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MAR 16 2011

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 15 2011

By

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

In Re SRBA

Subcase: 22-13989

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On December 28, 2010, The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, by and through counsel, Robert L. Harris, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on March 15, 2011. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. The amount of the late claim fee was overpaid by counsel and the payment has been returned to counsel with a copy of this *Order*. Mr. Harris has agreed to forward a check, in the amount of \$180.00, directly to Craig Saxton at the Idaho Department of Water Resources. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated: December 21, 2010.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on March 15, 2011, with sufficient first-class postage to the following:

CORP OF THE PRESIDING BISHOP

Represented by:

ROBERT L HARRIS

1000 RIVERWALK DR, STE 200

PO BOX 50130

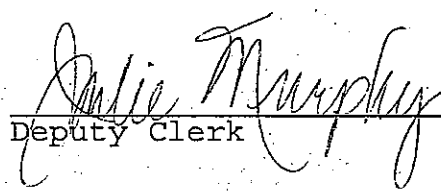
IDAHO FALLS, ID 83405

Phone: 208-523-0620

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first and last names being clearly legible.

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 22-13989

Date Received _____

Receipt Number _____

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 28 2010

By _____

Clerk

Clerk

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints
Phone (801) 359-1600

Mailing Address ATTN: Farmland Reserve, Inc.
139 East South Temple St., Ste. 600, Salt Lake City, UT Zip 84111
2. Date of Priority (Only (1) per claim) April 1, 1894
3. Source of water supply (a) Teton Creek

which is tributary to (b) Teton River
- 4.a. Location of existing point of diversion is:
Township 5N Range 46E Section 8, NE 1/4 of NW 1/4 of SE 1/4, Govt. Lot 3, (The point where the canal enters Idaho)
County of Teton
Parcel (PIN) No. _____

Additional points of diversion if any: _____
If Available, GPS Coordinates: _____
- b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Headgate into ditch. Headgate is located in Wyoming. See remarks.
6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/31 amount 2.68 cfs or _____
7. Total quantity claimed (a) 2.68 (cfs) and/or (b) _____ (acre feet)
8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None.

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	46E	8			8.3				10.4	10.2	18.2	17.8				15.2			80.1

Parcel (PIN) No(s). _____

Total number of acres irrigated 80.1

10. In which county(ies) are lands listed above as place of use located? Teton
11. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.
12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

13. Remarks:

Water diverted under this water right is diverted in Wyoming through the North Side Canal located in T.44N., R.118E. (6th principle meridian), Section 23, SE¼SW¼, State of Wyoming. The point of diversion described on item 4a of this claim form is the point at which the conveyance system enters Idaho. Additionally, this water right is subject to delivery provisions of the Roxanna Decree, and the quantity of water diverted under this right is from the portion awarded to Wyoming as set forth in that decree. This claim is based on a decree entered on March 27, 1942, in the County of Fremont, State of Idaho, entitled *Federal Farm Mortgage Corporation v. Crandall*. In that decree, the Court awarded 5.6 cfs of Teton Creek water to be diverted through the Pratt Ditch, and described two legal parcels. The claimant owns the second of the parcels, which is described as follows: "Beginning at the SE corner of Lot 2, of Section 8, Township 5 North, Range 46, East of the Boise Meridian, running thence north 21 rods, thence west 146 rods, thence south 21 rods, thence east 146 rods to the place of beginning." The other property listed on the face of the decree has received water rights for their portion of this right after claims were filed in the SRBA. Those water rights are 22-12752 (Durtschi) and 22-13684 (Peacock Property, LLC). This claim is therefore for the remaining amount under the *Federal Farm Mortgage v. Crandall* Decree. Attached is a copy of a spreadsheet prepared by IDWR agent Monica VanBussum clearly indicating that there is an unaccounted for amount of water right under the Crandall Decree.

14. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☒ License ☐
If applicable provide IDWR Water Right Number _____
Court Fremont County Case Number _____ Decree Date March 27, 1942
Plaintiff vs Defendant *Federal Farm Mortgage Corporation v. Crandall*

Last Name Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints
Ident. Number 22-13989

15. 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 under penalty of perjury that I am the attorney of the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, that I have signed the foregoing document in the space below as attorney of the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Robert L. Harris Date DEC. 27, 2010
Title and Organization: Attorney, Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints.

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Robert L. Harris
Address Holden, Kidwell, Hahn & Crapo, P.L.L.C.
PO Box 50130, Idaho Falls, ID 83405-0130
Date December 27, 2010

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

FEDERAL FARM MORTGAGE CORPORATION, a corporation,

-vs-

Plaintiff,

LYNN CRANDALL, as Watermaster of Water District #36 of the state of Idaho; and E. V. BERT, as Commissioner of Reclamation of the state of Idaho,

Defendants.

DECREE

STATE OF IDAHO

County of Teton

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of the original thereof, on file in my office.

Dated July 31, 1942

Nolan G. Boyle

Ex-Officio Auditor & Recorder

Clerk of the District Court

By: Deputy Clerk

This cause came on regularly to be heard before the Court in Chambers, at Idaho Falls, Bonneville County, state of Idaho, sitting without a jury, this 27th day of March, A. D., 1942, in accordance with the Stipulation of the respective parties hereto, plaintiff appearing by its attorneys, Ralph L. Albaugh, John L. Bloom, and Albert Olson, and the defendants appearing by their attorneys, Bert H. Miller, Attorney General and Leo Bresnahan, Assistant Attorney General, and it appearing to the Court that the plaintiff has caused a Notice of the Pendency of this Action to be published in the Teton Valley News, in the manner and form, and for the time required by law and heretofore ordered by this Court, and the matter having been presented to the Court, and the Court having seen and heard the evidence offered by the plaintiff in support of the allegations in its complaint, and the Court being fully advised in the premises, and it appearing to the Court that each and all of the allegations in plaintiff's complaint contained are true and correct,

It is ORDERED, ADJUDGED AND DECREED that the plaintiff is entitled to, and is hereby awarded 576 cubic feet per second (or 280 minors inches) of the flow of that certain stream known as Teton Creek, through what is known as the Pratt Ditch, with priority dating of April 1, 1894, for the irrigation of its real property, situated in Teton County, Idaho, described in plaintiff's complaint, and more particularly described as follows, to-wit:

West Half of the Northwest Quarter, Northwest Quarter of the Southwest Quarter, East Half of the Southwest Quarter; and Lots 3 and 4, Section 8, Township 5 North, Range 46, East of the Boise Meridian;

W 1/2 NW 1/4, NW 1/4, E 1/2 NW 1/4, E 1/2 NW 1/4, Sec. 8, T. 5 N., R. 46 E.

Also, that certain tract described as follows: Beginning at the Southeast corner of Lot 2, of Section 8, Township 5 North, Range 46, East of the Boise Meridian, running thence North 21 rods, thence West 146 rods, thence South 21 rods, thence East 146 rods to the place of beginning; and;

Pr. 1012

It is further ORDERED, ADJUDGED and DECREED, that the foregoing adjudication of water be made subject only to the Decrees in a certain action in the District Court of the Sixth Judicial District of the State of Idaho, in and for the county of Fremont, entitled "Rexburg Irrigation Company, et al., vs. Teton Irrigation Canal Company, et al., defendants", dated and filed December 16, 1910; in a certain action instituted in the District Court of the Ninth Judicial District of the state of Idaho, in and for the county of Twin Falls, entitled "Twin Falls Canal Company, plaintiff, vs. Charles N. Foster, et al., defendants", filed on the 20th day of June, 1913, and the amended decree thereto, dated September 12, 1916 and filed September 21, 1916; in a certain action instituted in the United States District Court of Idaho, Eastern Division, entitled "Woodville Canal Company, a corporation, plaintiff, vs. Clark and Edwards Canal Company, a corporation, et al., defendants", dated June 25, 1929; and in a certain action instituted in the United States District Court of Wyoming, entitled "Roxana Canal Company, et al., vs. Charles Daniels, et al.", entered February 2, 1941; and

It is further ORDERED, ADJUDGED and DECREED, that the defendants, and each and both of them, all persons claiming by, through or under them, or either or any of them, and all persons claiming to have acquired any right or interest in or to or upon the said waters hereinbefore decreed by, through or under any person whatsoever, except the plaintiff herein, be enjoined and restrained from obstructing, or in any way interfering with the flow of said waters, through the ditches of the plaintiff.

DONE IN CHAMBERS at Idaho Falls, Idaho, this 27th day of March, A. D., 1942.

C. J. TAYLOR
JUDGE OF SAID DISTRICT COURT.

STATE OF IDAHO)
County of Fremont) ss.

I DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of the original Decree, on file in my office in the above entitled cause.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Court, this 26th day of March A. D., 1942.

(Auditor & Recorder Seal)

E. J. Ramsey
CLERK OF THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

Filed for Record at the Request of Albert Olson at 50 minutes past 11 O'clock A.M. this 18th day of April, 1942.

L. M. Hastings, Recorder
By Afton E. Paul, Deputy

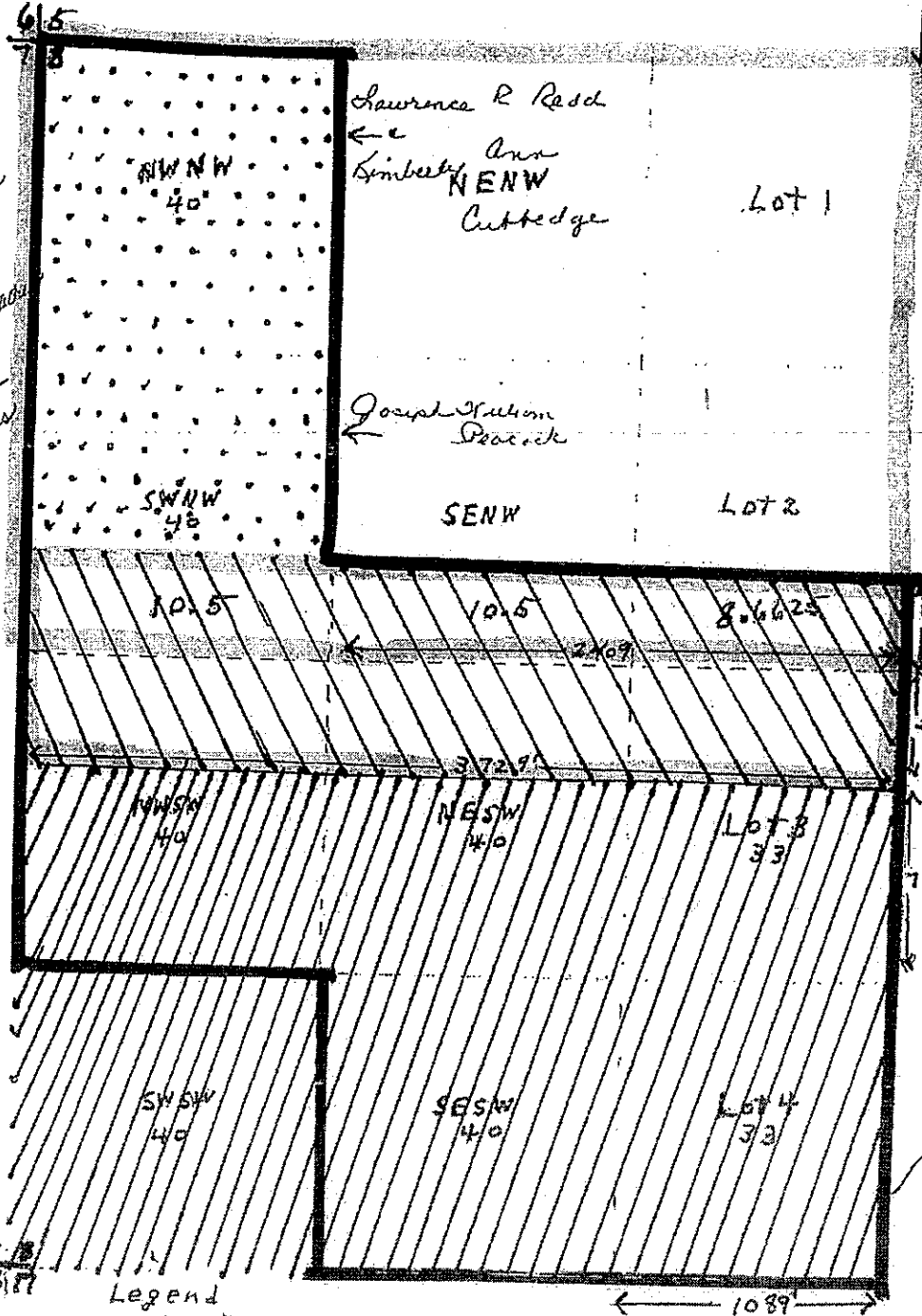
22-02028
8.9 cfs - 400 acres

Lang Redd
.22 cfs - 11 acres

Peacock Property
2.23 cfs - 111.300

6.45 cfs - 279.7 acres

Wyoming
Idaho
Boundary



Swits decreed by
Idaho in 1942
with priority date
of April 1, 1894.

- Legend
- Redd & Cutledge
Joseph Peacock
 - Church Farm
 - Duttschi Farm
 - Land under 4/18/42
decree with 4/1/1894
priority

Sec. 8, T.5N, R.46E BM

Lots = 1089' wide
33 Acres

History for decreed right from Fremont Farms v. Crandall

WR History

Wyoming - no # Pope

5.6 cfs
ac

Irrigation, Domestic

Claim History

Recommendation

Wyoming - no #	Benedict & Proksch	22-12757	Durtschi	22-12757	Durtschi
		3.51	cfs	2.36	cfs
		175.7	ac	118	ac
		Irrigation		Irrigation	
5.6	cfs				
	ac				
Irrigation, Domestic					
		22-13684	Peacock Property, LLC	22-13684	Peacock Property, LLC
		0.6	cfs	0.56	cfs
		30	ac	28	ac
		Irrigation		Irrigation	

*Last updated 3/31/2008 (mvanbussum)

For digital copy of Excel spreadsheet see Monica Van Bussum

Sum recommended cfs	2.92
Sum recommended ac	146
Sum recommended af	N/A

Unaccounted for cfs	2.68
Unaccounted for ac	N/A
Unaccounted for af	N/A



THE STATE

OF WYOMING

DAVE FREUDENTHAL
GOVERNOR

PATRICK T. TYRRELL
STATE ENGINEER

HARRY C. LaBONDE, JR.
DEPUTY STATE ENGINEER

State Engineer's Office

ALLAN CUNNINGHAM
ADJUDICATION OFFICER
STATE BOARD OF CONTROL

115 Park Street, PO BOX 277
COKEVILLE, WY 83114
(307)279-3441
FAX (307)279-3217
jhende@seo.wyo.gov

RANDY TULLIS, SUPERINTENDENT
WATER DIVISION I
CARMINE LoGUIDICE, SUPERINTENDENT
WATER DIVISION II
LOREN SMITH, SUPERINTENDENT
WATER DIVISION III
JADE HENDERSON, SUPERINTENDENT
WATER DIVISION IV

10 December 2010

Ann Garner, Resource Analyst
Farmland Reserve, Inc.
139 E. South Temple, Suite 600
Salt Lake City, UT 84111-1103

Re: water right to 80-acre "Church Farm" near the
center of Section 8, T5N R46E (Boise Meridian)

Dear Ms. Garner:

In response to your inquiry letter of December 01, 2010, we have found in our Wyoming records the following water right record, which includes reference to the above Idaho land that your letter described in detail:

Order Record No. 17, Page 542.

This water right record and its accompanying map also defines the point of diversion from Teton Creek through North Side Canal as located in Wyoming, S74°05'E 7210' from the W ¼-Section Corner of Section 22, T44N R118W (6th Principal Meridian), situated in the SE¼SW¼ of Section 23 in said Township & Range near Alta. The water for irrigating your land is delivered internally through the North Side Pipe Line Company's lateral of that Canal.

The shared water right is slightly different than I had anticipated in Bob Morgan's phone call. It is an Idaho water right, originating from the 1942 Idaho Decree of which you provided me a copy, with a diversion inside Wyoming granted for it and other water rights by the Order of the Wyoming State Board of Control in 1968. This particular water right was referenced for irrigation of 309.5 acres owned between Durtschi, Peacock, and LDS Church's Pratt Ward; though varying slightly for the Peacock property from the 1942 Decree map you provided. Wyoming's recognition of this Idaho right was subject to certain conditions:

- a. That it will be administered by Wyoming water officials under the terms of the interstate Roxana Decree of 1941.

(Roxana not only placed both the originating Pratt Ditch and subsequent North Side Canal under Wyoming's share of Teton Creek – protected from Idaho seniors, but also subjected this post-Roxana right to being "distributed in accordance with the rights of priority, as fixed and determined by the Board of Control, or Court of the State of Wyoming.")

--over--

- b. That its Idaho components need to be recognized under the laws of Idaho as a legitimate water right.

(The note under this shared right's listing in Wyoming's latest (1999) Tabulation of Adjudicated Water Rights includes: "This right has not been fully determined as to what portion is legally verifiable under Idaho's Snake River Basin Adjudication." Yesterday on the website of Idaho Department of Water Resources, I could only find recognized SRBA claims for neighboring lands that could match this water-right description [Durtschi #22-12757 and Peacock #22-13684&5], but together those recommended claims total only 229.3 acres.)

As you can see, being along the state line and under an interstate decree makes this shared water right somewhat complicated; but we reviewed its Wyoming components thoroughly for J. Ray Durtschi a few years ago. If you would like copies of any of these Wyoming records or Roxana Decree mentioned herein, please let us know.

Wisely, all 3 landowners joined with others in the North Side Canal Company to record their point of diversion in Wyoming in 1968, which generated State Board of Control "Order Record No. 17, Page 542;" and Wyoming has therefore honored diversion of water from Teton Creek for these lands. But all 3 owners should also follow-up under Idaho's SRBA, since this involves an underlying Idaho water right.

Let us know if we can be of further assistance.

Best regards,



Jade Henderson
Wyoming Water Superintendent

copy: Jim Wilson, Water Commissioner District 16
Sue Lowry, Interstate Streams Engineer (w/ inquiry letter)

November 10, 2010

Memorandum:

To: Ann Garner

From: Bob Morgan

Subject: ID Pratt Farm – Water Rights Adjudication Issue Idaho/Wyoming Border
Church Property #508-6787
Water Right #22-02028

This is an 80 acre piece of land that is on the Idaho-Wyoming line. The point of diversion for this water right is in Wyoming but the place of use is in Idaho. We will need water rights for both Idaho and Wyoming. Depending on the canal that delivers the water we may already have a water right number for Wyoming. The contact in Wyoming is Jade Henderson. He is located in Cokeville and is a good guy. He will help us with whatever we need.

The process in Idaho is:

1. We need to prepare a Claim
2. We need to complete Form 4 which is; "MOTION TO FILE: LATE NOTICE OF CLAIM OR AMENDED NOTICE OF CLAIM"
3. Once we have the claim prepared we need to get a water right number from Idaho Water Resources. Michael Holiday is the contact in the Idaho Falls Regional Office.
4. All of this is mailed to the court with the appropriate fees. Copies of everything are also mailed to other parties listed in the instructions.
5. The court then decides if they want to hear the claim. If they do we will be notified of the time and place and we then appear and defend our position.

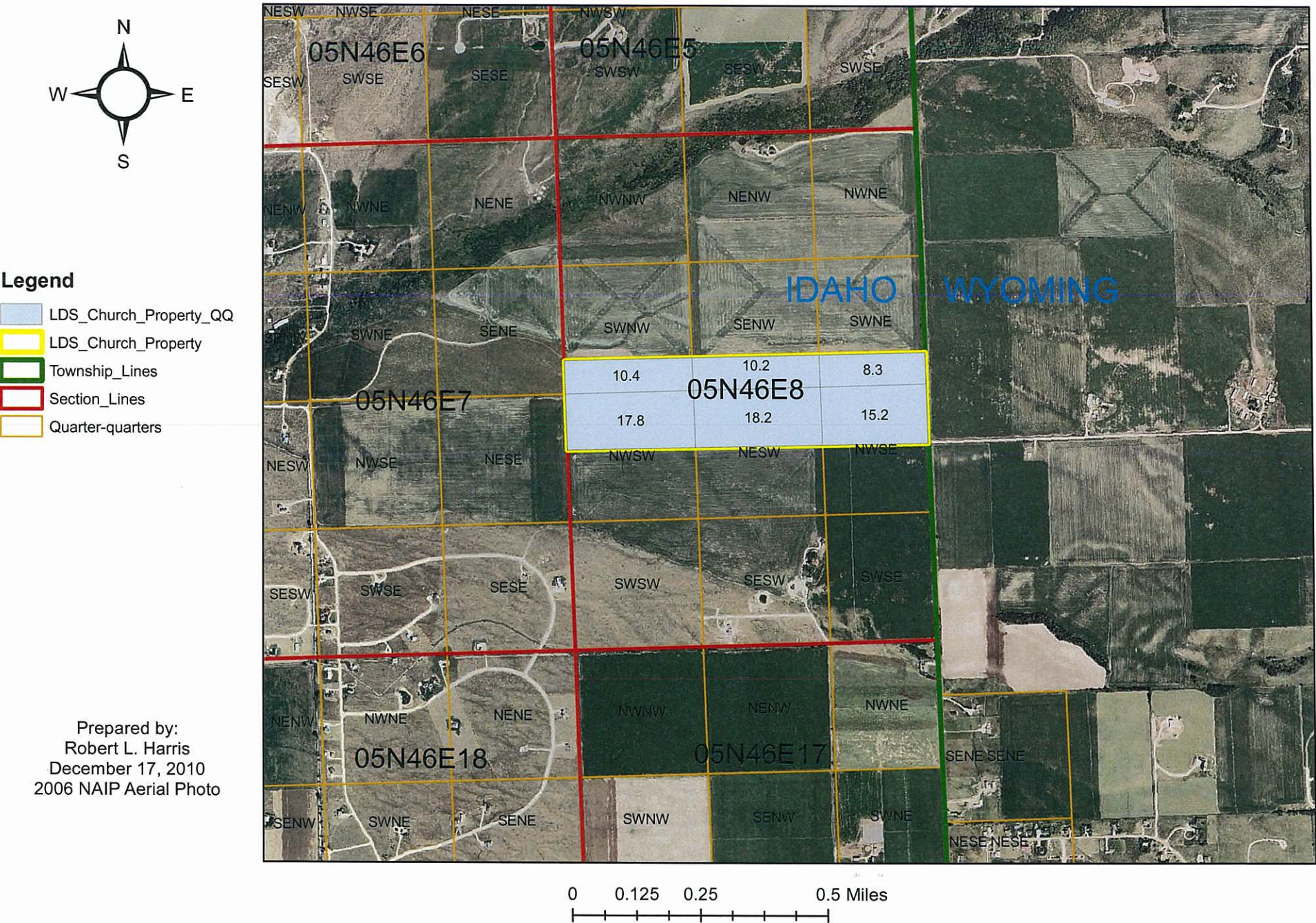
We do not necessarily need an attorney as individuals can go through the process without one. If we have someone experienced it might be to our advantage to have council.

If we divert water from Northside Canal, they have a Wyoming water right so no new application is needed. If we divert from the Grand Teton Canal they have not filed with Wyoming but are somewhat protected by the Roxana Decree, which is an interstate stream and the decree is between Idaho and Wyoming.

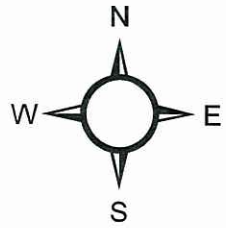
We need:

1. Map of the area
2. Legal description of land and point of diversion.
3. Who is representing us

LDS CHURCH Late Claim, Teton Valley, Idaho



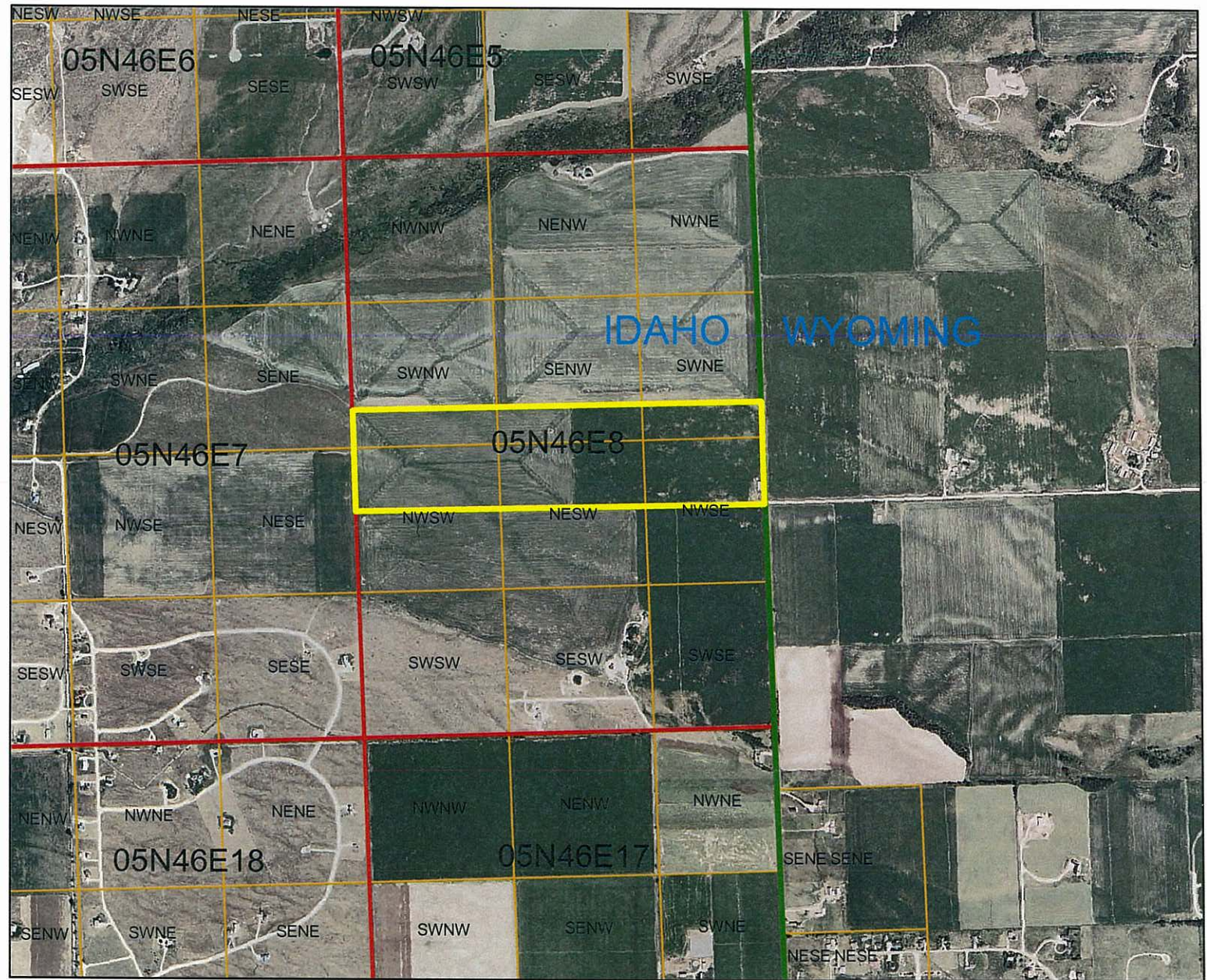
LDS CHURCH Late Claim, Teton Valley, Idaho



Legend

-  LDS_Church_Property
-  Township_Lines
-  Section_Lines
-  Quarter-quarters

Prepared by:
Robert L. Harris
December 17, 2010
2006 NAIP Aerial Photo



A horizontal number line representing distance in miles. The line starts at 0 on the left and ends at 0.5 Miles on the right. There are major tick marks at 0, 0.125, 0.25, and 0.5 Miles. Between each of these major tick marks, there are three smaller tick marks, dividing each 0.125-mile segment into four equal parts of 0.03125 miles each. This results in a total of 16 equal segments between 0 and 0.5 miles.