

02/02/2006

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

RIGHT NUMBER: 22-11270
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: 0.040 CFS
3.50 AFY

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

PRIORITY DATE: 07/01/1950

POINT OF DIVERSION:
T04N R40E S5 NENWNW Lot 4 Within MADISON County
T04N R40E S5 NENWNW Lot 4 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	0.040 CFS
IRRIGATION	04/01 11/01	0.030 CFS 3.50 AFY

PLACE OF USE: IRRIGATION Within MADISON County
T04N R40E S05 Lot 4 NWNW 1.00
DOMESTIC same as IRRIGATION

1 ACRES TOTAL

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

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Department of Water Resources

Eastern Region



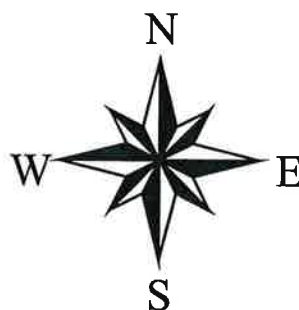
Claim No.: 22-11270



0 660 1320 Feet

A horizontal scale bar with three segments, corresponding to the distances 0, 660, and 1320 feet.

- Point of Diversion
- 22-11270.shp
- Township/Range
- Sections
- QQ



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

10/11/2005

**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: 22-11270

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

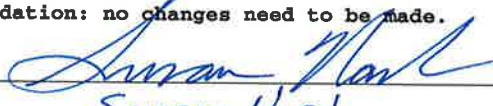
1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

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: 12/22/2005

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

11/27

05/10/2005

**NOTICE OF ERROR
REPLY**

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

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Water right number: 22-11270

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

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

DATE:

6/9/05

SIGNATURE:

Susan Nash

GSC

Please print your name:

Susan Nash

IDWR Regional Office,

RECEIVED

JUN 17 2005

Department of Water Resources
Eastern Region

KMJ
6/20

PN 520-1306

SCANNED

JUN 21 2005

PROFILED

A22-11269, A22-11270 19 May 2005

There are two wells and two claims for the Archer-Sunnydell LDS church. Per physical facilities rep. Mike Rowberry, both wells are tied to the same system. Primary use is inside the church but some lawn & shrub beds around the church are watered from the wells. The Ball diamond is watered from a ditch on the east side of the property.

Evidence of priority in both files does not explicitly address lawn/shrubby irrigation. Mr. Rowberry will send square footage of lawn & beds but visually it looks like $< 1/2$ acre.
Bac

10-11-05

Recommend as Dom. + Irr. - includes right 22-11269.

Diversion rate: 13 fixtures @ 1 gpm/fixture, minimum of 20 gpm

$$\text{recommend } \frac{20 \text{ gpm}}{418 \text{ gpm}} = \boxed{0.04 \text{ cfs}} \text{ domestic}$$

conversion factor

$$0.03 \text{ cfs/acre for irrig.} = \boxed{0.03 \text{ cfs}}$$

currently 2 wards x 350 avg. attendance weekly $\approx$ 700 people weekly

however, we must recommend based on attendance in 1987.

Estimating, we will say attendance was half of current based on growth rate of church - 350 people/week @ 5 gal/week/person

$$350 \text{ people} \times \frac{5 \text{ gal}}{\text{week-person}} \times \frac{52 \text{ weeks}}{1 \text{ yr.}} = 91,000 \text{ gal/yr.}$$

$$\frac{91,000 \text{ gal}}{\text{yr.}} \times \frac{1 \text{ acre-foot}}{325,850 \text{ gal.}} = \boxed{0.28 \text{ afa}}$$

Claim no. A2211270

Claimant Contact Log

Date	Remarks	Agent initials
3/16/04	Received Property Evidence	WLO
5 Jan 05	317-2118 Mike Rowberry	7:15 Friday
6 Jan 05	Rowberry called, please try next week	BAC
18 May 05	317-2118 Mike Rowberry	11:30 Thursday @ C Level, BAC

Contacts Data Entry Form

Water Right No. A2211270

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>Church of Jesus Christ</u>	<u>L. D. S</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

_____2/19/04 Priority Evidence request sent

_____Domestic + Irrigation

_____Recommend as claimed w/ Priority Evidence. No
measures rec'd < 0.20 cfs

_____N10
N12FE pod/pou conveyance/system

Reviewer: _____

Date: _____

Water Right No(s). A2211270



GPS DATA:

new well has 2 tags: E0008339 on casing, E0007972 on
Tag # _____ Location: _____ electrical conduit.

old well has 1 tag: A0013630 on well casing

Diversion Data:

Source: _____ Trib to: _____

New well: 3 hp, Franklin model 2341062003
MOTOR Old well: 1 hp, Jacuzzi model 54C-52/A serial 3C7051601
Make: _____ Model: _____ Hp: _____

SN: _____

PUMP Submersible (both)

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

New well is stepped off at 16 feet NE
of old well. Poor quality GPS readings
near building. POB marked on layout
looks about right. Bac 19 May 05

Field Exam Date: _____ Agent: _____

Priority Date Data Entry Form

Claim Number: A2211270

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1 July 1950 Claimed Basis: B.4Recommended Priority Date: _____ Recommended Basis: B.4☐ 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.4 ClaimAffidavit in A22-11270 confirms 1 July 1950. Affidavit
in A22-11269 confirms early 1950's. BAC 19 May 05

Reviewer: _____

Date: _____

Claim Number: A2211270

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

Source: _____ Tributary: _____

Claimed Point of Diversion: T 4N, R 40E, Sec. 5, NE, NW, NW. County: Madison

Source: Ground Water Tributary: _____

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

Source: _____ Tributary: _____

Use Claimed POD and Source as Recommended POD and Source

[illegible]

Other rights from this POD? C.P.S. Tag #

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

POD @ new well = Waypoint 8, 2678623E 1392612N IOTM83
POD @ old well = Waypoint 12, 2678632E 1392610N IOTM83
note poor satellite conditions. New well is stepped off
at 16 feet NE of old well. New well GPS is
probably most reliable. Bac 11 May 05.

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: A2211220☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
4N	40E	5	NW	NW	MADISON			Domestic.
"	"	"	NW	NW	"		2	Irrigation

Total Acres 2

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

Please see layout sketch. Waypoint 6 marks NE corner of area watered from well, 2678663 E, 1392652 N IDTM83. Waypoint 7 marks SE corner of area watered from well, 2678671 E 1392562 N IDTM83. Waypoint 9 marks SE corner of area watered by well, 2678570 E 1392566 N IDTM83. GPS accuracies were in the 10-20 meter range this morning so these are only rough guidelines, see photo. Church building, pavilion and parking take up most of the area.

Transfers Changing POU _____

BAC 19 May 05

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: A0211270

☐ 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	.08	
Irrigation	4/1	11/1	.06	

Overall Diversion Rate .140 cfs 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:

Per Mike Rowberry, 13 fixtures in building.
 Per field examiners handbook Exhibit 14,
 Schools & churches 1 gpm/fixture, minimum 20 GPM
 = 0.045 cfs. Add in @ 0.03 cfs/acre for lawn from
 GIS or Rowberry letter expected soon.
 Volume: 2 wards x average attendance 350 x 3 hrs/week
 ≈ 109,000 person-hrs/yr ≈ 18,000 person-days @ 6 hrs.

Reviewer: Yac

Date: 19 May 05

From field examiners handbook Table 3, day schools w/o
 Cafeteria = 15 gallons/person-day.

18,000 person-days x 15 gallons = 270,000 gallons ≈ 0.8 afa
 + irrigation.

Log for claim 22-11270

Spatial Dynamics BTD

7/16/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
04n40e	5		2	1.9	
Totals:			2	1.9	



Looking SW
at POW.
This is the
largest block
of lawn in
from wells.



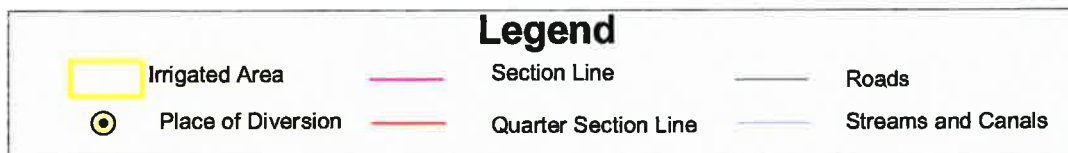
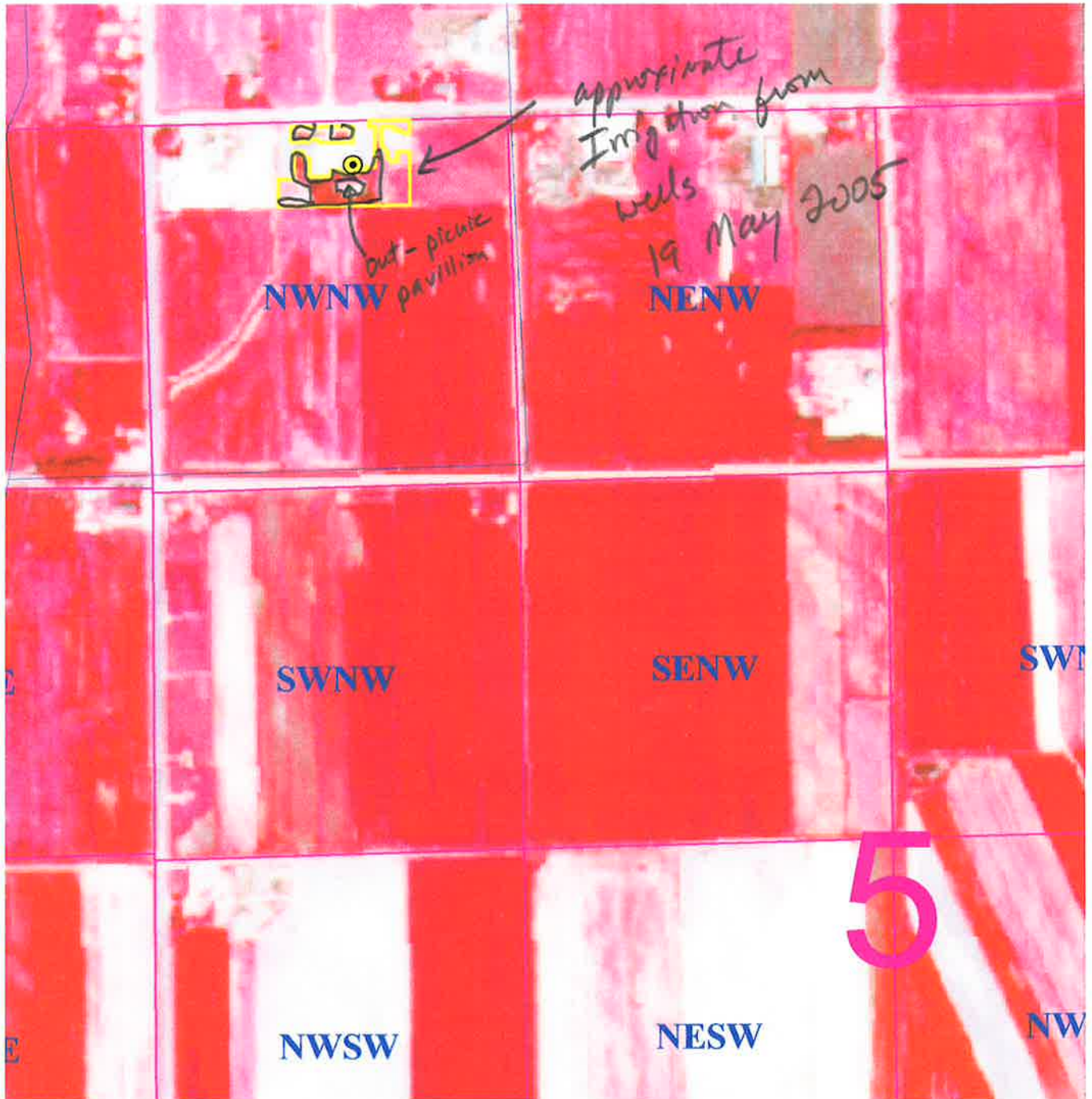
Old well
in vault

Bar
19 May 05

AL
ICS

Water Right Claim Number 22-11270
Townships , 5N40E, 4N40E

07/16/2001



SPATIAL
DYNAMICS

FROM :Rexburg-ID-FMG

FF :3566922

Mar. 16 2004 09:25A

Water Right Claim # 22-11270
#22-11269State of Idaho)
County of Madison)

On this 12th day of March, 2004, before me, the undersigned, a Notary Public for Idaho, personally appeared Edna E. Briggs 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 J. Lloyd
Notary Public For Idaho
Residing at Rexburg, ID.
Commission Expires on 5/30/2008

I Edna Briggs do hereby give my personal testimony that the Archer-Ward building did not use well water until the existing building was built in the early 1950's. The building site is located at the location of 04N 40E Section 5 1/4 NE of 1/4 NW of 1/4 NW Lot 4

X Edna E. Briggs

FROM :Rexburg-ID-FMG

FI :3566922

Mar. 16 2004 09:25 2

Water Right Claim # 22-11270
22-11269

State of Idaho)

County of Madison)

On this 9th day of March, 2004, before me, the undersigned, a Notary Public for Idaho, personally appeared Olive Smith, 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.



Laura H. H. H.
Notary Public For Idaho
Residing at Rexburg, Id.
Commission Expires on 5/30/2008

I Olive G Smith having, lived and grown up in this area, do give my personal testimony that the parcel described 04 N - 402- Section 5 NE 1/4 of NE 1/4 of NE 1/4 of Lot 4 did begin to use water on said parcel as early as 1 Jul 1890. This I do give testimony according to my personal knowledge, family knowledge & history of the community. That said described parcel mentioned above, did drill a well, for culinary purposes for the new building to be built, Jul 1 1950

X Olive G. Smith

MAILED
19 Feb 04
RECEIVED EVIDENCE
16 March 04

February 19, 2004

**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: 39576

Ident. Number: A22-11270
Date Received: 8/24/1988
Receipt No: E002527
Received By: _____

A2211270



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, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	40E	5	NE	NW	NW	4	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			0.080
IRRIGATION	04/01	11/01			0.060

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/ PICNIC AREA, NON PROFIT ORGANIZATION.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	5	NW	NW	4	DOMEST	
			NW	NW	4	IRR	2.0
						Section Acres	2.0
						Total Acres	2.0

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:
ARCHER-SUNNYDELL ELDER'S QUORUM.

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 Physical Facilities Rep of
Title
Church of JC of LDS, that I have signed the foregoing
Organization
document in the space below as Physical Facilities Rep of
Title
Church of JC of LDS and that the statements contained in the
Organization
foregoing document are true and correct.

J. David Allen
Signature of Authorized Agent

AFR - Church of JC of LDS
Title and Organization

24 Aug 1988
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of August 19 88

Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

