

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

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

RECEIVED

DEC 27 2004

Department of Water Resources
Eastern Region

December 21, 2004

Mr. Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau
900 N. Skyline Drive
Suite A
Idaho Falls, ID 83402-1718

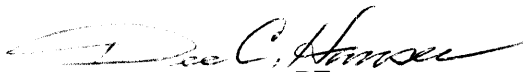
RE: Evidence of Priority for SRBA Water Right Claim 22-4116

Dear Mr. Ruberry,

Please find enclosed an affidavit signed by Dale Swensen in connection with the well covered by 22-4116, verifying the priority date. Also enclosed for your information is a "History of the Yellowstone St. Anthony Stake 1909 to 1986," which may be helpful.

If you have any questions please feel free to contact me at your convenience.

Sincerely,



Dee C. Hansen, PE
Natural Resource Services

AFFIDAVIT

State of IDAHO)
 ss.
County of Madison)

RE: SRBA Water Right Claim 22-4116

DALE L. SWENSEN, being first duly sworn, deposes and says:

1. That he resides at 2353 East, 200 North, St. Anthony, ID 83445; that he has lived in Fremont County, Idaho, all of his life; that he is familiar with the area and the history and the records of the Wilford Ward of the Yellowstone Stake of the Church of Jesus Christ of Latter Day Saints.

2. That he is a member of The Church of Jesus Christ of Latter-day Saints, and is presently the Bishop of one of the Wilford Wards, which have a common Church House, located at 215 N. 2400 E, St. Anthony, ID83445, and has served in many other capacities in said Ward.

3. That Allen B. Ruberry, of the Idaho Department of Water Resources, by letter dated May 28, 2004, addressed to Church of Jesus Christ of Latter Day Saints, asked for verification of the priority date (June 1, 1916) for the above referenced Water Right Claim, and this affidavit is given in response to that request.

4. Attached hereto, for reference, is a copy of a portion of the HISTORY OF YELLOWSTONE- ST. ANTHONY IDAHO STAKE. With reference to the Wilford Ward, it records the following:

a. A log meeting house was used since 1886.

b. A new ward chapel was completed in 1904. "There was no well on this property so there were no inside restroom facilities".

(NOT REPORTED IN SAID HISTORY WAS THE FACT THAT THE Church purchased from the School District a tract of land near the location of the aforementioned Chapel for the purpose of constructing a new chapel. That land had a water well and pump upon it which had been used by the School District for irrigation of the lawns, playing fields and yards, and also for domestic (culinary) purposes in the schoolhouse. That well had been drilled and the water put to the beneficial uses mentioned above, commencing on or about June 1, 1916. The well was capped when the well for the new Chapel was drilled while the Chapel was being constructed, and the best evidence was that water was needed during construction and for the grounds starting about July 1, 1952, The old capped well is still in existence and was kept for any purpose that may exist in the future. The new Chapel was put to use on about June 1, 1953, and the Chapel was formally dedicated on September 27, 1953. The water has been used for the purposes outlined in Claim to Water Right 22-4116 ever since, even though the last mentioned Chapel was destroyed by the flood waters caused by the breaking of the Teton Dam, and a new Chapel was

was constructed using said water.)

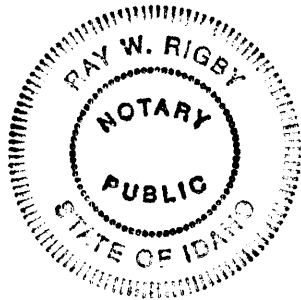
c Said claim should be amended to reflect that the June 1, 1916 is the priority date of the well and water right of the capped well in the field near the Chapel; and that the Priority right of the well and water right for the existing Chapel , its grounds and playing fields, as well as its domestic right, all as claimed in the Claim to a Water Right (22-4116), should be June 1, 1953.

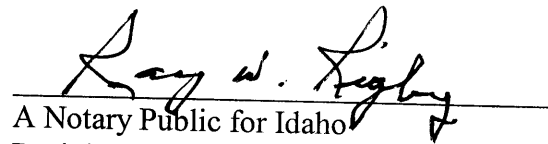
d. Said claim should also be amended to show the point of diversion is NE1/4SE1/4SE1/4, in said Section reported in said claim.

e. Said claim should also be amended to show that the claimant does have one-half share of water in the Wilford Canal.


Dale L. Swensen

Subscribed and Sworn to before me this 16th day of December, 2004.




A Notary Public for Idaho
Residing At: Rexburg, ID
My Commission Expires: 03-12-2005.



y Tabernacle

History of Yellowstone- St. Anthony Idaho Stake 1909 to 1986

**Compiled by
Max and Bonnie Atkinson**

Forev

Copyright 1986 by
St. Anthony Idaho Stake of
Church of Jesus Christ
of Latter Day Saints
625 E. 2nd N.
St. Anthony, Idaho 83445

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The CAXTON PRINTERS, Ltd.
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204 YELLOWSTONE/ST. ANTHONY IDAHO STAKE



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Law Offices

***RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered***

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December 17, 2004

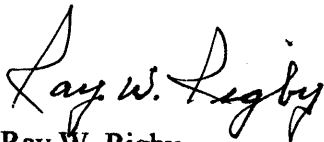
Allen B. Ruberry
Idaho Department of Water Resources
900 North Skyline Dr. Suite A
Idaho Falls, ID 83402-1718

RE: Water Right Claim 22-4116
Wilford Ward

Dear Allen,

I enclose herewith the affidavit of Dale L. Swensen in behalf of the Church of Jesus Christ of Latter-day Saints Wilford Ward to answer your inquiry of May 28, 2004 concerning the above numbered Water Right Claim. If for any reason this does not answer your inquiry in a satisfactory manner, please let me know.

Sincerely,



Ray W. Rigby
RWR/jjs

enclosure
cc: Dale Swensen
Dee Hansen

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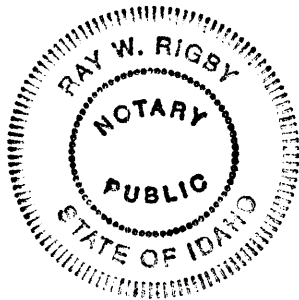
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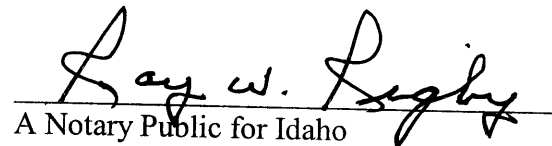
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ANTHONY IDAHO STAKE

1900, the railroad had reached St. Anthony, Idaho, heading on toward West Yellowstone. At the end of the railroad, progressive businessmen began substantial businesses on the river fairly close to the railroad and the business trends of the community began to focus on St. Anthony. The business district of Wilford quickly

in the early 20th century, national and local progress was being made. Travel and news had greatly increased and were becoming much better educated. The local people wanted to build better standards. The old log meeting house, which had been in use since 1886, was becoming inadequate. Wilford Ward was blessed with many young men during these years. George A. Pincock, was called to be the bishop of this time (1898-1903). Samuel Pincock came to Wilford with his wife and had been chosen as a Counselor. It was at this time that the ward decided to build a new ward chapel. Building with stone was in vogue at the time. The old log tabernacle in Rexburg, now in the Idaho State Museum). The rock for the building of the Teton Ward chapel were quarried on a hill east of Chester in Hogback. A stonemason contracted to quarry most of the stone and bring it down to Wilford where the soft stone was cut into blocks by stone masons and the building was started at a time when many of the men were called away on business; and when the bishop inspected that foundation, he found it was not heavy enough. The whole building was re-excavated and rebuilt. The

WILFORD WARD

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Wilford Ward's Second Chapel completed in 1904 and Dedicated in 1907

The chapel was started under the supervision of Bishop Pincock and finished while Bishop Orme was in office. This building was an extremely fine stonemason's work of art and an asset to the community. The rocks had a kind of pink cast to them and the building had a very pleasant atmosphere associated with it, especially following a rain storm or while there was snow on the ground. This building was completed in 1904 and dedicated in 1907 when it was completely paid for at a cost of \$7,500.

* There was no well on this property so there were no inside restroom facilities. The building was heated with

This refers to the Church built in 1904

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In the years between 1910 and 1920, there was an ethnic group of German speaking people who came into the Wilford area. These people emigrated from Europe to escape the tragedies of war that were prevalent in their country at the time. The Klein, Bauer, Trupp, Leis, Kruger and Neiderhaus families were an asset to the community and helped build the schools and irrigation systems. They brought with them a strong cultural influence.

Ward history writing shows that all church officials attest to the fact that their time in office was very demanding and time consuming, with which everyone will agree; but there are those periods in time when a certain event takes place which stands out and remains most vivid. One of those memorable events happened during Bishop Charles E. Murri's time in office, 1916-1920. This time period took in the latter part of World War I and the flu epidemic of 1918 and 1919. History tells that about twenty million persons died in this epidemic, more than lost their lives during the war! During this flu epidemic, all public places were closed. People brought food and medicine to the homes of the sick, coming only as close as the front gate or porch so they would not come in contact with the virus. Bishop Murri said in later years that he felt very blessed that he didn't contract the flu.

The depression years, during which James T. Birch served as Bishop, were very trying (1931 to 1937). In the 1940s, which were the World War II years, and the years immediately following, the new era of L.D.S. chapel building was getting underway. Many ward chapels dating back to the early 1900s (Wilford 1904) were becoming drastically obsolete. These old chapels had no indoor plumbing, had outmoded electrical systems and, for the most part, had no classroom facilities where the organizations such as Relief Society, Sunday School, Mutual

WILFORD WARD

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and Primary could hold classes. More modern chapels were being designed and built with these classrooms in mind. Over a nine year period, while Bishop Daniel L. Romrell was serving as Bishop, the membership of the Wilford Ward began raising money toward the building of a new chapel. This money was raised through donations, cattle and potato projects, banquets and bazaars where handmade articles and quilts were sold. Cooked food sales were held and banquets and suppers for civic functions were served. The Yellowstone Stake President at the time was William J. Lewis. Bishop Daniel L. Romrell accepted the responsibility as contractor and his First Counselor, Virgel L. Willverd, was named chairman of the building committee. John Bean was selected as supervisor of construction and Second Counselor, Donald Murri, was chairman of the finance committee. The ground-breaking ceremony was held on a blustery evening, June 10, 1952. Over one hundred people gathered to take part in a short but impressive ceremony. Then on Sunday, September 27, 1953, under the direction of George Q. Morris, Assistant to the Council of the Twelve, a beautiful dedicatory program was held.

The ward enjoyed this lovely chapel, and were raising money and planning to add on to it, until June 5, 1976, when it was destroyed by the collapse of the Teton Dam. Though the ward suffered the loss of their chapel, to their surprise they found one of their prize possessions, the beautiful satin bi-centennial quilt (the Grand Prize winner in the stake) that the sisters of the ward had devoted so many hours in making. There it was miraculously unharmed on the top shelf upstairs in the Relief Society room. It went on display in Salt Lake City at the June 12, 1976, Regional Conference and stayed on display many months longer than planned. People would file past to get a glimpse of what became known as "The Miracle Quilt." The loss of the ward chapel was felt as

204 YELLOWSTONE/ST. ANTHONY IDAHO STAKE



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Church President Sper meeting at Ricks College advised them to keep th close to the Lord, rebuild and start anew. This incl the work began again. Roy chairman and supervisor

May 28, 2004

**CHURCH OF JESUS CHRIST LATTER DAY SAINTS
REAL ESTATE DIVISION
TWELTFTH FLOOR
50 E N TEMPLE STREET
SALT LAKE CITY UT 84150**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4116

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". 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 Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of JUN 1 1916, from GROUNDWATER.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

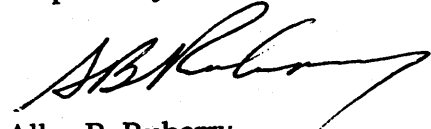
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, 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**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"