THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

RECEIVED
JUL 15 2004
Department of Water Resources
Eastern Region

PHYSICAL FACILITIES DEPARTMENT
50 E. North Temple St. Rm. 1205
Salt Lake City, Utah 84150-6320
Phone: 1-801-240-3840
Facsimile: 1-801-240-4005

July 13, 2004

Allen B. Ruberry
Idaho Department of Water Resources
900 No. Skyline Dr., Suite A
Idaho Falls, ID, 83402-1718

Re: Evidence of Priority date for SRBA Water Right Claim 21-10235, PN 508-7090

Dear Mr. Ruberry,

In response to your June 17, 2004 letter, the Natural Resources Services of the Church of Jesus Christ of Later-day Saints has reviewed our deed files concerning the land involved in this water right. It has been determined the spring in question is located within the boundaries of the Ashton Welfare Farm (see enclosed deed and maps) and the Chain of title documents in our possession show only a priority date of May 14, 1947. The Deed from Len and Tressa Hill fixes the priority at the time of sale to the Church.

The Spring originates on Church property and only 2.5 acre-feet per annum is allowed. We are satisfied that a 1947 priority is adequate to allow the Church to use the water on a continuous basis. We do not feel the need to spend additional funds to prove a 1935 water right priority. Therefore, we are expecting the adjudication process to modify the claim to May 14, 1947.

If you have any questions or concerns, please call Roy McDaniel at 801-248-4656.

Sincerely,

Terry F. Rudd
Authorized Agent RBM

Enclosure(s)Deed, Location map, Property & Well location map

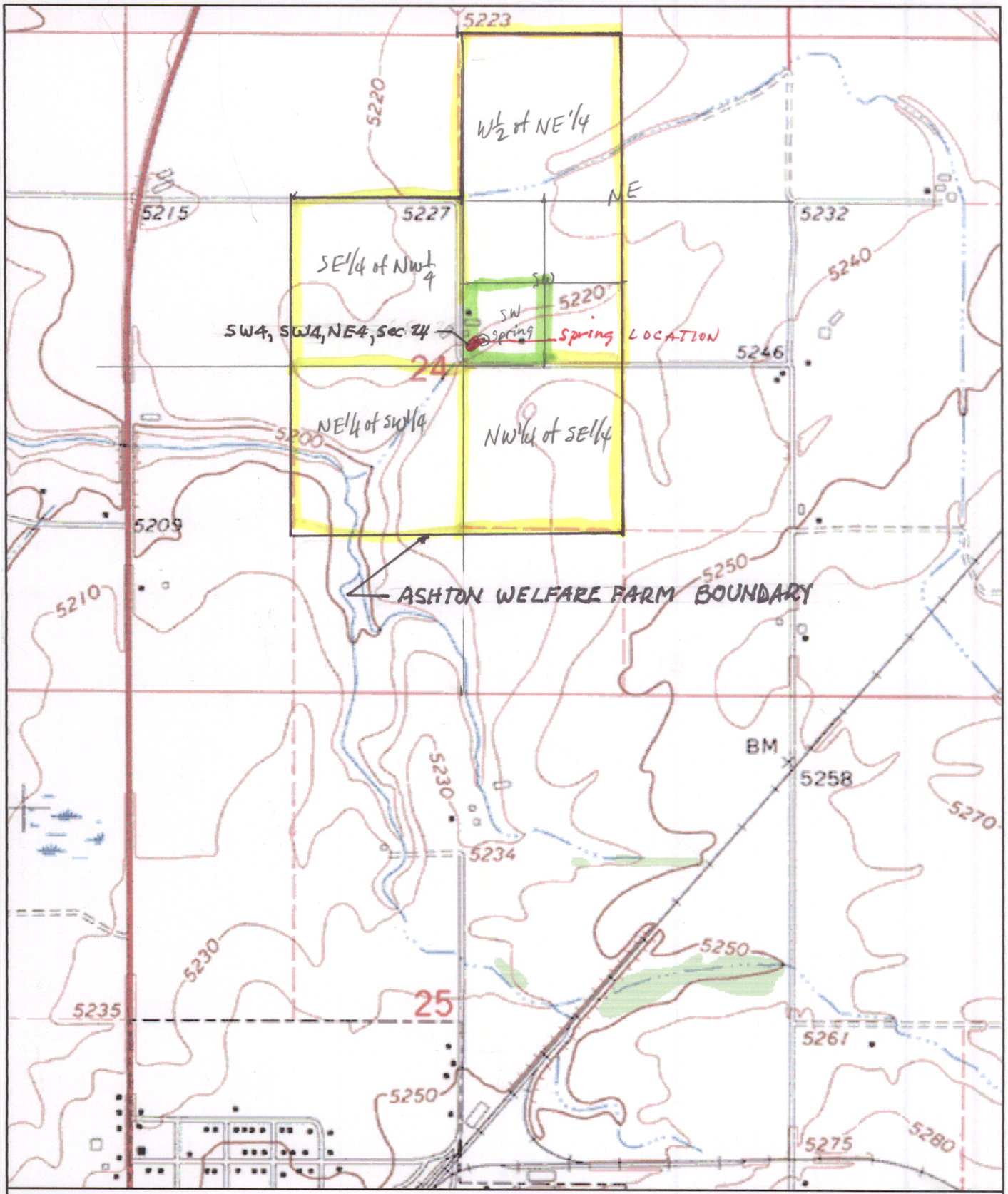
STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

On this 13th day of July, 2004, personally appeared before me **Terry F. Rudd**, personally known to me to be the Authorized Agent of **CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole**, who acknowledged before me that he signed the foregoing instrument as Authorized Agent for said Corporation; and the said **Terry F. Rudd** acknowledged to me that the said Corporation executed the same.

WITNESS my hand and official seal.

GORDON R. JESSEE
NOTARY PUBLIC - STATE OF UTAH
50 East North Temple, 12th Floor
Salt Lake City, UT 84150-6320
My Comm. Exp. 9-25-2004

Notary Public for the
State of Utah



Name: ASHTON
Date: 6/30/2004
Scale: 1 inch equals 1000 feet

Location: 044.0879633° N 111.4437634° W
Caption: Ashton Stake Farm
PN 508-7090
Right Right Claim 21-10235

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UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

ASHTON QUADRANGLE
IDAHO–FREMONT CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

Section 24, T9N, R42E BM

Spring

LOCATION MAP - Water Right Claim 21-10235

Produced by the United States Geological Survey
Control by USGS and NOS/NOAA
Compiled from aerial photographs taken 1963
Field checked 1965

North American Datum of 1927 (NAD 27). Projection and 10 000-foot grid ticks: Idaho Coordinate System, east zone (Transverse Mercator). 1000-meter Universal Transverse Mercator grid ticks, zone 12, shown in blue
The difference between NAD 27 and North American Datum of 1983 (NAD 83) for 7.5 minute intersections is given in USGS Bulletin 1875. The NAD 83 is shown by dashed corner ticks

There may be private inholdings within the boundaries of the National or State reservations shown on this map

SCALE 1:24 000

CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

ROAD CLASSIFICATION
Heavy duty — Light duty
Medium duty — Unimproved dirt
U.S. Route — State Route

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS

ASHTON, IDAHO

WHEN RECORDED, RETURN BACK TO:
Office of General Counsel
330 South Third East
Salt Lake City, Utah 84111

MAIL TAX STATEMENTS TO:
L.D.S. Church Real Estate Dept.
East North Temple
Salt Lake City, Utah 84150
Property #508-7090

SPECIAL WARRANTY DEED

ST. ANTHONY STAKE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Corporation Sole, successor in interest to the YELLOWSTONE STAKE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Corporation Sole, of Fremont County, State of Idaho, Grantor, hereby conveys and warrants, only against acts of itself and none other, to all claiming by, through or under it to CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, of Salt Lake County, State of Utah, Grantee, for the sum of Ten Dollars ($10.00) and other good and valuable consideration, the following described tract of land situate in the County of Fremont, State of Idaho, to-wit:

Lots Six (6); West half of the Southeast quarter (W 1/2 SE 1/4), Section 13; West half of Northeast quarter (W 1/2 NE 1/4); Southeast quarter of Northwest quarter (SE 1/4 NW 1/4); Northeast Quarter of Southwest quarter (NE 1/4 SW 1/4) and Northwest quarter of Southeast quarter (NW 1/4 SE 1/4), Section 24, all in Township 9 North, Range 42, E.B.M., together with all water rights thereunto belonging.

SUBJECT to all rights, rights-of-way, easements, covenants and restrictions of record.

IN WITNESS WHEREOF, the said Grantor has hereto subscribed its name and affixed its corporate seal by its Corporation Sole this 28th day of OCTOBER, 1981.

Microfilm No. 374698
24 Day Feb 1982
At 9:48 O'Clock a. M.
DARLENE M. CALONGE
Fremont Co. Recorder
Fee $ 2.00 Deputy
Recorded At Request of
Roger J. Hanlon, Counsel

ST. ANTHONY STAKE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Corporation sole

BY: Neil L. Kunz
Corporation Sole

STATE OF IDAHO)
: SS
COUNTY OF FREMONT)

On this 28th day of OCTOBER, 1981, personally appeared before me NEIL LAGRANDE KUNZ personally known to me to be the Stake President of the St. Anthony Stake of The Church of Jesus Christ of Latter-day Saints, who acknowledged to me that he signed the foregoing instrument as Corporation Sole of the St. Anthony Stake of The Church of Jesus Christ of Latter-day Saints, a corporation sole, and that the seal impressed on the within instrument is the seal of said corporation, and the said NEIL LAGRANDE KUNZ acknowledged to me that the said corporation executed the same.

My Commission Expires:
Left

Grant 7 Chandler
Notary Public
Residing at: St Anthony

#508-7690

A

WARRANTY DEED

THIS INDENTURE, Made this 14th day of May in the year of our Lord one thousand nine hundred and forty-seven between Len Hill and Tressa Hill, his wife of Ashton County of Fremont State of Idaho the parties of the first part, and Yellowstone Stake of the Church of Jesus Christ of Latter Day Saints, a corporation, of St. Anthony County of Fremont State of Idaho the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of **Forty-five Thousand & no/100 ---------- DOLLARS lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell and convey and confirm unto the said party of the second part, and to its heirs and assigns forever, all the following described real estate, situated in Fremont County, State of Idaho, to-wit:

Lots Six (6) ~~and Seven (7)~~; West Half of Southeast Quarter (W 1/2 SE 1/4), Section 13; West Half of Northeast Quarter (W 1/2 NE 1/4); Southeast Quarter of Northwest Quarter (SE 1/4 NW 1/4); Northeast Quarter of Southwest Quarter (NE 1/4 SW 1/4) and Northwest Quarter of Southeast Quarter (NW 1/4 SE 1/4), Section 24, all in Township 9 North, Range 42, E. B. M., together with all water rights thereunto belonging.

TOGETHER with all and singular the tenements, hereditaments and appurtenances



Warranty Deed—Short Form

#508-7690



thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said party, as well in law as in equity, of the said part **ies** of the first part;

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the part **y** of the second part, and to **its** heirs and assigns forever. And the said part **ies** of the first part, and **their** heirs, the said premises in the quiet and peaceable possession of the said part **y** of the second part, **its** **successors** heirs and assigns, against the said part **ies** of the first part, and **their** heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part **ies** of the first part ha **ve** hereunto set **their** hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Len Hill (Seal)

Tressa Hill (Seal)

(Seal)

STATE OF IDAHO,

County of FREMONT ss.

On this 14th day of May in the year 1947 ,

before me, the undersigned a Notary Public

in and for said State, personally appeared Len Hill and Tressa Hill, his wife

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.

Thomas B Hargis

Notary Public Residing at Ashton , Idaho.

No. 261971

WARRANTY DEED

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TO

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.....

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Dated ....., 194....

STATE OF IDAHO,

County of ss.

I hereby certify that this instrument was filed for record at the request of Marvin Sullam

at ..... minutes past 10

o'clock A.M., this 18 day

of July A. D. 1947 in my

office, and duly recorded in Book 50

of Misc at page 615

Ex-Officio Recorder.

By ..... Deputy.

Fees, $.1.20

Presented to and Platted by me

Yellowstone Stake
Abstract No. 1