

09/22/2006

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

RIGHT NUMBER: 22-4114

NAME AND ADDRESS: CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
1.200 AFY

The quantity of water under this right shall not exceed 2,500 gallons per day
for domestic use.

PRIORITY DATE: 06/01/1954

POINT OF DIVERSION:

T06N R39E S34 SWSWSW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.030 CFS 1.20 AFY
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T06N R39E S34 SWSW 0.30

DOMESTIC same as IRRIGATION

0.3 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: BASIS OF CLAIM - Beneficial Use

Domestic use is for the Rexburg 7th Ward meetinghouse.

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 22-4114
Date Received: 8/26/1988
Receipt No: C002353
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS Phone: (801)240-4656
REAL ESTATE DIVISION/NRS
50 E NORTH TEMPLE ST
12 TH FLOOR
SALT LAKE CITY UT USA 84150-6320

2. Date of Priority: 06/01/1954

RECEIVED

3. Source: GROUND WATER Trib. to:

OCT 20 2005

4. Point of Diversion:

Department of Water Resources
Eastern Region

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	39E	34	SW SW SW	MADISON	

5. Description of diverting works:

WELL, 3/4 HP PUMP.

SCANNED

JUN 29 2006

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	1/01	12/31	0.14	
IRRIGATION	4/01	10/31	0.02	1.2

7. Total Quantity Appropriated is:
0.14 C.F.S.

8. Total consumptive use:

PROFILED

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06N	39E	34	SW SW	DOMESTIC	
06N	39E	34	SW SW	IRRIGATION	0.34

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

WATER RT. 22-4114 WAS ERRONEOUSLY ISSUED NO. 22-4107 FOR A SHORT TIME.
PLACE OF USE IS THE REXBURG 7TH WARD.

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am AUTHORIZED AGENT of
Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole. Title
Organization, that I have signed the foregoing
document in the space below as AUTHORIZED AGENT of
Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole. Title
Organization and that the statements contained in the
foregoing document are true and correct. Signature of Authorized Agent GSC

Signature of Authorized Agent

Title and Organization

17 Oct. 2005

Date

State of UTAH)
Idaho)
County of SALT LAKE) SS.

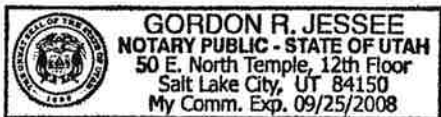
Subscribed and sworn (or affirmed) before me this 17th day of October 2005

Gordon R. Jessee

Notary Public

Residing at SALT LAKE COUNTY, UT

My commission Expires 9/25/08



10/20/2005

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-4114

CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS
REAL ESTATE DIVISION/NRS
50 E NORTH TEMPLE ST
12 TH FLOOR

SALT LAKE CITY UT 84150-6320
Telephone Number: (801)240-4656

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE:

1/18/06

SIGNATURE:

Susan Nash

GSC

Please print your name:

Susan Nash

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED
FEB 06 2006

PROFILED

RECEIVED
JAN 27 2006

Department of Water Resources
Eastern Region

KJ
1127

Water Resources Field Services

1571 N. 1100 E.

Terreton, ID 83450

208-~~663-4667~~ 681-9100

MEMORANDUM

To: Claim File A22-07437
Fr: Bryce Contor *BCC*
Date: 8/28/2004
Re: Field Exam, New Claim

On August 27, 2004 I did a field exam of A22-04114 accompanied by John Jagaelski of the LDS church. It appeared that there was additional water use beyond that claimed in A22-04114 and probably developed more recently than A22-04114. An internet search suggests that there is no claim for license 22-07437, which appears to cover the additional water use I found. Because the internet search has proven unreliable in the past, I called Sharon at the Facilities Management office (356-7180) and suggested that she contact IDWR to see if a claim has been filed, and to file one if it hasn't. This memo summarizes the field exam I did.

Contact Log: Please see paper file A22-04114 for record of contact and contact information.

GPS Data: Site tag number is E0008338, banded to the well casing with the band covering the number. Mr. Jagaelski removed the band so we could see the number. Likely this was placed by the health dept. or DEQ. The GPS waypoint at the POD is waypoint 68, coordinates 2,672,446 E 1,401,892 N IDTM83. The waypoint was taken outside the well house about three feet north of the well.

POD and Source: The source is ground water, POD is at 6N 39E 34 SWSWSW. The POD is shared with A22-04114.

POU: GPS waypoint 69, coordinates 2,672,456 East 1,401,977 North IDTM83 marks the northeast corner of the place of use. The west edge of the place of use is aligned with the well at waypoint 68 described above. This should guide making the GIS polygon. The license is for 3 acres, which looks about right.

Water Use: Irrigation of a recreational field and ball diamond. Rate, volume and season per license.

** Satellite conditions were poor. Looking at GIS I think waypoint is too far to the NE. Bcc 8/28/04*

Photos:



Well



Well house



Place of use, looking southeast towards point of diversion.

10-20-05

Received amended claim which includes irrigation of lawn + flower beds.

For domestic, not recommending quantity claimed.

According to field examiner, weekly attendance at the building is $\approx$ 1200 people and 28 fixtures

28 Fixtures @ 1 gpm/Fixture, max. 20 gpm

$$\text{Dom.} \left\{ \begin{array}{l} \text{cfs: } \frac{28 \text{ gpm}}{448.83} = .062 \text{ cfs} \end{array} \right.$$

$$\text{Vol. : } 1200 \text{ people} \times \frac{5 \text{ gal}}{\text{wk}} \times \frac{52 \text{ wk}}{\text{yr.}} \times \frac{1 \text{ ac.}}{325,850} = 0.96 \text{ afa}$$

Irrigation — recommend at 0.02 cfs/ac. and 3.5 AFA ~~for~~
for 0.34 ac.

KM



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 11, 2005

Dee C Hansen, PE
Natural Resource Services
Physical Facilities Department
50 E North Temple St Rm1205
Salt Lake City, UT 84150-6320

RE: Water Right Claim 22-4114

Dear Mr. Hansen,

Thank you for submitting the evidence of priority requested. We find it sufficient to support the claimed priority date.

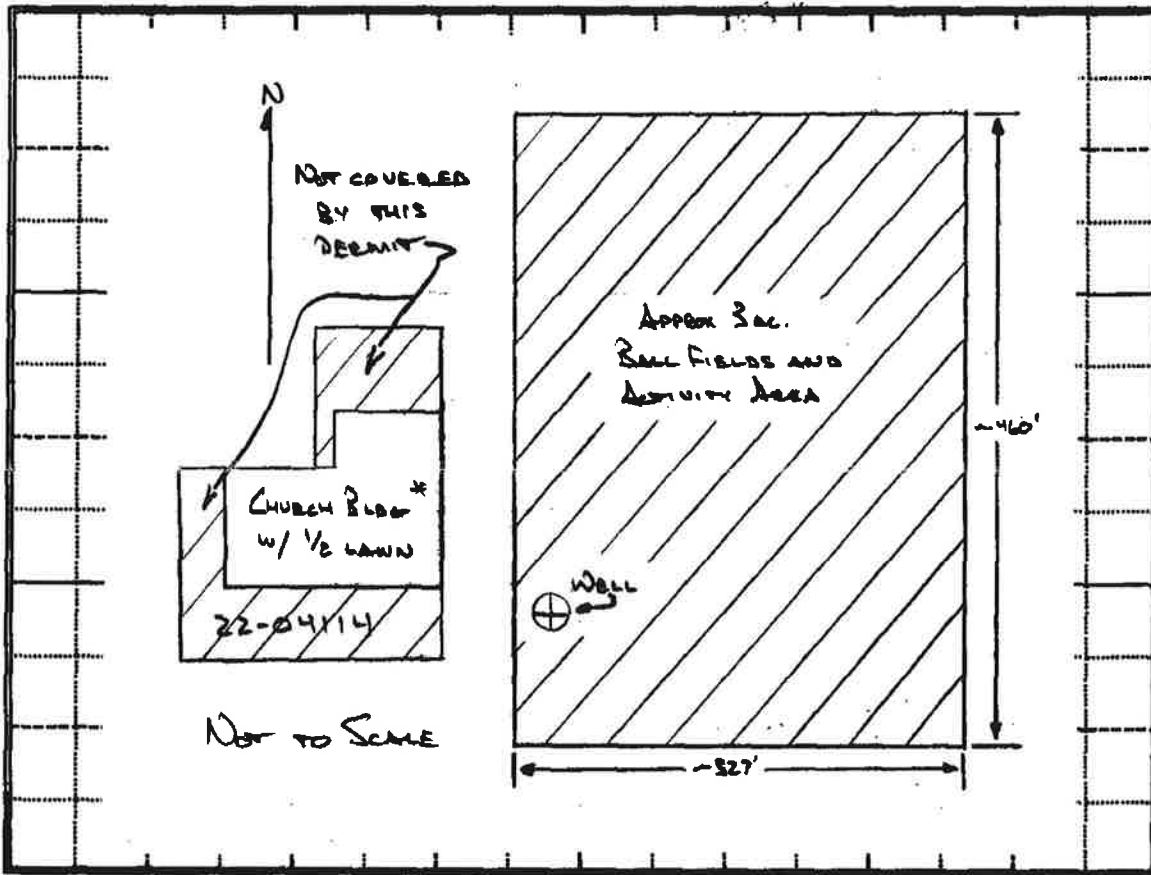
Upon inspection of this claim, I have found that there is 0.34 irrigated acres immediately surrounding the Burton Ward Meetinghouse. Currently, there is no claim on this property for irrigation. The water right claim 22-4114 is for domestic purposes only and adequately covers the use of water within the building. There is another water right, 22-7437 licensed in 1995, which covers the 3 acres of recreational field adjacent to the church. Enclosed is a map from beneficial use field report showing the church building and the area covered by the license. You can see that this license does not cover the lawn in question. I suggest that if you would prefer a water right to irrigate the lawn surrounding the church building, that you amend the claim 22-4114 to include irrigation of 0.34 acres. Enclosed is a copy of an amended claim. Please sign it before a notary public and return it to this office. Because this is such a small amount of acreage, a fee is not necessary. If you do not desire to add irrigation, please return a letter requesting that the claim remain as it is.

I appreciate your time and effort. If you have any questions, please feel free to call me at (208) 525-7161.

Respectfully yours,

Kristin Moore
GIS Specialist

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate well size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

* CHURCH BUILDING NOT INCLUDED UNDER THIS PERMIT

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
UNKNOWN	_____	3*			

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: * AS PER ABOVE CONVERSATIONS WITH DONALD DOW & DEXBURG LDS PM GROUP, EST. 3 HP. FROM WELL LOG, H₂O at 10 FEET

ED

FEB 18 1994

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
APR 08 2005
Department of Water Resources
Eastern Region

April 6, 2005

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 22-04114

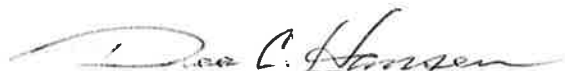
Dear Mr. Ruberry,

Please find enclosed affidavit signed by Grant L Jensen a long time resident of Rexburg, his knowledge goes back to 1929 and covers the use at the Rexburg 7th Ward and also the Burton Ward Meetinghouse.

I thought that I had already sent this to you however there was some question about the Rexburg 7th Ward being in the same building. I have confirmed that they are in the same building with the Burton Wards.

If you have any questions please feel free to contact me at your convenience, and thank you for your patience.

Sincerely,


Dee C. Hansen, PE
Natural Resource Services

PROFILE

SCANNED
APR 15 2005

22-04114

AFFIDAVIT OF WATER WELL EXISTANCE AND USE

I, the undersigned, duly subscribed and sworn, do depose and say as follows:

I have personal knowledge of one or more water wells existing and in use at 3958 W
2000 S Rexburg Idaho 83440 commonly known as the Burton Idaho LDS meetinghouse,
beginning July 1929 and continuing on to the present.

Grant L. Jensen

Subscribed and sworn to before me this 10 day of January, 20 05.

Debra Beattie



Notary Public for the State of Idaho
Residing at: Rexburg, Idaho
My Commission Expires: 7-5-2009

PROFILED

SCANNED

APR 15 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 10, 2005

LDS CHURCH
REAL ESTATE DIVISION
TWELFTH FLOOR
50 E N TEMPLE ST
SALT LAKE CITY UT 84150

FINAL NOTICE

PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-04114

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. 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 JUNE 1, 1954, from a WELL.

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**

A22-04114 field exam cleanup 8/27/04 BAC

GPS data: Site tag E0008338, banded to well casing. Note on pump panel state "10 hp 64' to pump 3" pipe"

Phonny Data: None in file. Sharon at Facilities Management Group 356-7180 says local leaders are working on getting evidence. It was evidence rec'd contact Sharon.

POD Source: Legal location of well GN 39E 34 SWSW. GPS waypoint 68 2672446E 1401892N IDTM83. Well is in a brick well house on the east of the lake.

Pool: Church lawn and ball diamond are in ^{recreational field} from well. NE corner of ball diamond is at GPS waypoint 69, 2672546E 1401977N IDTM83. Per John Dagealski, Church paper has 37,854±2 of lawns & flower beds x 0.86 acre.

Internet search reveals LDS Church has license 22-7437 (1983) for in of 3 acres. I didn't find an AT claim. I believe the lawns / beds apply to A22-04114 & the ball diamond applies to 22-7437.

A22-04114 8/27/04 p 2

Water use

Rate: 28 firthur x 1 gpm (Field Examiners)
 hand book Exhibit 14) = 28 gpm = 0.063 g/s dom.
 $0.86 \text{ ac} \times 0.03 = 0.026 \text{ g/s 1 ac in}$
 $3 \text{ ac} \times 0.03 = 0.09 \text{ g/s ball diamond in.}$

Volume 1,200 people/sunday x 15 gal (Field Examiners)
 hand book, day school, per pupil) = 18,000 gal/day
 $18,000 \text{ gal} \times 52 \text{ weeks} = 940,000 \text{ gallons} = 2.8 \text{ a/c dom.}$
 $0.86 \text{ ac} \times 3.5 \text{ a/c} \times 3.0 \text{ a/c irrigation}$
 $3 \text{ ac} \times 3.5 \text{ a/c} = 10.5 \text{ a/c ball diamond in.}$



Well house

Chase

A22-04114



well

Bas
8/28/04

A22-4114 Contact by p 2

8/27/04 356-7180. Sharon will call
Dore + double-check whether on AT
claim has been filed on 22-7437, and
request a claim form if not. Bae

In tent search: 72-7437
 m. piece 3 bags 0.06 lbs
 no accompanying AS claim.

A22-4114 Contact log

8/24/04 See note in A22-11264. Made call/cx 317-2130 is in charge of this building

Call on cell phone at 2 pm Friday the 8/27/04 for Mr. Robert @ Lyman, this is call for by 317 2119 - John Agastasi call for this building

8/27/04 8:05 317-2119 Mr. Agastasi will meet me about 2:30 w/ sprinkler system pump.

8/27/04 Site tag #0008338

Well panel marked "10 hp 64' to pump 3" pipe" 645 68 2672446 E 1401892 N IDTN 83

Gas - ~~flow log~~ 36,325 ft² Beds 1559
 Total 37,824 ft²

2 kitchen
 8 toilet
 3 urinals
 8 lavatories
 2 floor sink
 5 foundations
 3 urinals x ~ 350-400
 3 hrs/sunday

Per Chuck Matthews Research, Church West in ~ 1951. Ross Summers, Ross Hinkley, Grant

Between our local who would know about history of development.

Waypoint 69 is NE corner of ball diamond. 2672546 E 1401922 N

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

RECEIVED

AUG 25 1988

Ident. Number: A22-04114
Date Received: 7/29/1988 8-25
Receipt No: C002353
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: CHURCH OF JESUS CHRIST LATTER DAY SAINTS 801-531-2929
Address: REAL ESTATE DIVISION
TWELFTH FLOOR
50 EAST NORTH TEMPLE STREET
SALT LAKE CITY, UT 84150

A2204114

2. Date of Priority: JUN 01, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	39E	34	SW	SW	SW		MADISON

5. Description of diverting works:
WELL, 3/4 HP PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.140		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC/ CHURCH WITH UP TO 500 PEOPLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	39E	34	SW	SW		DOMEST	

A22-04114

Page 1

Date: 07/29/88

MICROFILMED

OCT 29 1992

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
NONE

14. Remarks:
WATER RT. 22-4114 WAS ERRONEOUSLY ISSUED NO. 22-4107 FOR A SHORT
TIME.
PLACE OF USE IS THE REXBURG 7TH WARD.

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
Corporation of the Presiding Bishop of the Church of
Jesus Christ of Latter-day Saints, a Utah Corporation sole Title

Organization, that I have signed the foregoing
document in the space below as AUTHORIZED AGENT of

Corporation of the Presiding Bishop of the Church of
Jesus Christ of Latter-day Saints, a Utah Corporation sole Title

Organization and that the statements contained in the
foregoing document are true and correct. x

J. A. Baker *JK*
Signature of Authorized Agent
Corporation of the Presiding Bishop of the Church of
Jesus Christ of Latter-day Saints, a Utah Corporation sole

Title and Organization

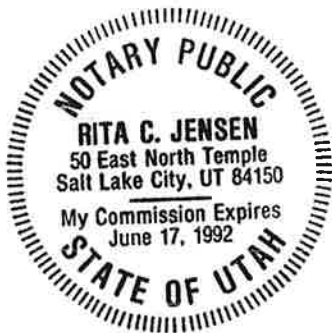
15 August 1988
Date

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

Subscribed and sworn (or affirmed) before me this 15 day
of August 19 88

Rita C. Jensen
Notary Public

Seal



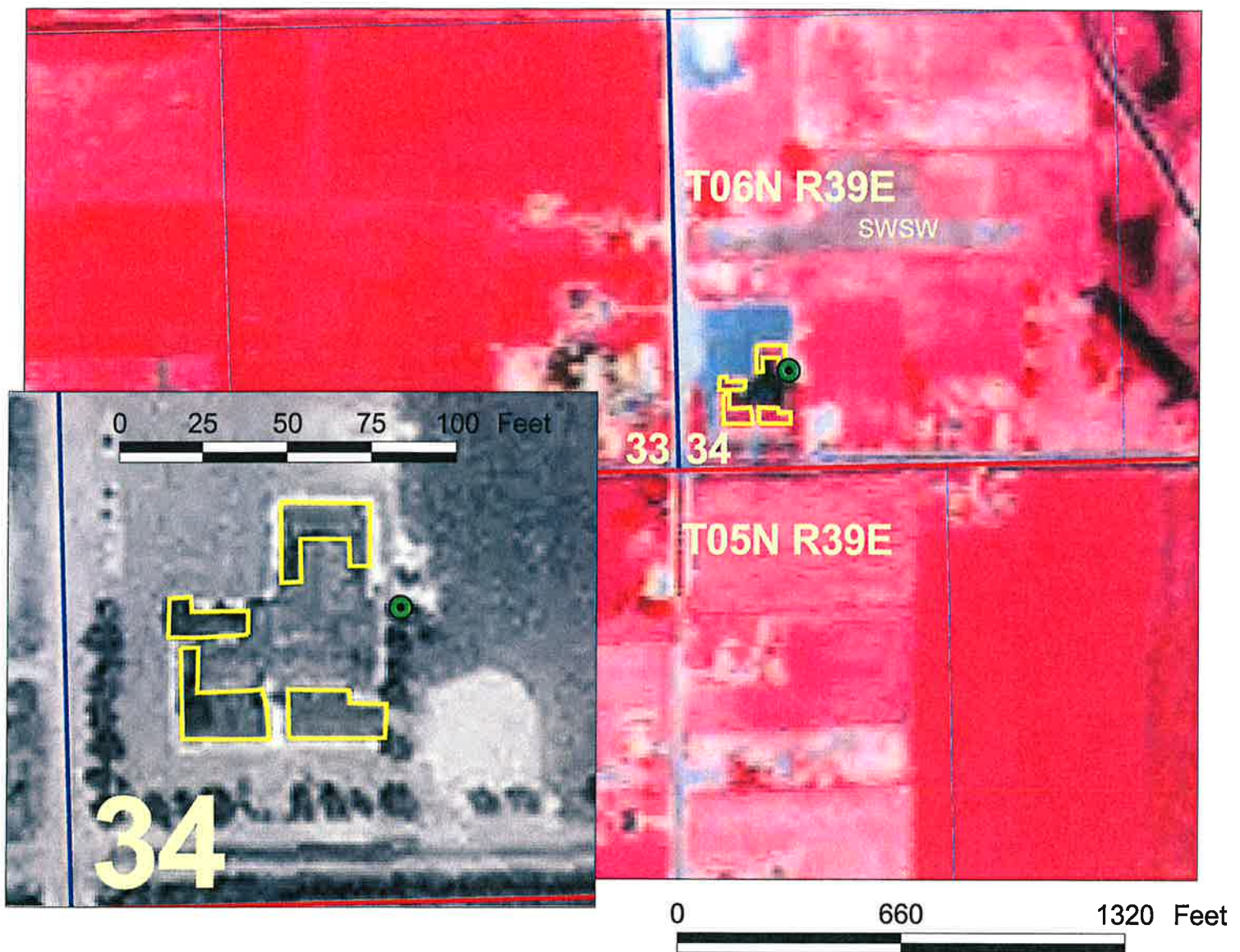
Residing at Salt Lake City
My Commission Expires 6/17 1992

Department of Water Resources

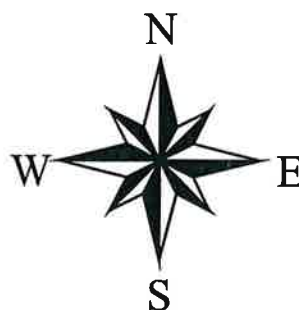
Eastern Region



Claim No.: 22-4114



- Point of Diversion
- 22-4114 Irrigation POU
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography and
1992/93 Orthophoto
Prepared by: Kristin Moore
Date Prepared: October 2005

02/02/2006

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

RIGHT NUMBER: 22-4114
NAME AND ADDRESS: CORP PRES BISHOP LDS CHURCH
REAL ESTATE DIVISION/NRS
50 E NORTH TEMPLE ST
12 TH FLOOR
SALT LAKE CITY UT 84150-6320

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.062 CFS
1.200 AFY

PRIORITY DATE: 06/01/1954

POINT OF DIVERSION:

T06N R39E S34 SWSWSW Within MADISON 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 1.20 AFY
DOMESTIC	01/01 12/31	0.062 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T06N R39E S34 SWSW 0.34

DOMESTIC same as IRRIGATION

0.34 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: BASIS OF CLAIM - Beneficial Use

Domestic use is for the Rexburg 7th Ward meetinghouse.