

02/02/2006

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

RIGHT NUMBER: 22-11264
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: 0.110 CFS
3.50 AFY

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 07/01/1890

POINT OF DIVERSION:
T05N R39E S24 SESESW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.110 CFS
IRRIGATION	04/01 10/31	0.030 CFS 3.50 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R39E S24 SESW 1.00

DOMESTIC Within MADISON County

T05N R39E S24 SESW

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.

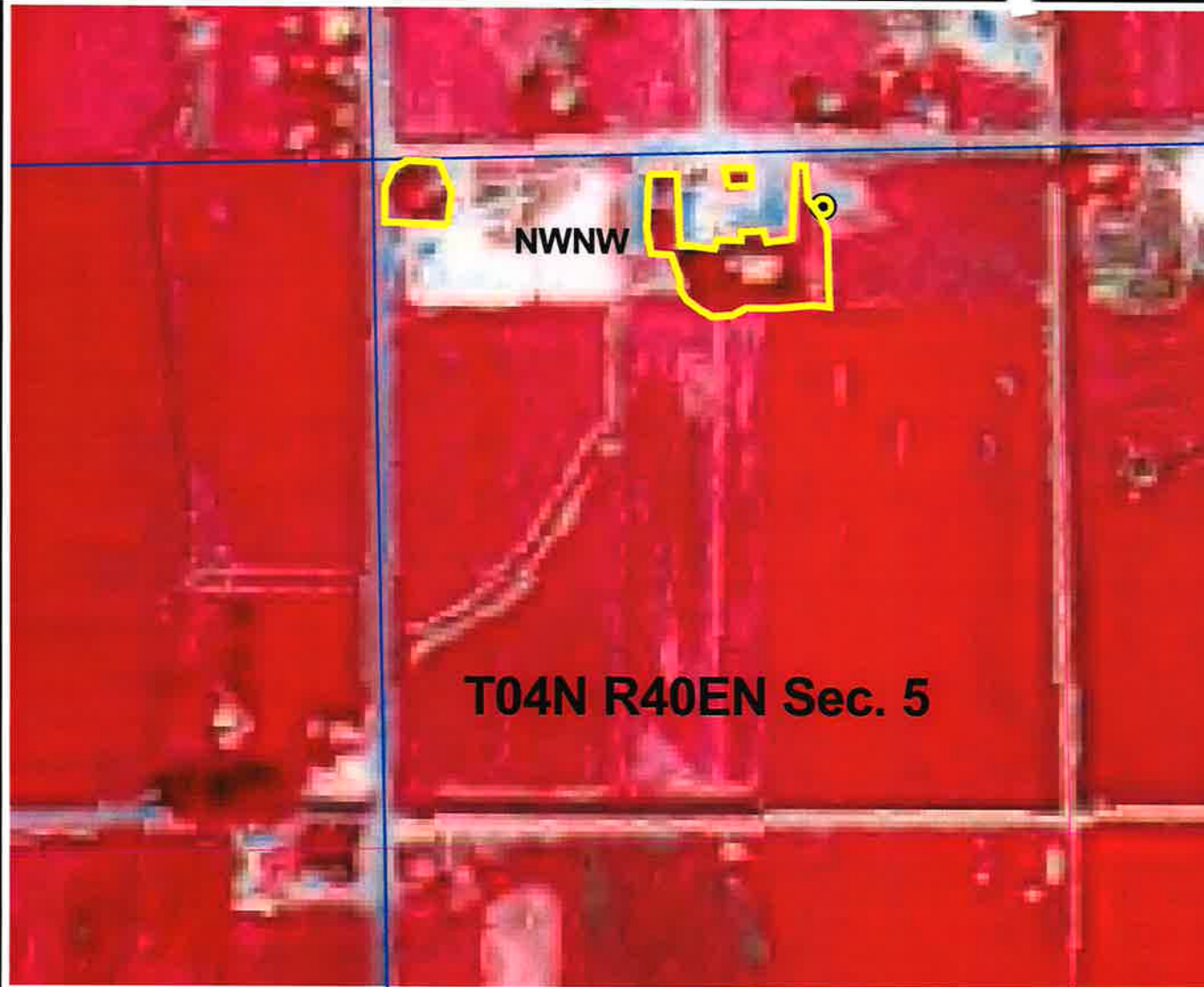
The quantity of water decreed for this water right is not a determination
of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho

Department of Water Resources
Eastern Region



Water Right(s):
22-11270

Point(s) of Diversion:
T04N R40E
Sec. 5 NENWNW

Place of Use (parts of):
T04N R40E
Sec. 5 NWNW

LEGEND

- ⊙ Point of Diversion
- Place of Use
- Section
- Quarter-Quarter



300 0 300 600 900 1200 1500 1800 2100 Feet

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: S. Porter
Date: April 2005

09/02/2005

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: 22-11264

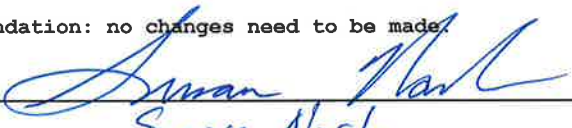
CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS
REAL ESTATE DIVISION/NRS
50 E NORTH TEMPLE ST
12 TH FLOOR

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: 1/20/06 SIGNATURE:  GSC
Please print your name: Susan Nash

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

RECEIVED

JAN 27 2006

Department of Water Resources
Eastern Region

27

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

RECEIVED

JAN 18 2005

Department of Water Resources
Eastern Region

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

January 11, 2005

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

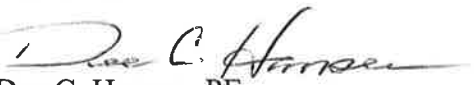
RE: Evidence of Priority for SRBA Water Right Claim 22-7437, 22-11264, 22-11269

Dear Mr. Ruberry,

Please find enclosed affidavits signed by Grant L. Jensen for 22-7437, Leo M. Smith for 22-11264, and Olive G. Smith for 22-11269, in connection with the SRBA verifying the priority date.

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

Sincerely,


Dee C. Hansen, PE
Natural Resource Services

Prayer for

17 July 2004

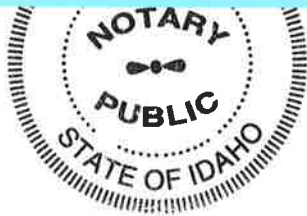
During the years of 1950 & 1951 the Church Of Jesus Christ of Latter-Day Saints built a new Chapel across the street from the Old Edmunds High School, where the new Chapel now stands. During construction of the building a new culinary well was drilled to take care of the water supply of the building. It served from 1951 until the construction of a new building during 2003 at the same site. The old well pumped so much sand that a new well had to be drilled.

I served as Bishop of the Plano Ward from November 1951 until November of 1961, so I'm familiar with the old well.

Plano Ward
- Town 3E
7N 39E Sec 32
SW NW

Merle C. Parkinson

Merle C. Parkinson



Witnessed Merle C Parkinson
Signature 7-19-04
Charles Ricks

PN 507-4657

WR# 21-11264

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 1952W
6000 S Rexburg Idaho 83440 commonly known as the Lynnan Idaho LDS meetinghouse,
beginning Spring of 1940 and continuing on to the present.

Leo M. Smith

Subscribed and sworn to before me this 6 day of January, 2005.

Marsha Smith



Notary Public for the State of Idaho
Residing at:
My Commission Expires:

WATER RIGHT 22-11264

Claim no. A2211264

Claimant Contact Log

Date	Remarks	Agent initials
2/19/04	PRIORITY EVIDENCE REQUEST SENT	
3/16/04	RECEIVED PRIORITY EVIDENCE	
8/24/04	356-7180 Roxbury LDS AM Group 8:05	
	Mike Robery - Lyman 317-2118	
	Wade Wilcox + Hibbard 317-2130	
	{ Roxbury }	
	John Jagielsky Stake Center 317-2119	
	Sharon - office assistant - believes EOP has been sent.	
7:30 AM	@ Lyman Church Mike Robery 8/27/04	Bac
	Full Diamond for Canal, lawns around church	
	from well.	
	4 restrooms, 7 toilets, 2 urinals, 4 sinks, 4 drinking	
	fountains, 2 kitchen sinks, 2 custodial sinks	
	3 wards, 300 / ward attendance ~ 900 people / week	
		X 3 hrs
	Mr Robery will send maps of	Bac 8/27/04
	area of lawns & shower beds.	

Contacts Data Entry Form

Water Right No. 12211264

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>Church of Jesus Christ Latter Day Saints</u>					
Name connector: and	_____, or	_____, and/or	_____			
Current Owner	_____					
Current Owner	_____					

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

B.U. Claim

_____4/19/04 Priority Evidence Request mailings.

_____Domestic - Church House Targeted Power

Paid \$51⁰⁰ by RECEIPT BPP 2527. Also see 22-11269 and
22-11270 Enc = 4ac @ \$1⁰⁰/ac + \$50⁰⁰/Irish claim = \$154⁰⁰
What is this other \$30⁰⁰ for?

Recommend AS CLAIMOR w/ Priority Evidence. No measures < 0.20 cfs
FE pop/pop Conveyance/Systems

Reviewer: _____

Date: _____

Water Right No(s). A 2211264



GPS DATA:

Tag # E0007971 Location: electrical conduit on well casing
8/27/04 bac

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

Priority Date Data Entry Form

Claim Number: A2211264

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1 July 1890 Claimed Basis: B.U.Recommended Priority Date: _____ Recommended Basis: B.U.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

B.U. ClaimSee Clinton Galbraith affidavit - summer 1930 4Bac 8/27/04

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: A2211264

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T SN, R 39E, Sec. 24, SE, SE, SW. County: MadisonSource: Ground Water Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? GPS Tag # E0007971

Document how the POD and Source were verified and/or Pump and Motor data:

Waypoint 59 267 5833 E 139 5885 N IDTM83
well on east side of building
Bac 8/27/04

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: A2211264☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
5N	39E	24	SE	SW	MADISON			DOMESTIC
6E	N	N	SE	SW	IL		1	IRRIGATION

Total Acres 1

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

See notes on contact page. 300 people per ward x 3 wards = 900 people/week x 3 hrs. Per Table 3 of field exam. hand book, schools 15 gal/day/pupil
 $900 \times 15 = 13,500$ gal/week $\approx 700,000$ gal/yr
 ≈ 2 acrefoot/yr for domestic, plus irr. based on acreage. Bac 8/27/04

POU

→ See map/list of lawns and flower beds that Mr. Robeny agreed to send. Bac 8/27/04

Mr. Robeny sent msg that lawns/flower beds = 30,477 ft² Bac

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

 Claim Number: A2211264
☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Domestic	1/1	12/31	.11	
Irrigation	4/1	11/1	.03	

 Overall Diversion Rate .14 Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

IDWR STD SOU 1/1 - 12/31 Domestic
4/1 - 10/31 Irrigation
See notes accidentally put on ROW page BAC 8/27/04
Volume 2 afa + irrigation requirement.
Diversion rate from ~~table~~ Exhibit 14 Field Examiners Handbook,
21 fixtures x 1 GPM = 21 gpm ≈ 0.05 cfs + irrigation BAC 8/27/04

Reviewer: _____

Date: _____

Log for claim 22-11264

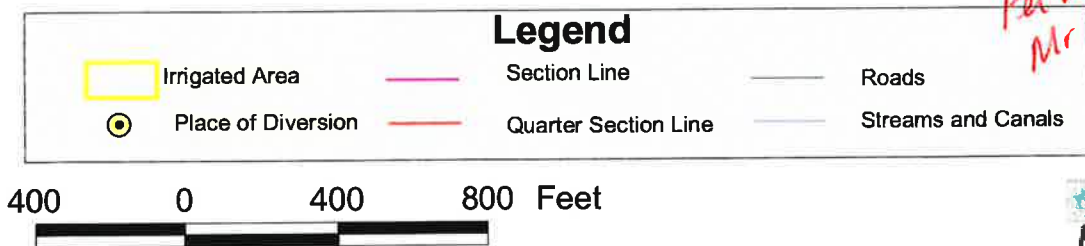
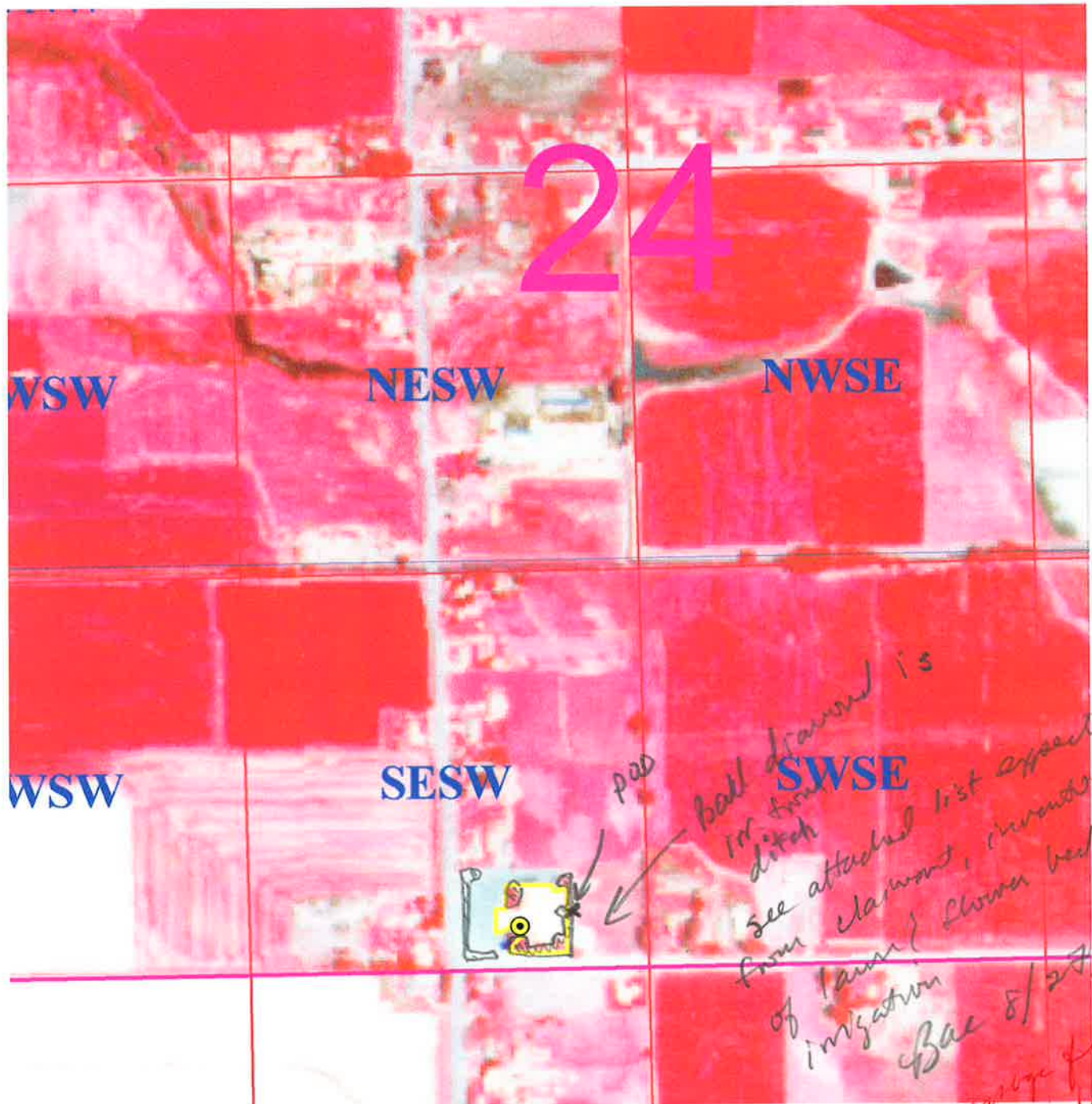
Spatial Dynamics BTD

7/16/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n39e	24	SESW	1	1	
Totals:			1	1	

Water Right Claim Number 22-11264
 Township , 5N39E

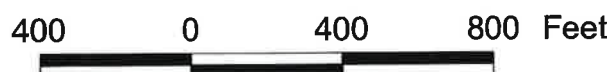
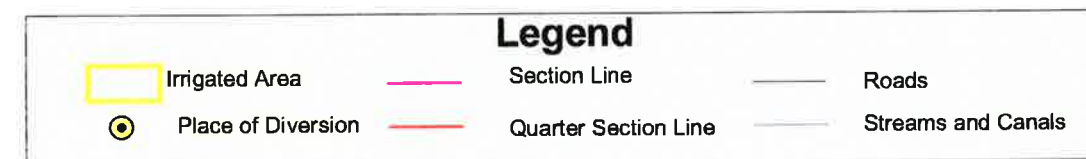
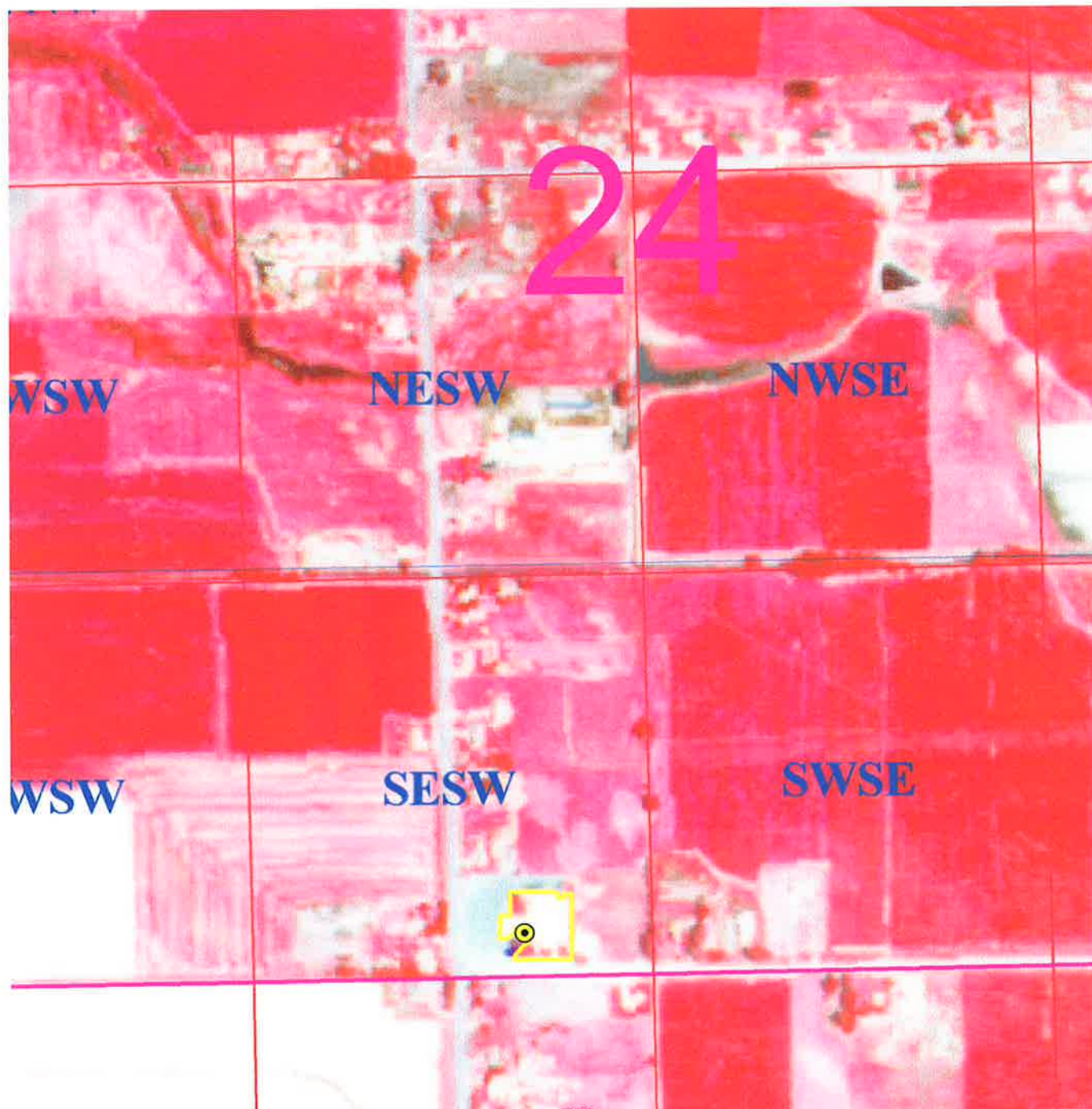
07/16/2001



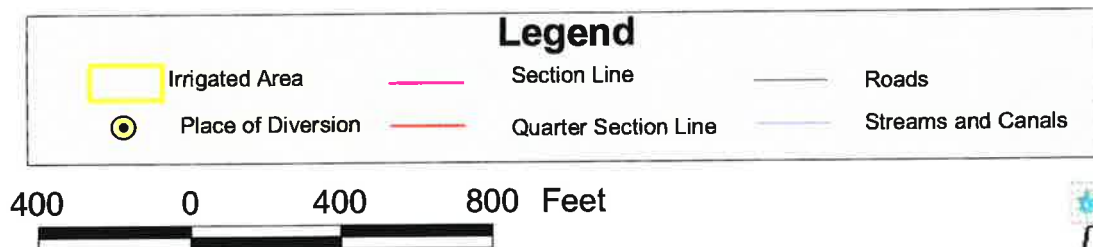
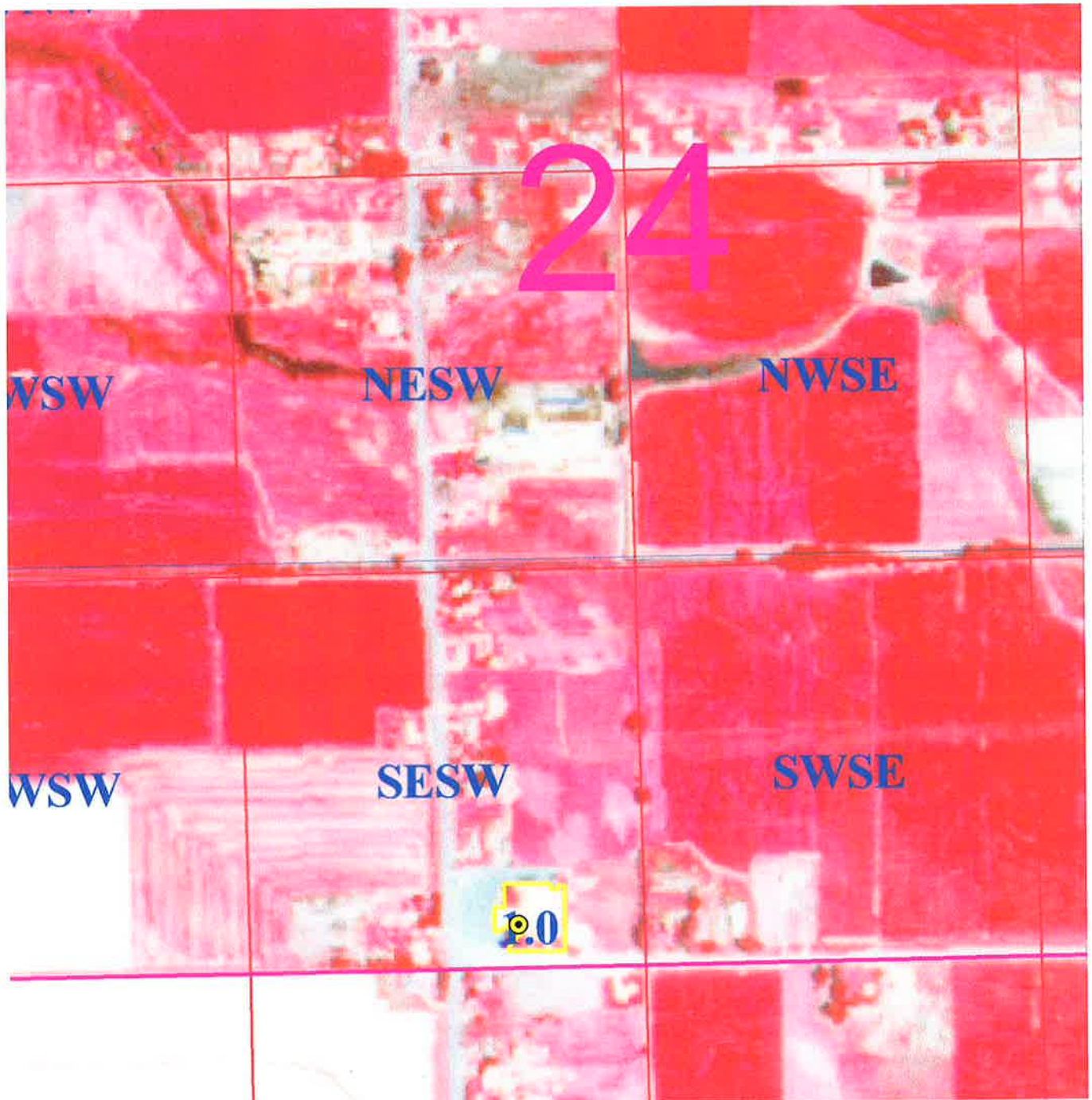
Ball drawn is 100 ft from ditch
see attached list expected from claimant, surrounding of claim? flower bed irrigation
Bac 8/27/04
Per message fr. Mr. Robey (claim flower bed)
30479 ft²

Water Right Claim Number 22-11264
Township , 5N39E

07/16/2001



SPATIAL
DYNAMICS



FROM : Rexburg-ID-FMG

FAX : 3586922

Mar. 16 2004 09:25F

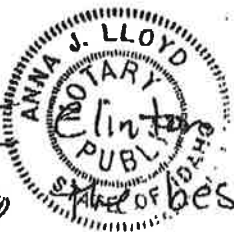
Water Right Claim # 22-11264

State of Idaho)

County of Madison)

On this 12th day of March, 2004, before me, the undersigned, a Notary Public for Idaho, personally appeared CLINTON G. GALBRAITH known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Anna Lloyd
Notary Public For IdahoResiding at RexburgCommission Expires on 5/30/2008

I, Clinton G. Galbraith do hereby swear to the best of my knowledge that the property located at USN 39E Sec 24 1/4 SE 1/4 SE 1/4 SW 1/4 SW on which the Lyman Church house site first used culinary water the summer of 1930; using an electric pump. There was a hand pump used prior to this.

My father John Herbert Galbraith was the one who drove the wells.

Clinton G. Galbraith

February 19, 2004

MAILED
19 Feb 04
RECEIVED EVIDENCE
16 March 04

REAL ESTATE DIVISION
TWELFTH FLOOR
50 EAST NORTH TEMPLE ST
SALT LAKE CITY UT 84150

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIMS 22-11264, 22-11269 AND 22-11270

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan 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 July 1, 1890; July 1, 1890, July 1, 1950, respectively, from wells.

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 required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

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

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

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

Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

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: 3957

Ident. Number: A22-11264
Date Received: 8/24/1988
Receipt No: E002527
Received By: _____

A2211264

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUL 01, 1890

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

RECEIVED
AUG 26 1988
Department of Water Resources
Eastern District Office

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	39E	24	SE	SE	SW		MADISON

5. Description of diverting works:
WELL, SUBMERSIBLE PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.110		
IRRIGATION	04/01	11/01	0.030		

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/ 1 CHURCH BUILDING.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	24	SE	SW		DOMEST	
			SE	SW		IRR	1.0
						Section Acres	1.0
						Total Acres	1.0

11. Place of use in counties: MADISON

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

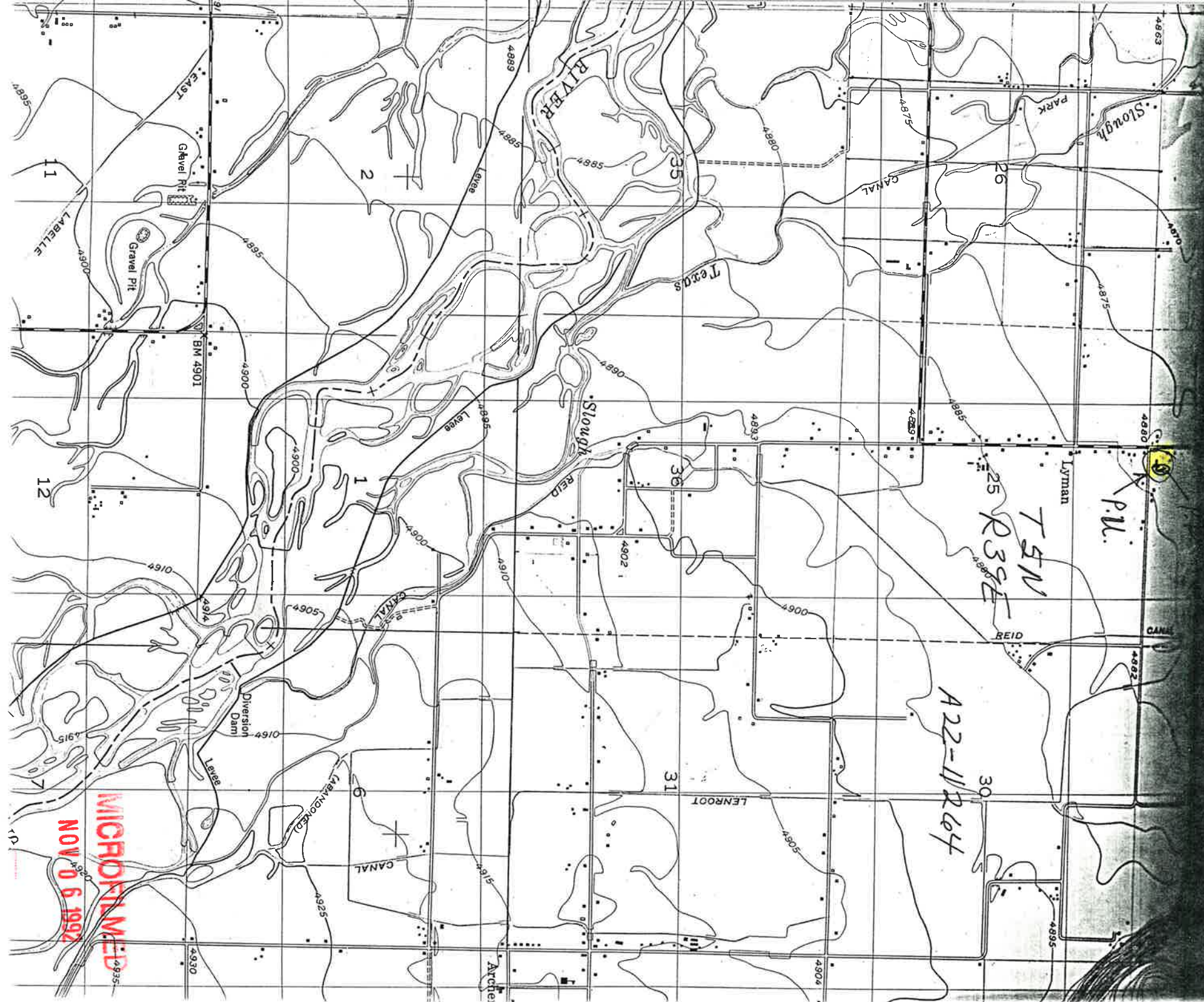
13. Other Water Rights Used:
NONE

14. Remarks:
PLACE OF USE IS LYMAN FIRST AND SECOND WARDS.

15. Basis of Claim: BENEFICIAL USE

(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.

MICROFILMED
NOV 06 1992



P.U.

T5N
R39E

A22-11264

30

31

36

26

25

2

1

11

12

MICROFILMED

NOV 06 1992