

T 6 N
R 5 E

P.D.

Place
of use

A63-04016

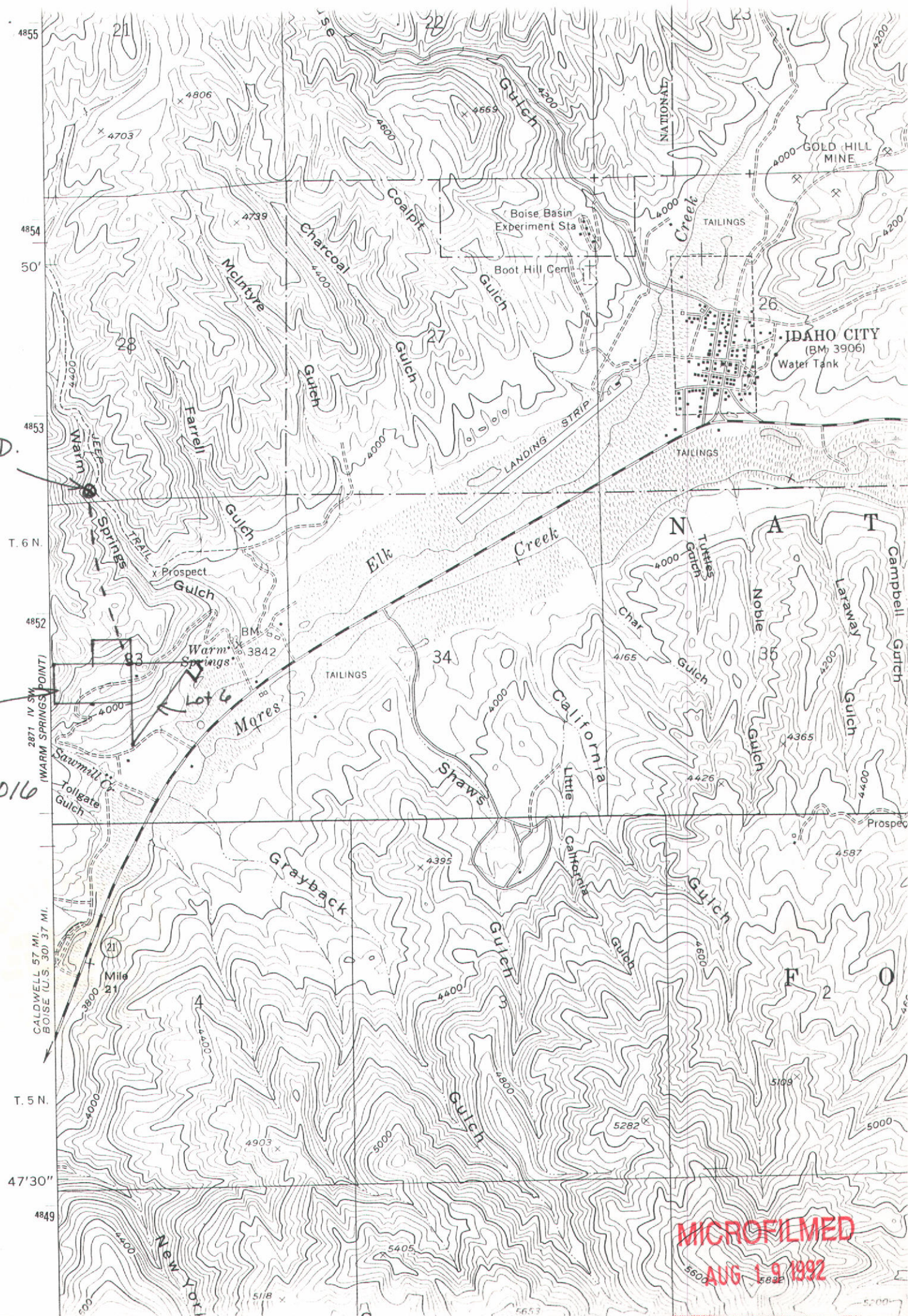


MICROFILMED
AUG 19 1992

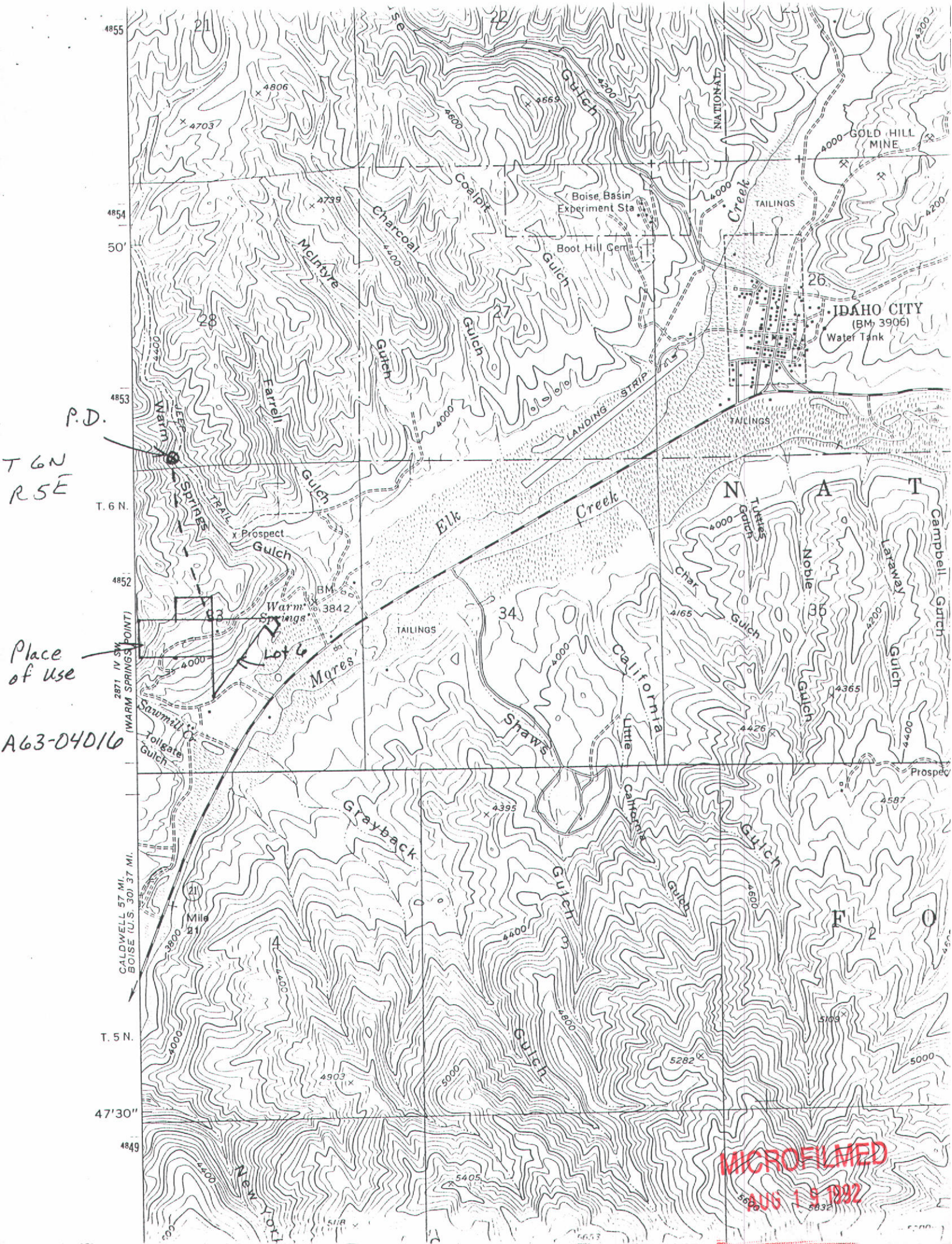
P.D.
T 6N
R 5E

Place
of Use

A63-04016



MICROFILMED
AUG 19 1992



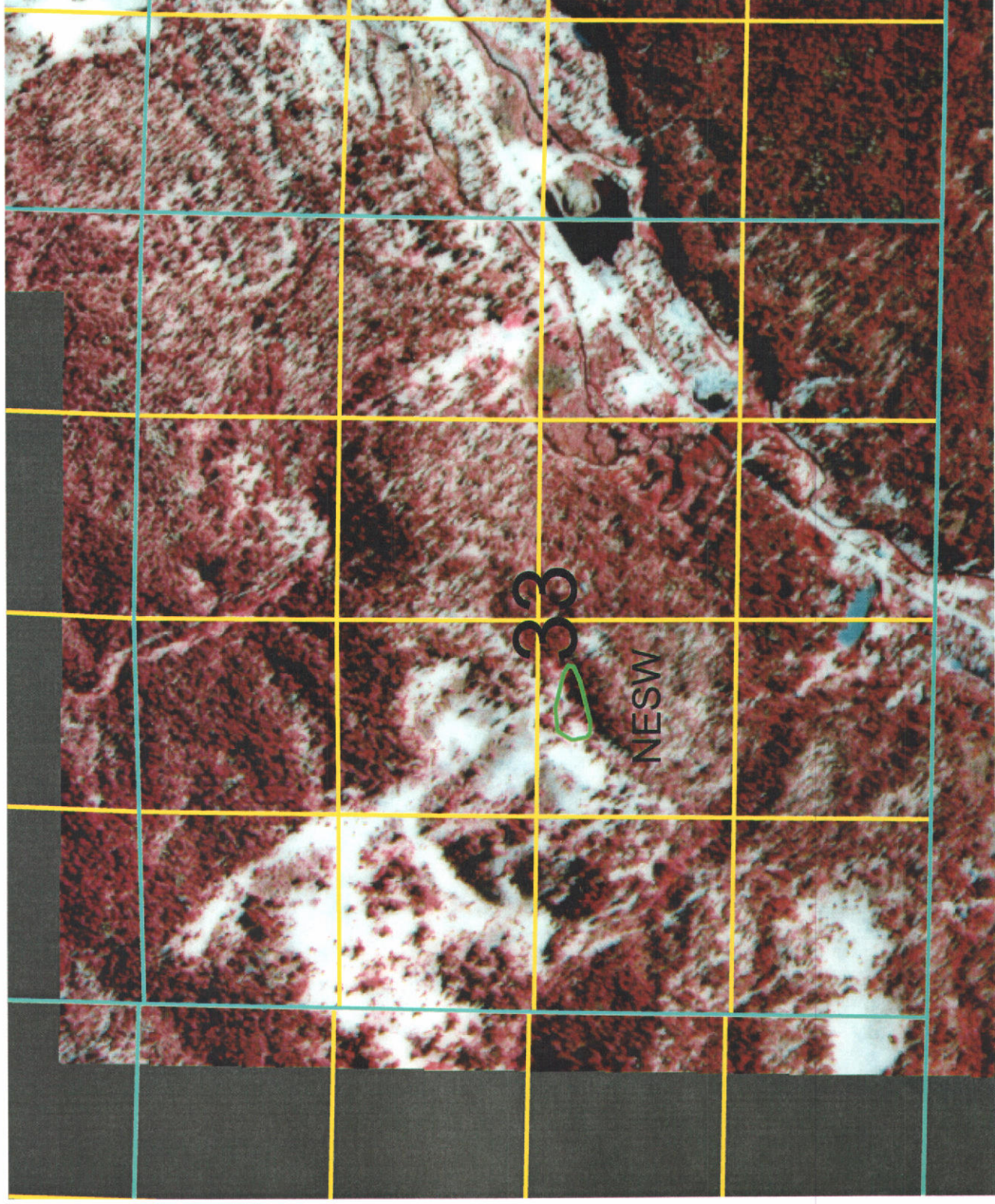
MICROFILMED

AUG 19 1992

IDAHO DEPT OF WATER RESOURCES

Claim No(s) 63-4016
T06N, R05E, Sec 33
Prepared by: Maria Minicucci
February 4, 2002

-  Place of use
-  Point of diversion
-  Section Lines
-  Quarter quarter lines



400 0 400 800 Feet



1987 NAPP

Pod

Photo
Location

Buried PVC to
buried galvanized
steel

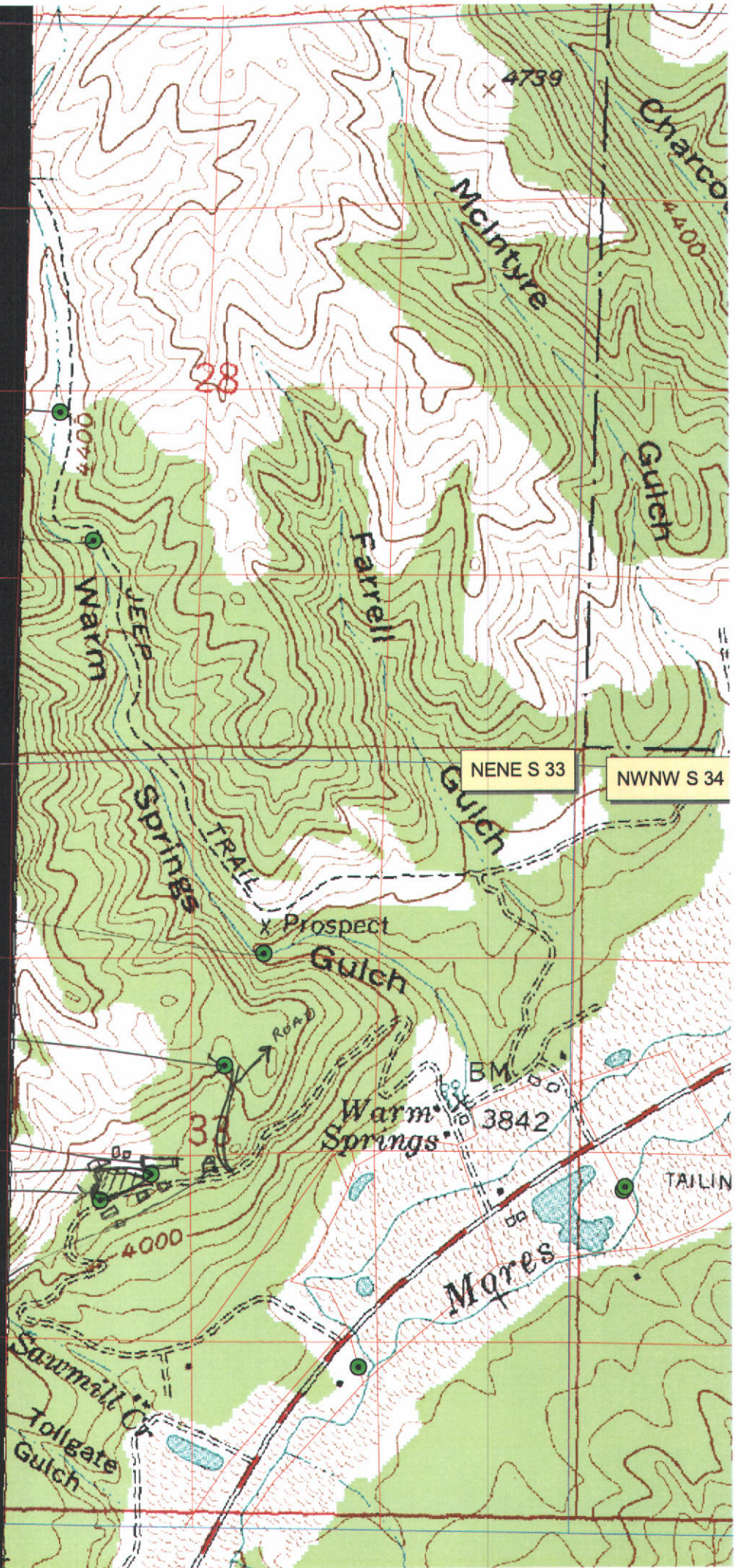
Crowley
Hot Springs

Storage Tanks (3)

Lodge

Swimming pool
Place of Use
(S.P.A.)

Canetakers
House



Point of
diversion

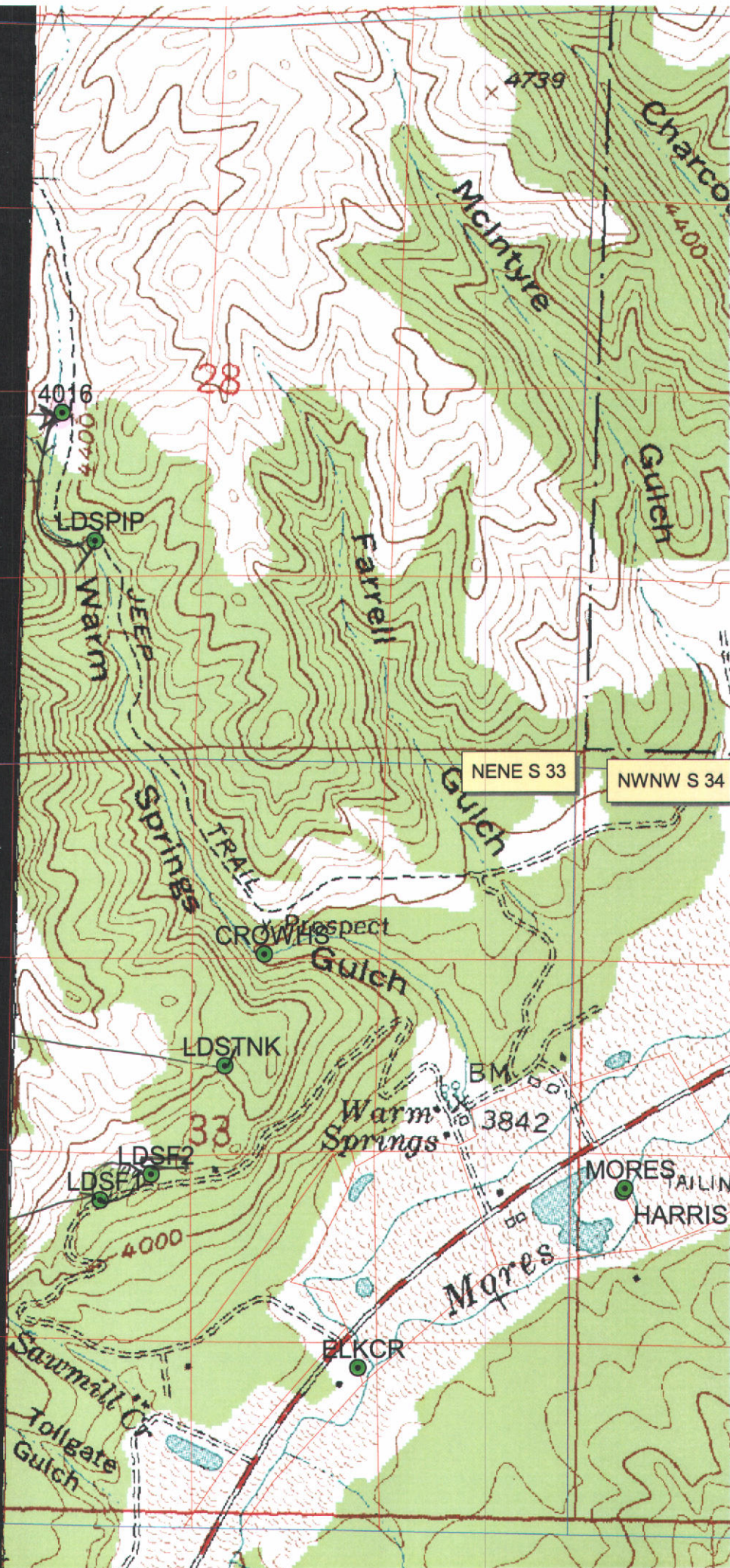
Burned
pipeline
(plastic)

STORAGE
TANKS (3)

Place of use (ice)

010

00



SRBA Claim Number A63-4016

Date of Photos 11/19/2001

Photographer M. Minicucci

Legal Description T6N R5E S28 NESW

- ① Point of
Diversion and
GPS measurement
Location. Well
casing sunk into
creek bed.



- ② Old Diversion
Works? Located
20 ft downstream
of "well"



SRBA Claim Number A63-4016 Date of Photos 11/26/2001

Date of Photos 11/26/2001

Photographer N. Nivica

Legal Description 76N R5E S28 NESW

- ③ Buried black plastic pipeline connection to galvanized steel pipeline.

GPS measurement location

"LDS Pip"

Warm Spring Creek is between
GPS and pipeline



- ④ Close-up of

connection

2. (above).



SRBA Claim Number A63-4016

Date of Photos 11/26/2001 & 11/19/2001

Photographer R. D. WICK

Legal Description T6NRSE108 + S33

⑤ NESW S28

Black plastic pipeline exiting
ground. Coiled pipe is not
connected to anything.



⑥ S33 SWNE

Storage tanks.
Cindy Oakes,
caretaker, is
standing on
first of 3 tanks.



SRBA Claim Number A63-4016

Date of Photos 11/19/2001

Photographer N. Nicucci

Legal Description T6NRSE528NESW

⑦ Galvanized
steel (buried)
entering small
shed at storage
tanks (see
photo 6).



⑧ Pipe to
first of 3
storage tanks
(still inside
shed)



SRBA Claim Number A63-4016

Date of Photos 11/19/2001

Photographer P. D'Amico

Legal Description T6N R5E S33

⑨ NESW

Place of use -
irrigation.

Photo is taken
from lower (west)
end of field, looking
North & east?

Swimming pool &
changing rooms
building in
background.



⑩ NESW

Place of use,
swimming pool

Lodge behind &
to the right of
changing rooms
building (yellow).



SRBA Claim Number A63-4016

Date of Photos 11/26/2001

Photographer M. Minicucci

Legal Description T6 NR SE S33 NESW + NWSE

① Typical cabins.

No internal use.

Some with
external
hydrants



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: A63-04016
Date Received: 5-17-89
Receipt No: 0006867
Received By: CA 4-17-89

RECEIVED

MAY 17 1989

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. ^{Department of Water Resources} 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

2. Date of Priority: AUG 23, 1949

3. Source: WARM SPRINGS CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	05E	28	SE	SW			BOISE

5. Description of diverting works:
DAM, PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.060		
RECREATION	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 15 CABINS; RECREATION, 1 SWIMMING POOL

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	05E	33	SE		NW		DOMEST	
			NE		SW		IRR	1.0
			NE		SW		DOMEST	
			NE		SW		REC	
			NW		SE	6	IRR	1.0
			NW		SE	6	DOMEST	
			NW		SE	6	REC	
							Section Acres	2.0
							Total Acres	2.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
63-02923

14. Remarks:
PINE TOP RECREATION AREA, 5 BOISE STAKES

15. Basis of Claim: STATUTORY CLAIM

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, that I have signed the foregoing

Organization
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 and that the statements contained in the

Organization
foregoing document are true and correct. *BY: Irma A. Baker 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

5/1/1989

Date

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

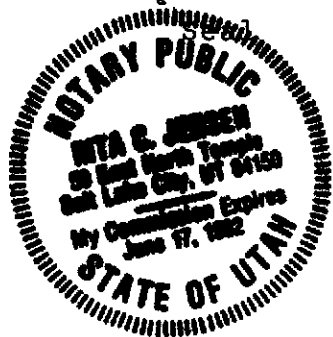
Subscribed and sworn (or affirmed) before me this 1st day

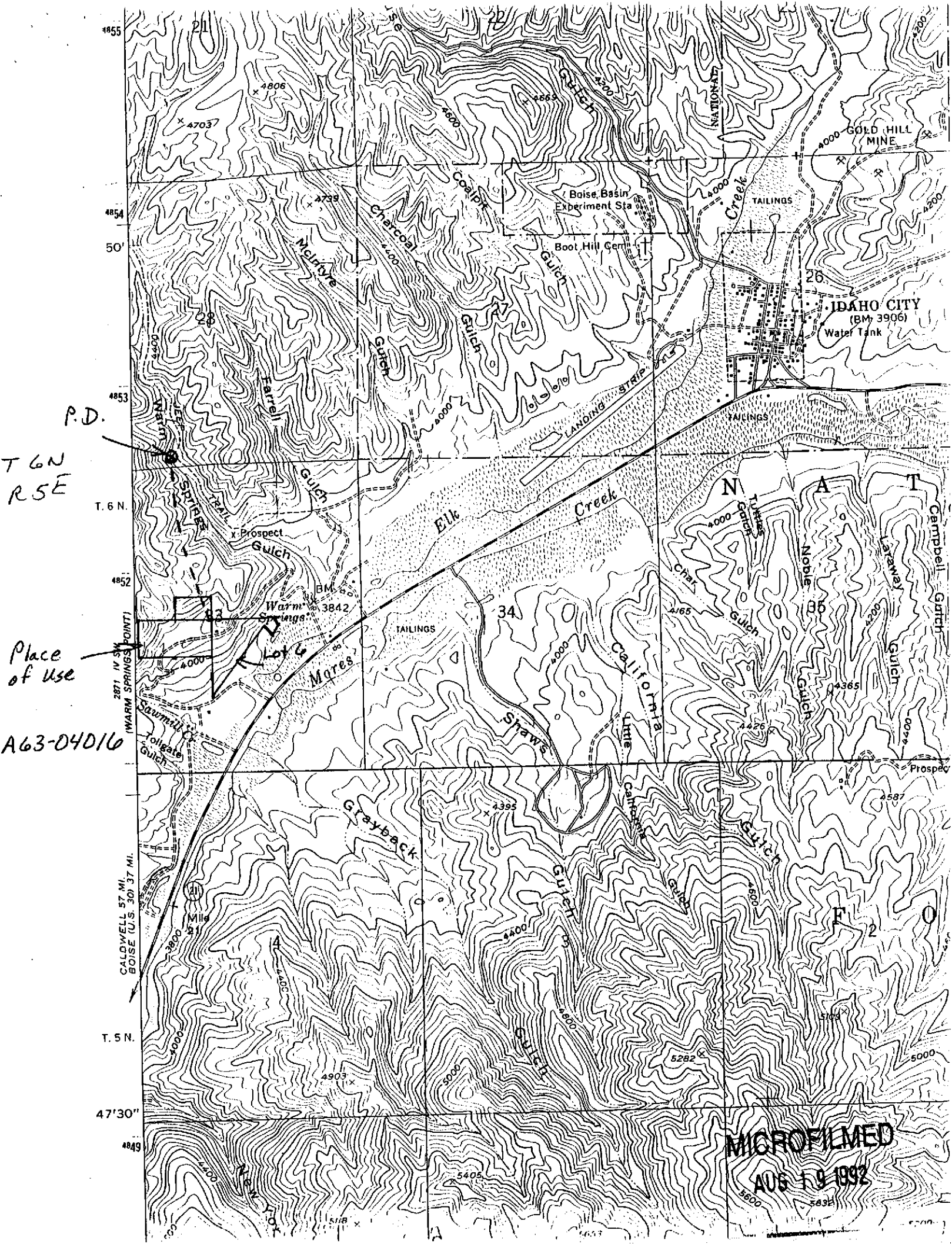
of May 19 89

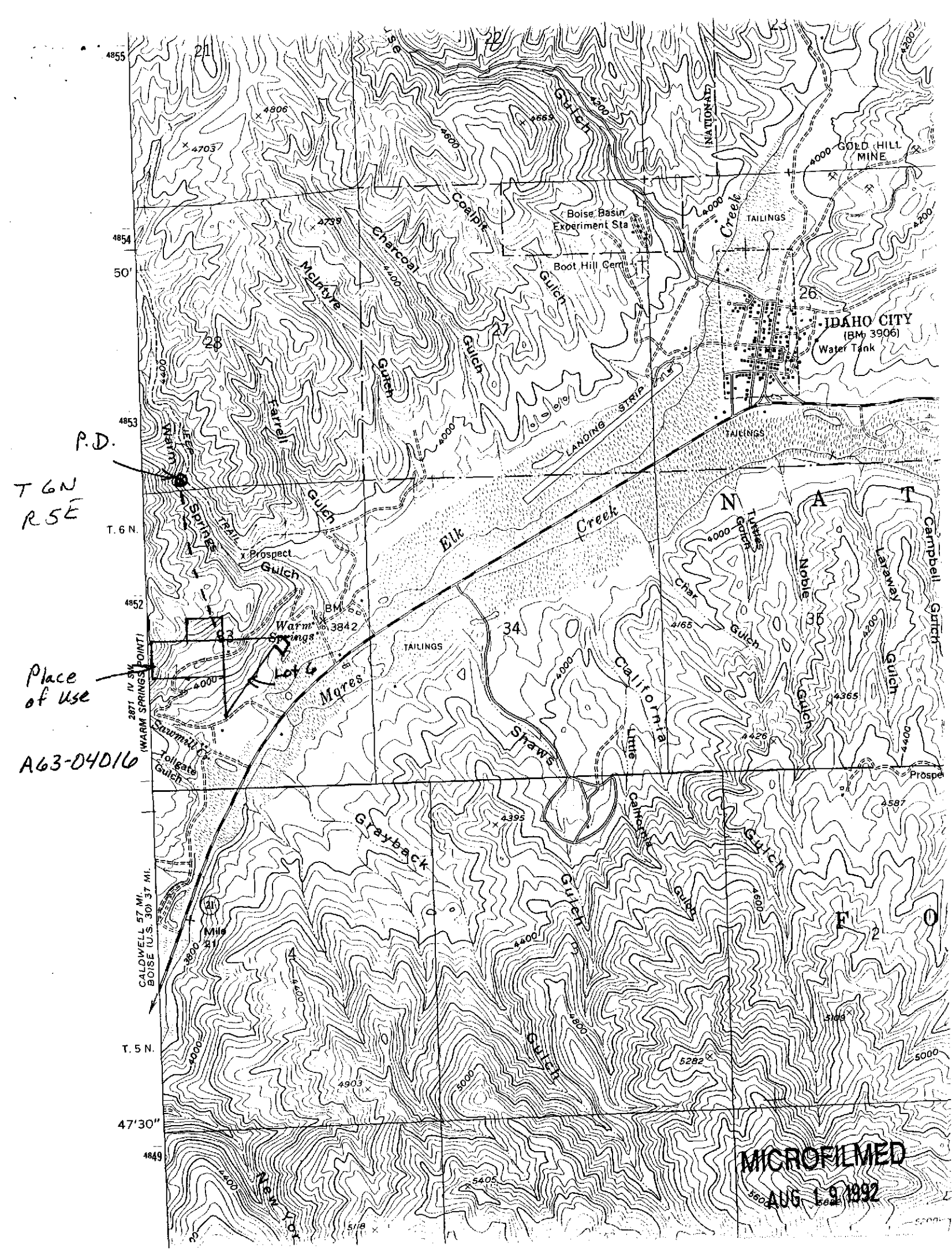
Rita C. Jensen
Notary Public

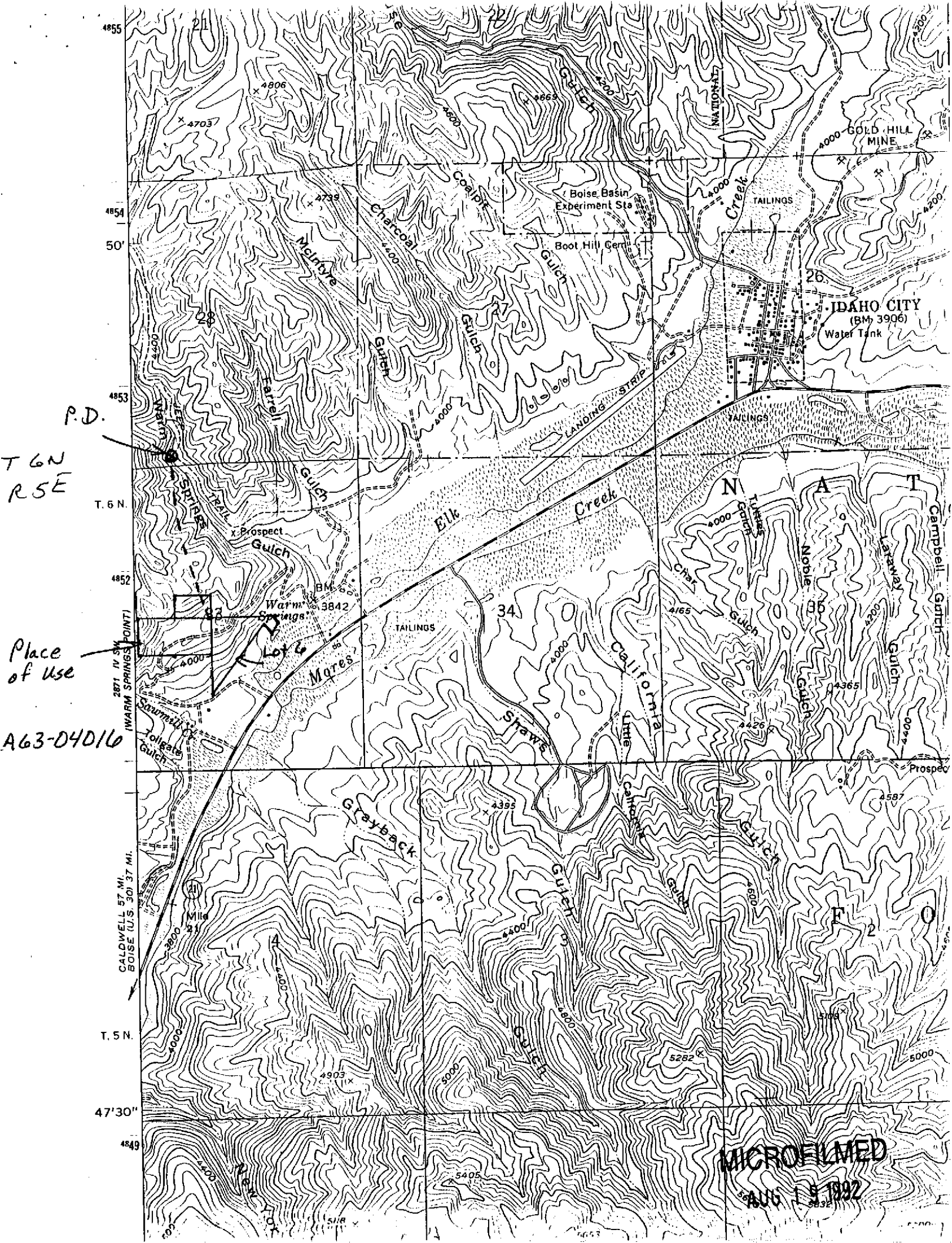
Residing at Salt Lake City

My Commission Expires 6/12/1992









MICROFILMED
AUG 19 1992

63-4016P

Identification No. 21204
Claim No. 28879 42739
Map No. 21204

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 Boise Stake Corporation of the Church of Jesus Christ of Latter-day Saints
post office address a corporation sole 118 Mobley Drive, Boise, Idaho

2. The point of diversion is in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ $\frac{1}{4}$ Section 28 Township 6 N
Range 5 E B.M. located on Warm Springs Creek
(name of source)

tributary to More's Creek in Boise 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:

August 23, 1949 amount: 0.8 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ 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: domestic and irrigation

use continuous / _____ period of use from Aug. 23, 1949 to date hereof (both dates inclusive)

use Domestic period of use from January 1 to December 31 (both dates inclusive)

use Irrigation period of use from March 15 to November 15 (both dates inclusive)

use Recreational period of use from March 15 to November 15 (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of concrete, stone, steel and planks; length is 12 feet; height is 3 feet;

width at bottom is 10 feet; width at top is about 14 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

The reservoir, which silts at times has been repeatedly dredged out and cleared and enlarged.

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 _____

This system is much older than the claimed date of priority of August 23, 1949.
The claim made hereunder is made under that date by reason of the fact that
this claimant is the successor in interest by deeds of record in the office of
the county Recorder of Boise County, to Bobby A. Whitten, original claimant.

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 Immaterial variations in size due to silting from year to year and cleaning out.

[illegible]

None

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 _____
None

7. Where water is used for domestic or municipal purposes give number of families served See notes below
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. This water supply serves the recreation grounds and about 15 occupied buildings used for housing children and adults, for resident caretakers, supervisors etc., serving several thousand people per year in connection also with water derived from Crowley's Springs under Water License No. 23547 originally issued to Ariel L. Crowley, January 13, 1953 for 0.033 second feet, which water is run into the swimming pool and also into the domestic lines when required.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
The water system was first established by Winthrop Estabrook for Lot 6, Tw. 6 N. R 5 E, in Section 33; later the additional 20 acres was acquired by patent running to Ralph Whitten. The certificate of completion of works as improved by Bobby A. Whitten, is dated 25 October 1949. As far as is known to this applicant no final proof was ever made after completion of works by her, but the use of the works and water has been continuous, and a final certificate and license should issue either upon the basis of her original application, or upon this registration of appropriation by construction of works and actual use, for more than twenty consecutive years. The actual time of use from the original diversion and application to beneficial use is more than fifty years ago, the exact time not being now accurately known.
The Bobby Whitten application, and proof of completion of works, and the affidavit of Ariel L. Crowley are appended by photocopy and original affidavit.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.
May 10, 1968 BOISE STAKE CORPORATION OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS By B. Reid Gmiller
(Date) (Signature of Claimant) President
State of Idaho } ss. A Corporation Sole of Idaho
County of Ada

On this 14 day of May 19 68, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

B. Reid Gmiller
Notary Public residing at Boise

My commission expires Mar. 24 19 69.

For Department Use Only			
Received by	Date	Exception filed by:	Forwarded to claimant by:
<u>B</u>	<u>5/15-68</u>		
Prelim. check by	Date		
<u>B</u>	<u>5/15</u>		
Fee received by	Date	Fee \$	
<u>B</u>	<u>5/15</u>	<u>10.00</u>	
Approved for publication by	Date		
<u>Walter W. Ward</u>	<u>5-26-68</u>		
Published in	Dates		
<u>Idaho World</u>	<u>7-24-68</u>		

BEFORE THE DEPARTMENT OF RECLAMATION, STATE OF IDAHO

IN THE MATTER OF THE CLAIM OF
BOISE STAKE CORPORATION OF THE
CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS TO A WATER
RIGHT ESTABLISHED BY DIVERSION
AND APPLICATION TO BENEFICIAL
USE

)
)
) AFFIDAVIT OF ARIEL L. CROWLEY
)
)
)

STATE OF IDAHO)
) SS.
County of Boise)

ARIEL L. CROWLEY, being first duly sworn says:

He is a citizen of the United States, Probate Judge of Boise County, and formerly owner of the property known as Pinetop, now owned by the Boise Stake Corporation of the Church of Jesus Christ of Latter-Day Saints, a corporation sole of the State of Idaho.

Affiant purchased the said premises, described as NE $\frac{1}{4}$ SW $\frac{1}{4}$ and Lot 6 in Section 33, T. 6 N. R. 5 EBM in Boise County, Idaho, from Bobby A. Whitten, daughter and successor in interest to Ralph Whitten and wife, who originally acquired by patent the said NE $\frac{1}{4}$ SW $\frac{1}{4}$, and who were successors in interest to Winthrop Estabrook and wife, the original appropriators of water to beneficial use from the Warm Springs Creek some time after 1900.

Affiant entered into possession of the said lands in 1951 and completely overhauled both the intake reservoir, the pipeline and all outlets for distribution of said waters; at the time affiant took such possession the said system had obviously been long in use and extensive repairs and rehabilitation were required and made by affiant in person.

Affiant is also the identical person who discovered, concentrated and established, by License No. 23547 the additional water right with priority of January 13, 1953 covering waters from Crowley's Springs, which waters are also continuously used upon the same areas.

Affiant knows of his own knowledge and upon his oath states that the appropriation made by Bobby A. Whitten and upon which certificate of completion of works was executed by the Hon. Mark R. Culp, Reclamation Engineer, 25 October 1949, has been in continuous, uninterrupted use upon the said lands for domestic and irrigation purposes throughout the years 1951 to this date in 1958 inclusive; and at no time has anyone made any claim or assertion against the said right, which has been well known, openly claimed and used as a matter of established right of ancient date.

Affiant and his wife Daveda L. Crowley sold and conveyed to the Boise Corporation of the Church of Jesus Christ of Latter-day Saints, a corporation sole, the said lands and water rights, including the rights claimed by affiant's predecessor in interest Bobby A. Whitten and the said corporation sole is now the owner thereof.

Ariel L. Crowley
Subscribed and sworn to before me May 11, 1968.

Katherine M. Brogan
Clerk of the District Court
Boise County, Idaho
By Aileen Mathis
deputy

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY
SAINTS

REAL ESTATE DIVISION
Twelfth Floor
50 East North Temple Street
Salt Lake City, Utah 84150
Phone (801) 240-2929

May 8, 1989

Reference reply to:

RECEIVED
MAY 17 1989

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

Department of Water Resources

Dear Mr. Fritschle,

Attached are the signed documents and a check for \$239.30 to pay for the adjudication fees for the following water rights in Boise County.

<u>Groundwater</u> <u>Right</u>	<u>Property</u> <u>Number</u>	<u>Property Name</u>	<u>Adjud.</u> <u>Fee</u>
A63-02923	503-2806	Boise Stks-Pinetop Rec Prop.	\$ 53.30
A63-04016	503-2806	Boise Stks-Pinetop Rec Prop.	56.00
A65-11181	513-8167	Nampa ID & S. Stks -Payet R.	Exempt
A65-12060	513-8167	Nampa ID & S. Stks -Payet R.	25.00
A63-10192A	522-9200	Idaho City	54.00
A63-10192B	522.9200	Idaho City	51.00
<u>Total</u>			<u>\$239.30</u>

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

Sincerely,



Ronald C. Johnson
Water Analyst

RCJ:ja

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

MICROFILMED

AUG 19 1992

ADJUDICATION FILING FEES FOR IDAHO

RECEIVED

MAY 17 1989

Department of Water Resources

PROPERTY IDENTIFICATION

Idaho State Water Right Permit # A63-04016
LDS Church Property # 5032806

FEE CALCULATIONS

Domestic, stockwatering, fire protection, etc. \$ _____
Flat fee for irrigation. \$ 50⁰⁰

VARIABLE FEE SCHEDULE

Irrigation (\$1.00 per acre). \$ 2⁰⁰
Power Generation (\$3.00 per kilowatt) \$ _____
Aquaculture (\$10.00 per cfs) \$ _____
All other uses (\$100.00 per cfs) \$ 4⁰⁰

Other charges. \$ _____

TOTAL \$ 56⁰⁰

DATE 4-18-89

Carter Fritschle
Carter Fritschle
Idaho Dept. of Water Resources

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

PLANNED
NATURAL RESOURCES SECTION

APR 19 1989

MICROFILMED

AUG 19 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME LDS Church CLAIM IDENT. NO. A63-04016

DATE RECEIVED	CK #	AMOUNT \$	YES	NO	Required Info?
1. Is the name and address complete with zip code?			☐	☐	*
2. Is a priority date entered?			☐	☐	*
Is the priority date acceptable in view of mandatory filing dates?					
See Adjudication Memos #1 and #4 to determine if a Permit is required.					
3. (a) Is a source entered?			☐	☐	*
(b) Is a tributary to entered? (if required)		N/A	☐	☐	
4. Is the legal description of the p.d. sufficient?			☐	☐	*
5. Is there a description of the diverting works?			☐	☐	
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.			☐	☐	*
Is the period of use included?			☐	☐	
Is a quantity claimed for each use?			☐	☐	*
7. Is a total quantity claimed entered?			☐	☐	
8. If required is a consumptive use entered?		N/A	☐	☐	
Is the consumptive use correct?		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.		N/A	☐	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?			☐	☐	*
11. Is (are) the county(ies) entered?			☐	☐	
12. Is the ownership of p.u. checked?			☐	☐	
13. Are other water rights listed or "none" indicated?			☐	☐	
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.)		N/A	☐	☐	
15. Is the basis of the claim indicated?			☐	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)		N/A	☐	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.			☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?			☒	☐	*
19. Was this claim filed on time, or was an extension granted?			☒	☐	*
20. Is the fee enclosed correct?		Exempt	☒	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?		N/A	☒	☐	
22. Should this claim be data entered?			☒	☐	

Claim checked by: CA Date: 6-8-90Claim must be returned to claimant: (Yes) / (No)Claimant must be notified of modifications: (Yes) / (No)

Receipt Prepared by: _____ Date: _____
 Claim data entered by: _____ Date: _____
 Sent to claimant by: _____ Date: _____

Comments: _____

MICROFILMED

AUG 19 1992

02/28/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-4016

NAME AND ADDRESS: CHURCH OF JESUS CHRIST LATTER DAY SAINTS
REAL ESTATE DIVISION
TWELFTH FLOOR
50 E N TEMPLE ST
SALT LAKE CITY UT 84150

SOURCE: WARM SPRINGS GULCH

TRIBUTARY: ELK CREEK

QUANTITY: 0.10 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 08/23/1949

POINT OF DIVERSION:

T06N R05E S28 NWNESE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS
RECREATION	04/01 10/31	0.040 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T06N R05E S33 NESW 1.0

DOMESTIC Within BOISE County

T06N R05E S33 NESW T06N R05E S33 Lot 6 NWSE

RECREATION Within BOISE County

T06N R05E S33 NESW

1 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

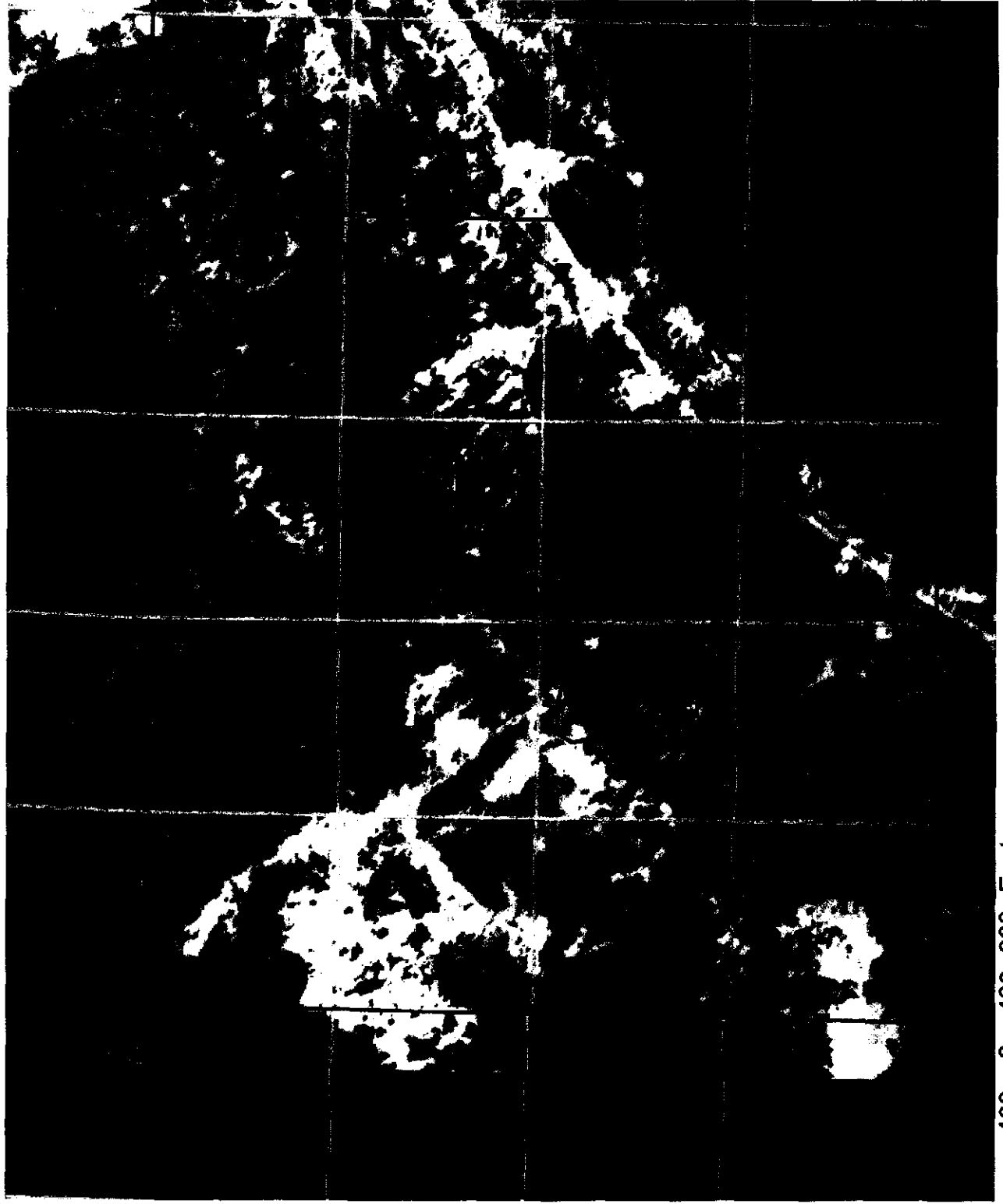
EXPLANATORY MATERIAL: Beneficial Use

DOMESTIC USE IS FOR 15 CABINS.
RECREATION USE IS FOR SWIMMING POOL.

IDAHO DEPT OF WATER RESOURCES

Claim No(s) 63-4016
T06N, R05E, Sec 33
Prepared by: Maria Minicucci
February 4, 2002

- ☐ Place of use
- ☒ Point of diversion
- ☐ Section Lines
- ☐ Quarter quarter lines



400 0 400 800 Feet



1987 NAPP

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A63-4016

1. No Change NAME IS SAME ✓

NEW OWNER: _____

No Change ADDRESS _____

NEW ADDRESS: _____

2. No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: 08/23/1949

(If the priority date, based on your exam, seems questionable, explain below.)

Previously issued permit, No. 21204, had Completion of Works
issued 10/25/1949 for ir. + dom. purposes. Sometime before 1968,
* Rec. 10/25/1949 * property was sold to
Chvrch. Statutory
Claim 63-4016
indicates swimming
pool in use in 1968.

3. No Change — SAME SOURCE ✓

Source is different than that claimed:

Source found: _____

4. No Change — POINT OF DIVERSION

Point of diversion is different than the claim and/or new P/D's:

Township 6N Range 5E Section 28 1/4 NW 1/4 NE 1/4 SW

Township _____ Range _____ Section _____ 1/4 1/4 1/4

5. No Change - DESCRIPTION OF DIVERTING WORKS

Incomplete description, list below:

Well sunk into creek bed. Buried pipeline to 3 storage
tanks [1. 8' diam. x 5'; 2. + 3: 6' diameter x 13']. First tank is buried
vertically, other above ground on horizontal. Buried pipeline to
sprinklers & hydrants. Back-up use in swimming pool (primary
source for pool is well).

6. No Change - WATER USES
Different uses, (list uses found):

Use IRRIGATION From 4/1 To 10/31 Amount CFS AFA
Use DOMESTIC From 1/1 To 12/31 Amount .04 CFS AFA
Use RECREATION From 4/1 To 10/31 Amount .04 CFS AFA

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount CFS AFA

Changes found, the new total is, Amount CFS AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: Stock # List types:

Additional comments: DOMESTIC, 15 Cabins. Recreation, 1 swimming pool.

9. No Change — PLACE OF USE: (If changed, list below.)

Use: IRR Township 6N Range 5E Section 33 1/4 NE 1/4 SW
Use: Dom Township 6N Range 5E Section 33 1/4 NE 1/4 SW
Use: Township Range Section 1/4 NW 1/4 SE
Use: REC Township 6N Range 5E Section 33 1/4 NE 1/4 SW

Remarks: (Comments pertinent to field examination) See additional attachment

Accomplished change of use. Original permit & Completion of Works
were for 40 acres of irrigation. Use changed before 1968
to non-consumptive recreation use.

SYSTEM DIAGRAM INCLUDED

Shown on GIS Layout

(NA)

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 11/19/2001, 11/26/2001

FIELD EXAMINER:

MARIA PINICUCCI

Print Name

[Signature]

Signature

Pod

Photo

LOCATION -

Buried PVC to
buried galvanized
steel

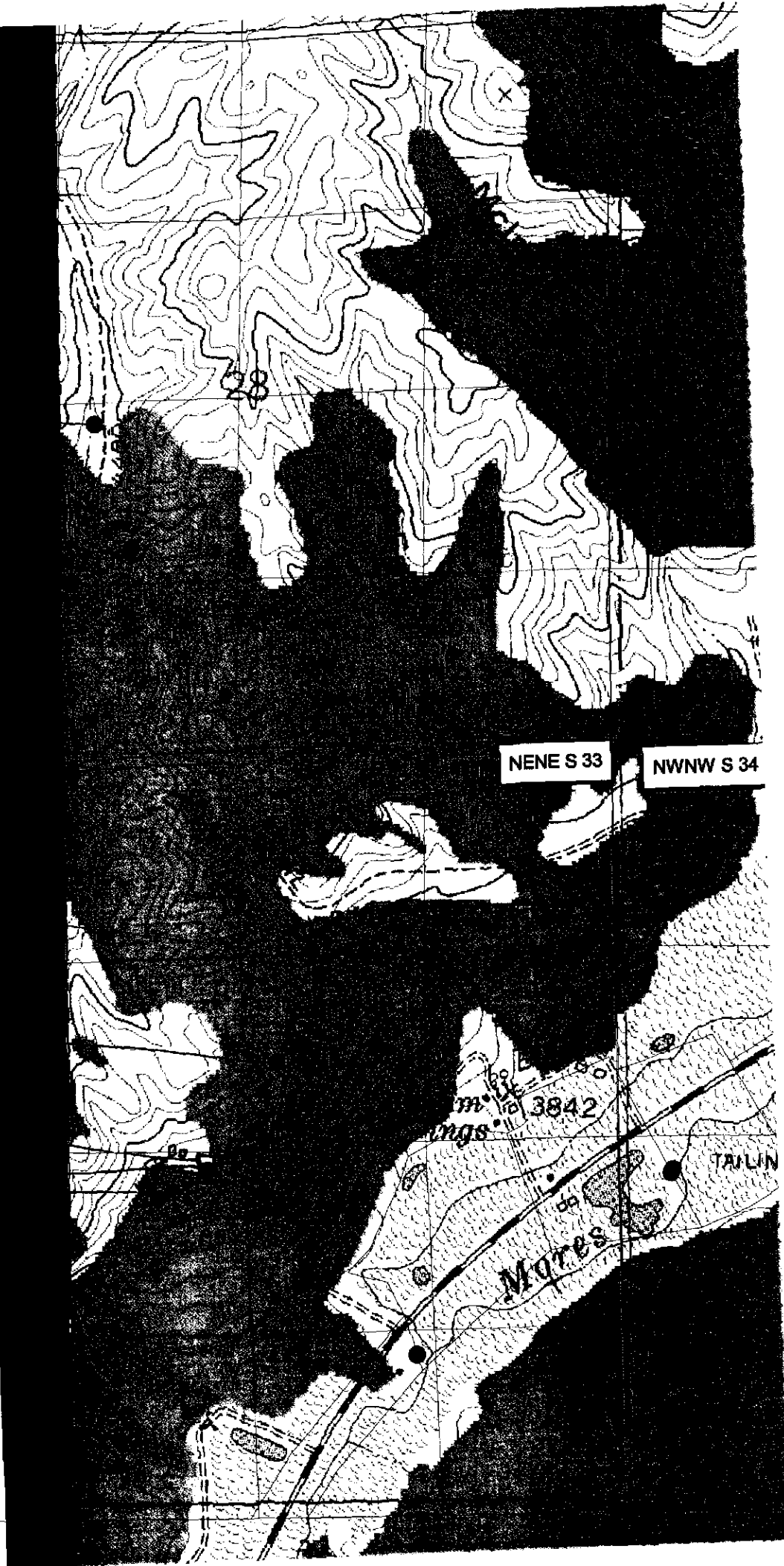
Crowley
Hot Springs

Storage Tanks (3)

Lodge

Swimming pool
Place of Use
(S.P.A.)

Canerates'
House



Point of
diversion

Burned
pipeline
(plastic)

STORAGE
TANKS (3)

Place of use (ice)

010

00



DATE: 05/22/01
PAGE: 15

DIVERSION
VOLUME

TOTAL DIVERSION: 0.800 CFS

[illegible]

No New #
 21204: No New #
 No New - 28879 42739
 No # 3547: Crawley's
 (63-2923) springs

23547 → 63-2923 (springs)

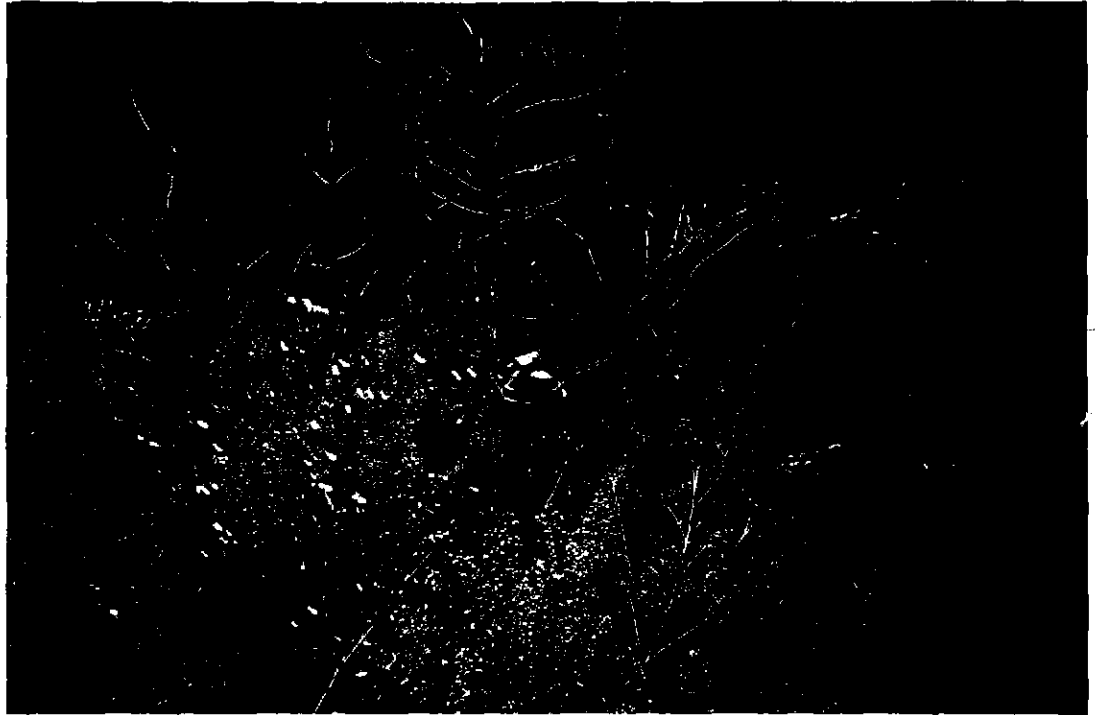
SRBA Claim Number A63-4016

Date of Photos 11/19/2001

Photographer M. Minicucci

Legal Description T6N R5E S28 NESW

- ① Point of
Diversion and
GPS measurement
Locations. Well
Casing sunk into
creek bed.



- ② Old diversion
works? Located
20 ft downstream
of "well"



SRBA Claim Number A63-4016

Date of Photos 11/26/2001

Photographer D. Newell

Legal Description T6N R5E S28 NESW

③ Buried black plastic
pipeline connection to
galvanized steel pipeline.

GPS measurement location

"LDS PIP"

Warm Spring Creek is between
GPS and pipeline



④ Close-up of
connection
x (above).



SRBA Claim Number A63-4016

Date of Photos 11/26/2001 & 11/19/2001

Photographer D. DiNucci

Legal Description 76NRSE08 + S33

⑤ NESW S28

Black plastic pipeline exiting
ground. Coiled pipe is not
connected to anything.



⑥ S33 SWNE

Storage tanks.
Cindy Oakes,
caretaker, is
standing on
first of 3 tanks.



Black PVC leaving
ground to connect
w/ galvanized steel pipe
(above).
Other PVC pipe coiled
on ground surface -
apparently left over
from maintenance
(reconnection) project

SRBA Claim Number A63-4016 11/26/2001
Photographer N. Newell Legal Description ~~_____~~ A63-02923

⑤ NESW S28

black plastic pipeline exiting
ground. Coiled
connected to a

A63-04016 11/19/2001
T6NRSE S33 SWNE
STORAGE TANKS
GPS Meas. Location
"LOSTNK"

⑥ S33 SWNE

Storage tanks.
Cindy Oakes,
caretaker, is
standing on
first of 3 tanks.

SRBA Claim Number A63-4016 Date of Photos 11/19/2001

Date of Photos 11 / 19 / 2001

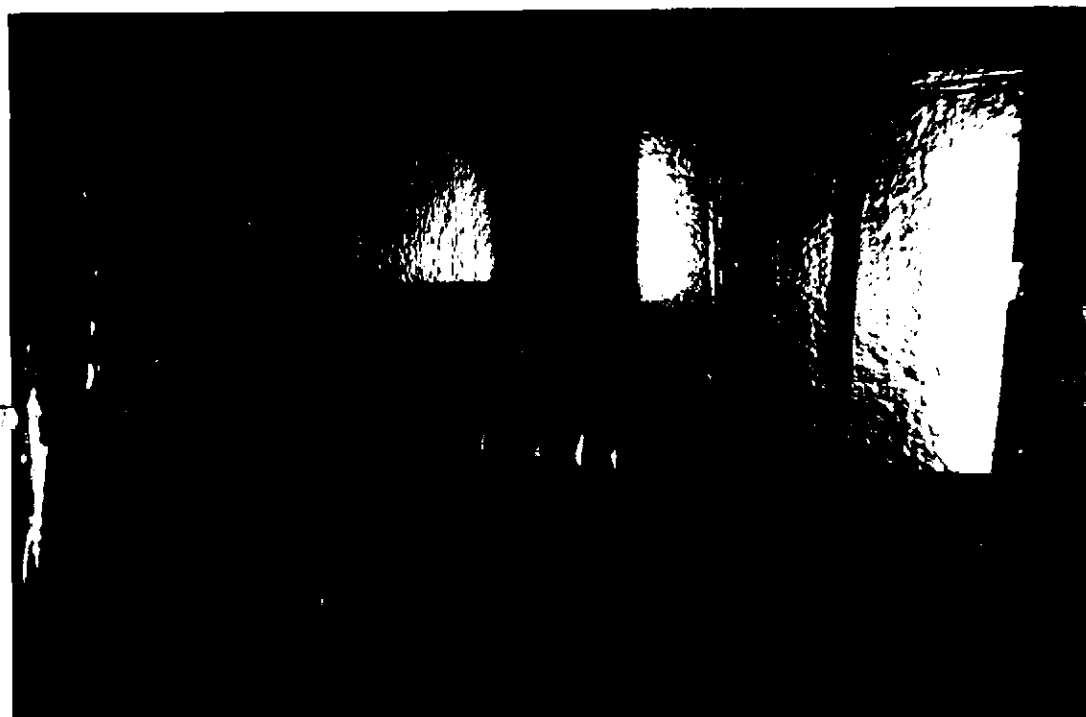
Photographer P. P. Nicucci

Legal Description 76N R5E S28 N ESW

⑦ Galvanized
steel (buried)
entering small
shed at storage
tanks (see
photo 6).



⑧ Pipe to
first of 3
storage tanks
(still inside
shed)



SRBA Claim Nu
Photographer

A63-04016 11/19/2001

76 N 25 E S33 SWNE

Inside of shed @

Storage tanks

INFLOW pipe

GPS meas. location

"LOSTNK"

⑦ Galvanized
steel (buried)
entering small
shed at storage
tanks (see
photo 6).

A63-04016 11/19/2001

76 N 25 E S33 SWNE

Inside of shed

@ Storage tanks

overflow to tanks

GPS meas. location

"LOSTNK"

⑧ Pipe to
first of 3
storage tanks
(still inside
shed)

SRBA Claim Number A63-4016

Date of Photos 11/19/2001

Photographer R. DiNucci

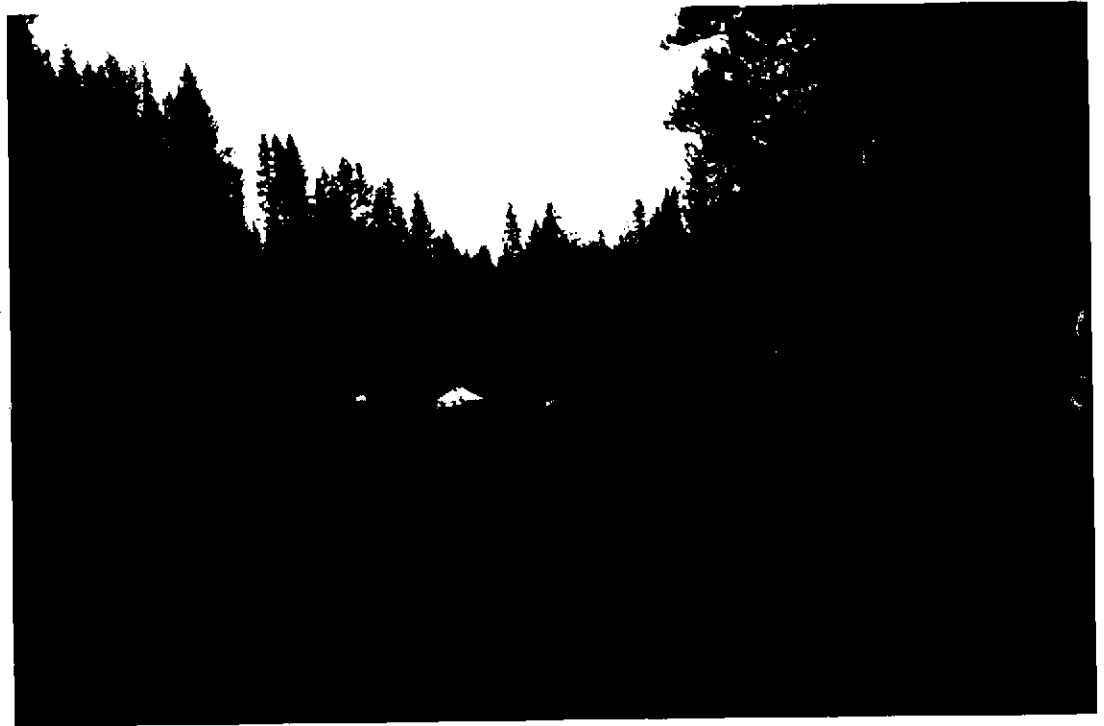
Legal Description T6N R5E S33

⑨ NESW

Place of use -
irrigation.

Photo is taken
from lower (west)
end of field, looking
North & east.

Swimming pool &
changing rooms
building in
background.



⑩ NESW

Place of use,
swimming pool

Lodge behind &
to the right of
changing rooms
building (yellow).



SRBA Claim Number A63-4016

Date of Photos 11/26/2001

Photographer M. Minicucci

Legal Description 26 NRSE 533 NESW + NWSE

① Typical cabins.

No internal use.

Some with
external
hydrants



Permit No. 21204

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that BOBBY A. WHITTEN
 of Boise, County of Ada, and State of
 Idaho, the holder of Permit No. 21204, issued upon Application
 No. 28879 bearing date of priority of August 23, 1949, authorizing the diversion of
0.8 second feet of the waters of Warm Springs Creek, a tributary of
Moore's Creek,

County of Boise, State of Idaho, for irrigation and domestic
 purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the
 proof of completion of the works of diversion set out and described in said Permit; that said works are
 adequate for diverting and conveying to the place of intended use 0.8
 second feet of the waters of Warm Springs Creek;

that the point of diversion of said waters SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, Twp. 6 N., Range 5 E., B.M.

and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, Twp. 6 N., Range 5 E., B.M.

Witness my hand this 25th day of October, A. D. 1949

Mark R. Kulp

State Reclamation Engineer

Permit No. 21204

Certificate of Completion
of Works

Dated October 25, 1949

Stream Warm Springs Creek, a
tributary of Moore's Creek
County Boise

Amount 0.8 second foot

Date of Priority August 23, 1949

Recorded in Book 76

of Permits, page 21204

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 28879

Permit No. 21204

District No.

1. Name of applicant: Bobby A. Whitten
 Post office address C/o Idaho City Stage / Boise, Idaho
 County Ada State Idaho

1. If applicant is a corporation, give:

- (a) Date and place of incorporation.
 (b) Amount of capital stock: \$ (c) Amount paid in: \$
 (d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand: \$
 (b) Treasury stock: (c) Bonds to be issued:
 (d) Other resources:

2. Quantity of water claimed: 0.8 cubic feet per second.

3. Source of water supply: Warm Springs Creek
 which is tributary of Moore's Creek

4. Location of point of diversion: feet distant from the corner
 of Section T. R. B.M. and is in the SE 1/4
 of Section 28 T. 5 N. R. 5 E. B.M. County of Boise.

5. Water is to be used for: Irrigation and domestic purposes.

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water, feet distant from corner of Section
 T. R. B.M. in the of Section T. R. B.M.
 (b) Amount of power generated: H.P. under feet head
 (c) Water is to be returned to at a point feet
 distant from the corner of Section T. R. B.M. in the
 of Section T. R. B.M.

7. Estimated cost of works: \$ 10,000.00

8. Kind of works: Dam and Pipe Line.

(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam 3 feet; length of dam at top 12 feet; length of dam at bottom 10
 (If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)
 feet; material used in dam Concrete

10. Size of headgate: Width feet; Height feet

11. Ditch. Width at bottom feet; Width at water line feet; Depth of water feet.

Dimensions of flume Diameter of pipe 1 1/2 inches

Length of conduit 2 miles. Average grade per mile 40 feet.

13. The time required for the completion of such work is 009 [1] year.

13 The time required for the complete application of the water to the proposed use is One (1) additional years.

14. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 60-acre subdivision)

[illegible]

Total Number of Acres to be Irrigated.....40

14. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are.....

63 4016

63 4016

CLAIMANT'S NAME: LDS - SLCDATE: 10/15/2001EMPLOYEE: P. MinicucciRE: Field Exam Cindy Oates 392 44361:15 pm left msg on machine11/16/2001 2:27 left msg on machine.1) GW: licenses in 19872) Spring (Crowley Springs) licensed, claimant indicated that diversion no longer exists because of easement problems w/USFS. Indicated will send documentation.3) Warm Springs CR: No evidence submitted yet. Request for field exam.Overlaps?11/13/2001 Cindy OatesWarm Springs diversion used for irrigationDiversion from springs not currently existing. Working w/USFS to regain access on public land.She will ask SLC or Boise to send copies of correspondence w/USFS regarding Springs.Bavarian subdivision (1st left after Warm Springs subd.)Meet @ 1200 pm 11/14/200111/14/2001: Rescheduled exam for 11/19/2001 2:00 pm

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WATER RESOURCES
WESTERN REGION

Identification No. 21204

Claim No. 28879 42739

Map No. 21204

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 Boise Stake Corporation of the Church of Jesus Christ of Latter-day Saints
post office address a corporation sole 118 Mobley Drive, Boise, Idaho

2. The point of diversion is in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ $\frac{1}{4}$ Section 28 Township 6 N
Range 5 E B.M. located on Warm Springs Creek
(name of source)

tributary to Mora's Creek in Boise 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:

August 23, 1949 amount: 0.8 c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

Total claimed _____ 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: domestic and irrigation

use continuous / _____ period of use from Aug. 23, 1949 to date hereof (both dates inclusive)

use Domestic period of use from January 1 to December 31 (both dates inclusive)

use Irrigation period of use from March 15 to November 15 (both dates inclusive)

use Recreational period of use from March 15 to November 15 (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of concrete, stone, steel and planks; length is 12 feet; height is 3 feet;

width at bottom is 10 feet; width at top is about 14 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

The reservoir, which silts at times has been repeatedly dredged out and cleared and enlarged.

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 _____

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WATER RESOURCES
WESTERN REGION

This system is much older than the claimed date of priority of August 23, 1949.
The claim made hereunder is made under that date by reason of the fact that
this claimant is the successor in interest by deeds of record in the office of
the county Recorder of Boise County, to Bobby A. Whitten, original claimant.

d. If water is stored: name of reservoir Water is impounded at the intake of the pipe, no name.
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 _____, if so, give dates and describe: Immaterial variations in size due to silting from year to year and cleaning out.

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 36.70
(gross; much non-irrigable in rock)

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

None

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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 _____
None

7. Where water is used for domestic or municipal purposes give number of families served See notes below
 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. This water supply serves the recreation grounds and about 15 occupied buildings used for housing children and adults, for resident caretakers, supervisors etc., serving several thousand people per year in connection also with water derived from Crowley's Springs under Water License No. 23547 originally issued to Ariel L. Crowley, January 13, 1953 for 0.033 second feet, which water is run into the swimming pool and also into the domestic lines when required.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
The water system was first established by Winthrop Estabrook for Lot 6, Tw. 6 N. R 5 E, in Section 33; later the additional 20 acres was acquired by patent running to Ralph Whitten. The certificate of completion of works as improved by Bobby A. Whitten, is dated 25 October 1949. As far as is known to this applicant no final proof was ever made after completion of works by her, but the use of the works and water has been continuous, and a final certificate and license should issue either upon the basis of her original application, or upon this registration of appropriation by construction of works and actual use, for more than twenty consecutive years. The actual time of use from the original diversion and application to beneficial use is more than fifty years ago, the exact time not being now accurately known.

The Bobby Whitten application, and proof of completion of works, and the affidavit of Ariel L. Crowley are appended by photocopy and original affidavit.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

May 10, 1968

(Date)

BOISE STAKE CORPORATION OF THE CHURCH OF JESUS CHRIST OF
 LATTER-DAY SAINTS By Bobby A. Whitten

(Signature of Claimant)

President

A Corporation Sole of Idaho

State of Idaho

County of Ada

ss.

On this 14 day of May 19 68, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

J. Reed Miller
 Notary Public residing at Boise

My commission expires Mar. 24 19 69.

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to claimant by:	Date
<u>18</u>	<u>5/15-68</u>			
Prelim. check by <u>18</u>	Date <u>5/10</u>			
Fee received by <u>18</u>	Date <u>5/15</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>18</u>	Date <u>5-26-68</u>			
Published in <u>Idaho World</u>	Dates <u>2-24-68</u>			

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WATER
WEST

BEFORE THE DEPARTMENT OF RECLAMATION, STATE OF IDAHO

IN THE MATTER OF THE CLAIM OF
BOISE STAKE CORPORATION OF THE
CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS TO A WATER
RIGHT ESTABLISHED BY DIVERSION
AND APPLICATION TO BENEFICIAL
USE

AFFIDAVIT OF ARIEL L. CROWLEY

STATE OF IDAHO)
) SS.
County of Boise)

ARIEL L. CROWLEY, being first duly sworn says:

He is a citizen of the United States, Probate Judge of Boise County, and formerly owner of the property known as Pinetop, now owned by the Boise Stake Corporation of the Church of Jesus Christ of Latter-Day Saints, a corporation sole of the State of Idaho.

Affiant purchased the said premises, described as NE¹/₄SW¹/₄ and Lot 6 in Section 33, T. 6 N. R. 5 EBM in Boise County, Idaho, from Bobby A. Whitten, daughter and successor in interest to Ralph Whitten and wife, who originally acquired by patent the said NE¹/₄SW¹/₄, and who were successors in interest to Winthrop Estabrook and wife, the original appropriators of water to beneficial use from the Warm Springs Creek some time after 1900.

Affiant entered into possession of the said lands in 1951 and completely overhauled both the intake reservoir, the pipeline and all outlets for distribution of said waters; at the time affiant took such possession the said system had obviously been long in use and extensive repairs and rehabilitation were required and made by affiant in person.

Affiant is also the identical person who discovered, concentrated and established, by License No. 23547 the additional water right with priority of January 13, 1953 covering waters from Crowley's Springs, which waters are also continuously used upon the same areas.

Affiant knows of his own knowledge and upon his oath states that the appropriation made by Bobby A. Whitten and upon which certificate of completion of works was executed by the Hon. Mark R. Culp, Reclamation Engineer, 25 October 1949, has been in continuous, uninterrupted use upon the said lands for domestic and irrigation purposes throughout the years 1951 to this date in 1958 inclusive, and at no time has anyone made any claim or assertion against the said right, which has been well known, openly claimed and used as a matter of established right of ancient date.

Affiant and his wife Daveda L. Crowley sold and conveyed to the Boise Corporation of the Church of Jesus Christ of Latter-day Saints, a corporation sole, the said lands and water rights, including the rights claimed by affiant's predecessor in interest Bobby A. Whitten and the said corporation sole is now the owner thereof.

Subscribed and sworn to before me May 11, 1968.

Ariel L. Crowley
Clerk of the District Court
Boise County, Idaho
By Gilman Neathie
Magistrate



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

CHURCH OF JESUS CHRIST LATTER DAY
SAINTS, REAL ESTATE DIVISION
TWELFTH FLOOR
50 E N TEMPLE ST
SALT LAKE CITY UT 84150

Re: Claim No(s). 63-4016

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water ~~rights within the Snake River Basin as accurately as possible. Field exams to verify~~ claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

63-4014 ✓
2923
101920
10192A

CHURCH OF JESUS CHRIST LATTER
DAY SAINTS
REAL ESTATE DIVISION
TWELFTH FLOOR
50 E N TEMPLE ST

*Salt Lake City UT
84150*

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JUL 03 2001

WATER RESOURCES
WESTERN REGION



017 1800
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