

11/19/2004

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

RIGHT NUMBER: 25-7360

NAME AND ADDRESS: CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
REAL ESTATE DIVISION
12TH FLOOR EAST
50 E NORTH TEMPLE
SALT LAKE CITY UT 84150-6312

SOURCE: MUD CREEK
SPRING

TRIBUTARY: SELLARS CREEK
TRIBUTARY: MUD CREEK

QUANTITY: 0.020 CFS
15.800 AFY

PRIORITY DATE: 06/23/1983

POINT OF DIVERSION:

T02S R40E S6 SWSWSE Within BINGHAM County
T02S R40E S6 SWSWSE Within BINGHAM County
Two points of diversion are located within SWSE, S06, T2S, R40E.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	0.020 CFS
RECREATION	01/01 12/31	0.020 CFS
RECREATION STORAGE	01/01 12/31	14.50 AFY
		1.30 AFY

Use of water under this right shall be non-consumptive.

PLACE OF USE: RECREATION STORAGE Within BINGHAM County
T02S R40E S06 SWSE
RECREATION same as RECREATION STORAGE

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.

EXPLANATORY MATERIAL: License



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
IDAHO DEPARTMENT OF WATER RESOURCES

01-28/3004

EASTERN REGION

~~PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW~~

DIRK KEMPTHORNE
Governor

RIGHT NUMBER: 25-7360
NAME AND ADDRESS: CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS
REAL ESTATE DIVISION
12TH FLOOR EAST
50 E NORTH TEMPLE
SALT LAKE CITY UT 84150-6312

KARL J. DREHER
Director

SOURCE: MUD CREEK SPRING
TRIBUTARY: SELLARS CREEK
TRIBUTARY: MUD CREEK

QUANTITY: 0.020 CFS
9.000 AFY

PRIORITY DATE: 06/23/1983

POINT OF DIVERSION:

T02S R40E S6 SWSWSE Within BINGHAM County
T02S R40E S6 SWSWSE Within BINGHAM County
Two points of diversion are located within SWSE, S06, T2S, R40E.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	0.020 CFS 9.00 AFY

Use of water under this right shall be non-consumptive.

PLACE OF USE: RECREATION STORAGE Within BINGHAM County

T02S R40E S06 SWSE

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.

EXPLANATORY MATERIAL:

01/28/2004

NOTICE OF ERROR
REPLY

RM

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: 25-7360

CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS
REAL ESTATE DIVISION
12TH FLOOR EAST
50 E NORTH TEMPLE
SALT LAKE CITY UT 84150-6312
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):

Our records show the total allowed diversion as 15.8 AF, whereas the recommended is 9 AF.

2. Describe the changes you wish to make in the proposed recommendation:

The Church proposes the IDWR recommend the larger diversion of 15.8 AF.

3. Give a brief explanation as to why you disagree with these portions:

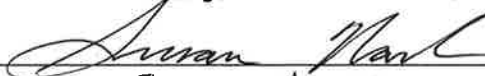
The original claim dated May 10, 1989 was for 9 AF but an Application for Amendment because the pond was enlarged was for a total diversion of 15.8 AF was dated June 3, 1999.

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

DATE:

11/19/04

SIGNATURE:



GSC

Please print your name:

Susan Nash

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

Ryan at the IDWR received supervisor approval to recommend a total diversion of 15.8 AF instead of the 9 AF.

RECEIVED

NOV 24 2004

Department of Water Resources
Eastern Region

PROFILED

SCANNED

DEC 03 2004

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 25-07360

Priority: June 23, 1983

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

15.8 AF

This is to certify, that CHURCH OF JESUS CHRIST LATTER DAY SAINTS
50 E N TEMPLE

SALT LAKE CITY UT 84111 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 23, 1983; and
has submitted Proof of Beneficial Use on August 10, 1987. An examination indicates
that the works have a diversion capacity of 0.020 cfs of water from:

SPRING

tributary to MUD CREEK

MUD CREEK

tributary to SELLARS CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31	0.02 CFS	14.5 AF
RECREATION STORAGE	01/01 to 12/31		1.3 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.02 CFS	
	Totals	0.02 CFS	15.8 AF

LOCATION OF POINT(S) OF DIVERSION:

SESWSE, Sec. 6, Township 02S, Range 40E
BINGHAM County

PLACE OF USE: RECREATION

TWN RGE SEC

02S 40E 6

SWSE

CONDITIONS OF APPROVAL AND REMARKS

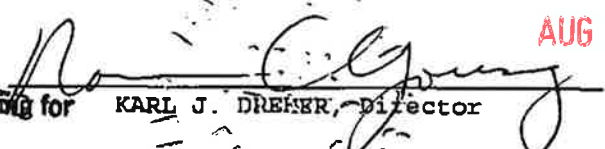
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. Two points of diversion are located within SESWSE, S6, T2S, R40E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 30 day of

JUNE, 1999

SCANNED

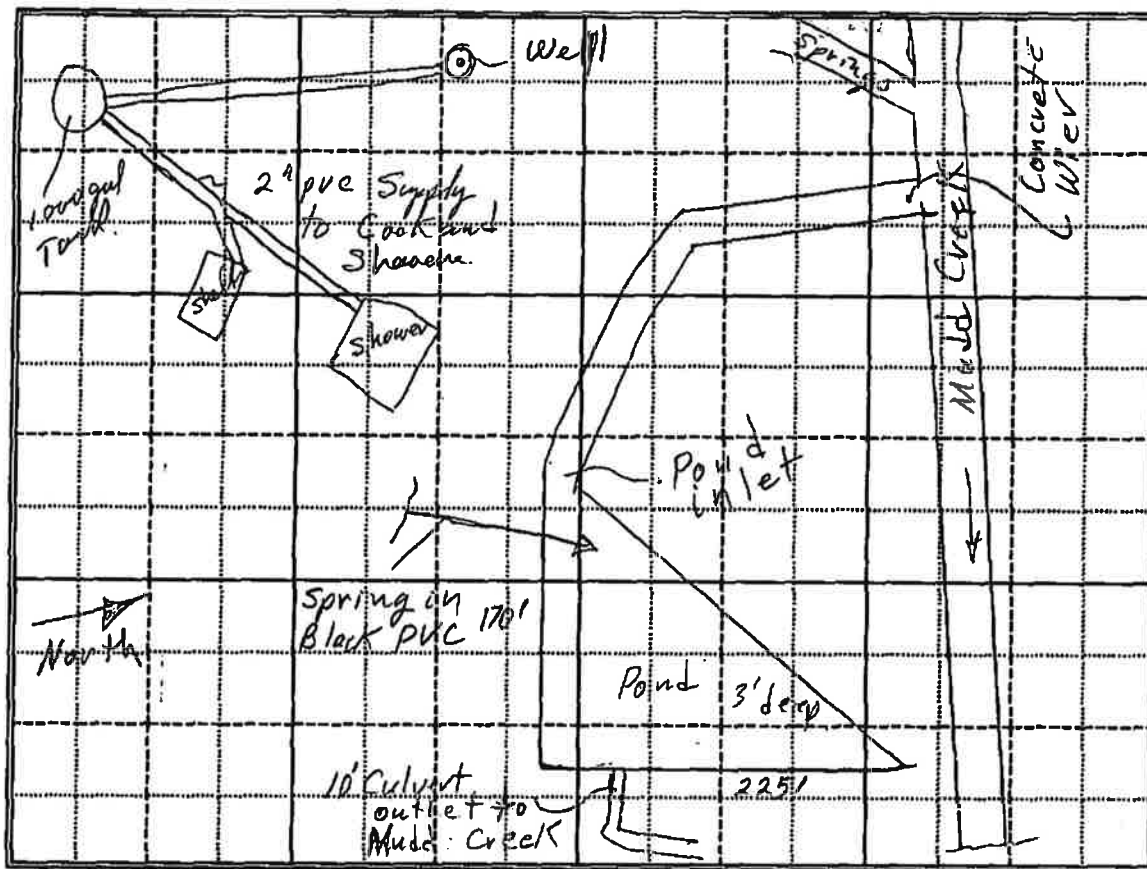
AUG 12 2004

MICROFILMED for  KARL J. DREHER, Director

JUN 08 1999

JUN 08 1999

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/plpe 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

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	?	?	?	?	2" PVC

*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: _____

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JUN 08 1999

E. NARRATIVE/REMARKS/COMMENTS

During Girls camp a 1000 gal storage tank will be pumped to fill in approx 1 hr. The 1000 gals will last the camp a full week. There are approx weekly 10 camps during the summer.

The above appears to be from a well and would have to be considered a "B" portion of this permit with a change in source.

zlf 1-4-99

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
JUN 08 1999

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

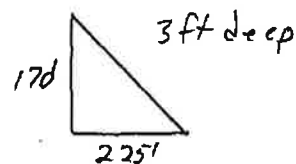
$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses:

$$\left(\frac{170' \times 225'}{2} \right) \left(\frac{1 \text{ AF}}{43560 \text{ ft}^2} \right) \left(\frac{3 \text{ ft}}{1 \text{ AF}} \right) = 1.37 \text{ AF}$$

$$\left(\frac{3' \times 170' \times 225'}{2} \right) = \frac{57,375 \text{ ft}^3}{43,560 \text{ ft}^3} = 1.32 \text{ af}$$

or
1.3 af



H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Recreation	1/1	12/31		1.3 AF
Domestic	5/1	9/31	0.02 cfs	
Totals:			0.02 cfs	1.3 AF

appears to be
with water

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Lee Simmons Date 7/16/98

Reviewer [Signature] Date _____

SEAL

MICROFILMED

JUN 08 1999

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

LDS

Church

CL. IDENT. NO.

A25-7360

DATE RECEIVED

5-16-89

CK #

AUG 01 2001

AMOUNT \$

C006840

YES NO Required Info?

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

Claim checked by:

CA

Date:

5-19-89

Claim must be returned to claimant:

(Yes) (No)

Claimant must be notified of modifications:

(Yes) (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

MICROFILMED

NOV 07 1992

ADJUDICATION FILING FEES FOR IDAHO

PROPERTY IDENTIFICATION

Idaho State Water Right Permit # A25-07360
LDS Church Property # 5108888

MAY 16 1989

Department of Water Resources

FEE CALCULATIONS

Domestic, stockwatering, fire protection, etc. \$ _____
Flat fee for irrigation. \$ 50.00

VARIABLE FEE SCHEDULE

Irrigation (\$1.00 per acre). \$ _____
Power Generation (\$3.00 per kilowatt) \$ _____
Aquaculture (\$10.00 per cfs) \$ _____
All other uses (\$100.00 per cfs) \$ 1.25

Other charges. \$ _____

TOTAL \$ 51.25

DATE 5-5-89

Carter Fritschle by Glen L. Nielson
Carter Fritschle
Idaho Dept. of Water Resources

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

REAL ESTATE DIVISION
NATURAL RESOURCE SECTION

MAY 08 1989

MICROFILMED

NOV 07 1992

CA

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: A25-07360
Date Received: 5/17/1989 5-16-89
Receipt No: C006840
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. 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: JUN 23, 1983

3. Source: SPRING Trib. to: MUD CREEK
MUD CREEK SELLARS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	40E	6	SW	SW	SE		BINGHAM

5. Description of diverting works:
DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	05/01	09/31	0.020		
RECREATION STORAGE	01/01	12/31			9.00

7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) 9.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/RECREATIONAL AREA



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	40E	6	SW	SE		REC S	
			SW	SE		DOMEST	

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

SELLARS CREEK CATTLE RANCH

15. Basis of Claim: PERMIT

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 _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

510-8888

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: A25-07360
Date Received:
Receipt No: C006840
Received By: C7 1-20-89

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. 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: JUN 23, 1983

3. Source: SPRING
MUD CREEK

Trib. to: MUD CREEK
SELLARS CREEK Department of Water Resources

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	40E	6	SW	SW	SE		BINGHAM

5. Description of diverting works:
DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	05/01	09/31	0.020		
RECREATION STORAGE	01/01	12/31			9.00

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

9.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
D/RECREATIONAL AREA

A25-07360

Page 1

Date: 01/13/89

MICROFILMED

NOV 6 7 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	40E	6	SW	SE		DOMEST	
			SW	SE		REC S	

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks: *Sellers Creek Cattle Ranch*

15. Basis of Claim: PERMIT

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

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

Organization

and that the statements contained in the

foregoing document are true and correct.

Jul A. Bahr
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

5/10/89
Date

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

Subscribed and sworn (or affirmed) before me this *10* day

of *May* 19 *89*

Alice Duke
Notary Public

Seal

Residing at *Salt Lake*

My Commission Expires *October 22, 1992*

