly cease and determine. But notwithstanding this provision, any trustee resigning or ceasing to be a trustee hereunder, shall upon request of the continuing trustees make and deliver a deed to such continuing trustees of the premises and property aforesaid and such continuing trustees shall thereupon convey to any new appointee an undivided one third of said premises to be held on the trusts, limitations and under the powers aforesaid. The number of said trustees shall not exceed three. Special meetings may be called by any trustee, or by any three members of said Church in said Ward, voting at all elections of said trustees as aforesaid, shall be by show of hands, or viva voce.

And the said parties of the first part, and their heirs the said premises in the quiet and peaceable possession of the said parties of the second part, the survivor or survivors of them, their successors as aforesaid, their heirs and assigns, against the said parties of the first part and their heirs, shall and will warrant and by these presents forever defend.

IN TESTIMONY WHEREOF, the said parties of the first part, have hereunto set their hands and seals this twenty third day of March in the year of our Lord one thousand eight hundred and ninety four; and the said parties of the second part hereby accept said trust, and agree to carry out the duties of trustees as indicated herein.

Signed, sealed and delivered in the presence of

Ernest Bramwell.

R. F. Jardine, Seal.

State of Idaho

Luna C. Jardine Seal.

County of Fremont SS

UNITED STATES OF AMERICA.

On this 23<sup>rd</sup> day of March A. D. one thousand eight hundred and ninety four, before me, F. S. Bramwell, a Clerk of the Dist. Court in and for Fremont County in the State of Idaho, duly .....and qualified, personally appeared R. F. Jardine and Luna C. Jardine, his wife, whose names are subscribed to the annexed instrument as parties thereto, personally known to me to be the same persons described in and who executed the said annexed instrument as parties thereto, who each of them acknowledged to me that they each of them respectively executed the same, freely and voluntarily and for the uses and purposes therein mentioned;

Reference: Water Right Number - A25-13186

separate and apart from and without the hearing of her said husband and after being by me made acquainted with said conveyance and her rights of, in and to said property and particularly her right of dower therein, she then acknowledged to me that she executed the same, understandingly, and relinquished her dower in the real estate therein conveyed freely and voluntarily and without compulsion or undue influence on the part of her said husband, for the consideration named in said deed and for the uses and purposes therein named and that she does not wish to retract the execution thereof.

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

Seal. F. S. Bramwell,  
Clerk of the district Court.

Recorded at request of R. F. Jardine on the 27<sup>th</sup> day of March, 1894 F. S. Bramwell, Recorder.  
Transcribed from Book H of Deeds, page 161, Fremont County Records.

.....

STATE OF IDAHO  
COUNTY OF JEFFERSON  
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING  
IS A FULL, TRUE AND CORRECT COPY OF THE  
ORIGINAL THEREOF (ON FILE) (ON RECORD) IN MY  
OFFICE

DATED

5-17-91

This Deed, made the (24)th twenty-fourth day of February A. D. 1894 Between Luna Jardine, wife of R. F. Jardine in the County of Fremont and State of Idaho, the parties of the first part, and Eliza Kinghorn, Luna Kinghorn and Margaret Crabtree of Lewisville, in the County of Fremont, State of Idaho, Trustees in Trust for the members of that branch of the Church of Jesus Christ of Latter Day Saints, residing and who may hereafter reside in the Louisville, Ecclesiastical County, State of Idaho, Territory, Parties of the second part, Witnesseth: That the said parties of the first part, for and in consideration of the sum of Five Dollars, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, conveyed and confirmed and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, as joint tenants, and not as tenants in common, and to the survivor or survivors of them, and to their successors in office, as hereinafter designated, and to their heirs and assigns forever, upon the trusts hereinafter specified and subject to the conditions and limitations hereinafter set forth, all that certain piece or parcel of land known and described as follows, to-wit: Lot three (3) of Block Nineteen (19) in the town of Lewisville, Fremont County, State of Idaho, as per recorded plat thereof containing two acres and one half.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the rents, issues and profits thereof, and all estate, right, title, interest, property, possession, dower, and right of dower, claim and demands, whatsoever, as well in law as in equity, of the said parties of the first part, of in or to the said premises, together with the appurtenances unto the said parties of the second part, as joint tenants and not as tenants in common, and to the survivor or survivors of them, and to their successor as hereinafter designated, and to their heirs and assigns forever in trust to hold the legal title to the aforesaid premises, for the use and benefit of the members of that branch of the Church of Jesus Christ of Latter Day Saints, residing and who from time to time hereafter may reside in the Louisville Ecclesiastical Ward of the Bingham Stake of Zion in the County of Fremont and State of Idaho, subject to the direction, control and disposal of said members of said Church, resident in said Ward, as their will may be expressed from time to time, by a majority vote of said