

04/29/2005

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

RIGHT NUMBER: 27-10362

NAME AND ADDRESS: 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

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.360 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T03S R35E S18 NWSWNE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.360 CFS

PLACE OF USE:

IRRIGATION Within BINGHAM County

T03S R34E S24

SWNW

19.3

T03S R34E S24

NWSW

0.7

20 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.

EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH RIVERTON DITCH.

This right is a split from former right 27-4.

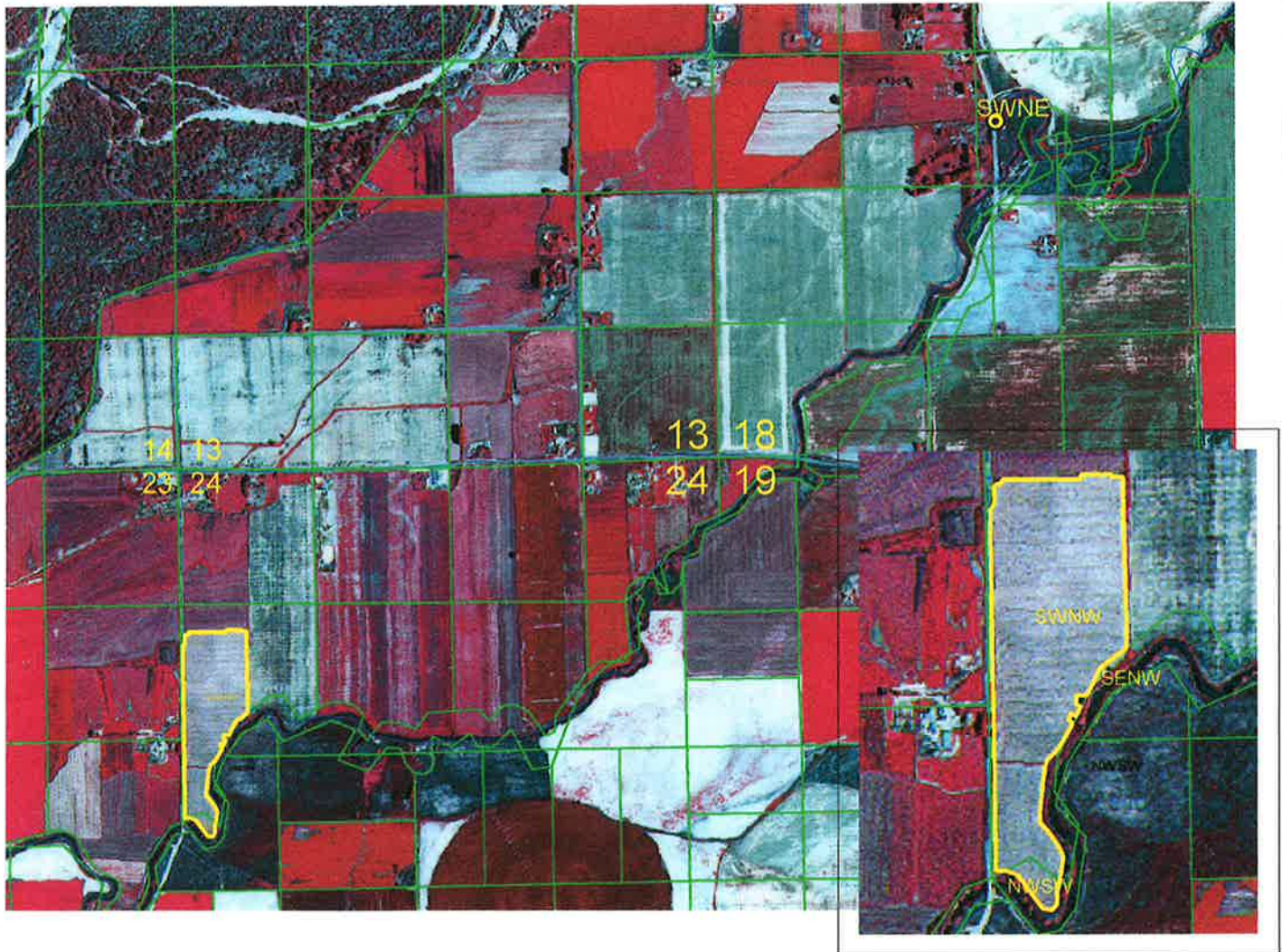


STATE OF IDAHO

Department of Water Resources
Eastern Region



Water Right(s) 27-10362



900 0 900 1800 Feet



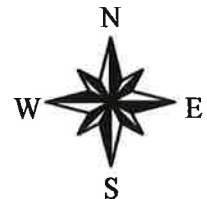
PROFILED

IRRIGATED ACRES 20

LEGEND

- ⊙ Point of Diversion
- Place of Use
- ▭ Townships
- ▭ Sections
- ▭ Quarter-Quarters

Place of Use: T3S, R34E:
(part of) Sec. 24, SWNW, NWSW.
Point(s) of Diversion: T3S, R35E:
Sec. 18, NWSWNE.



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: April 2005.

MAY 17 2006

05/16/2005

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: 27-10362

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:

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

DATE:

6/3/2005

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
JUN 16 2005

PROFILED

RECEIVED
JUN 14 2005
Department of Water Resources
Eastern Region
SCANNED
JUN 17 2005

MT
16 PN 508-6876

PEDIGREE

PRIORITY DATE

06/01/1885

		27-10293	renumbered to	27-00004v	renumbered to 27-12116
27-00004(WR)	27-00004a (WR)				
			27-00004aa	disallowed	
		27-00004w			
			27-00004ab	disallowed	
	27-00004b (WR)				
	27-00004c (WR)	27-00004ac			
	27-00004d (WR)				
	27-00004e (WR)	27-00004r			
		27-00004f			
	27-00004f (WR)				
		27-00004h			
	27-00004g (WR)	27-00004g	renumbered to	27-10539	
	27-00004h (WR)	27-10505			
		27-10388			
		27-10390			
	27-00004j (WR)	27-00004t	renumbered to	27-12064	
		27-00004y			
		27-00004z			
		27-00004k			
	27-00004k (WR)				
		27-10389	Combined with 27-00004r then renumbered to	27-12064	
	27-00004l (WR)	27-00004l			
		27-00004N (WR)			
	27-00004m (WR)	27-00004P (WR)			
		27-00004Q (WR)			
		27-00004n	renumbered to	27-00004u	renumbered to 27-12029
	27-00004n (WR)				
		27-00004p	renumbered to	27-12030	
	27-00004q (WR)	27-00004q	renumbered to	27-12027	
		27-10555			
		27-10116			
		27-10362			
	27-00004s (WR)				
		27-10728			
		27-10790			
		27-11236			
	27-00004t (WR)				
		27-00004s			
	27-00004u (WR)				
		27-00004m			

27-00004	Water right #	to adjudication #	Miscellaneous info
	27-00004a	27-10293	renumbered to 27-00004v
		27-00004w	27-00004aa disallowed
			27-00004ab disallowed
	27-00004b		
	27-00004c	27-00004ac	
	27-00004d		
	27-00004e	27-00004r	
	27-00004f	27-00004f	
		27-00004h	
	27-00004g	27-00004g	renumbered to 27-10539
	27-00004h	27-10505	
	27-00004j	27-10388	
		27-10390	
		27-00004t	renumbered to 27-12064
		27-00004y	
		27-00004z	
	27-00004k	27-00004k	
		27-10389	
	27-00004l	27-00004l	
	27-00004m	27-00004m split to n/p/q on water rights side	
	27-00004n	27-00004n	renumbered to 27-00004u
		27-00004p	renumbered to 27-12030
	27-00004q	27-00004q	renumbered to 27-12027
	27-00004s	27-10555	
		27-10116	
		27-10362	
		27-10728	
		27-10790	
		27-11236	
	27-00004t		
	27-00004u	27-00004s	
		27-00004m	

Notes

4/28/05 Create layout for 23 acres.
POD was GPS'd by Skip. file: 10362.
Recommend as noted. CB.

Barbara please tweak this shape to
23 acres. Verify with Bingham Co
tax lot info that it is within the
boundaries. CB

Bingham Co tax lot information shows
that the Church owns 20 acres. So.
recommending 20 acres as irrigated. CB

22-10362

T35 R34E S24

SWNW 19.3

~~SENE 0.1~~

NWSW 0.7

20.0

say

(20)

TO: file
FROM: Cindy

SUBJECT: Basis of claim
DATE: 9/23/03

A list of claims with the basis as 27-4 has
been sent to Vicki Musci to verify the
logistics of the claim

() For your information

☒ Response required

CB
signature

Notes

Claim A27-10362

- 1/ Exam done on 9-9-2003 with Wesley Hamilton (785-0646) who farms this property for the LDS church. He has farmed this P.O.U. for 20 years.
- 2/ Water is delivered through the Riverbank Ditch system. The delivery ditch comes down the East side of the P.O.U. and the ground is flood irrigated.
- 3/ GPS data - 0629718
0230315 File # 10362
Tag # A0012467
- 4/ Mr. Hamilton confirmed Spatial Dynamics map shape.
- 5/ Proof of priority and implication that this water is part of 27-00004 is included. This was part of evidence submitted by Marvin Yancey on Claim A27-10116.

Notes

GPS & photo

8/11/03. Claim based on 27-0004?
Please verify source, POP & POH.

1/ What evidence exists that they
got a part of 27-0004

2/ Ask John Davidson whether he
diverted this water & billed Church.

— Wesley Hamilton may run Farm now
(Appt Next week) 785-0646 (✓TS)

S2C - Riwatan Ditch Marvin Yancy
785-3610
AMI - Pocatello

9-9-03 Exam

* Water comes through the Riwatan Ditch
to property & flood irrigation. P.D. is headworks
of ditch

GPS Data 0629718 File 10362
0230313

Pix # 4 Looking North Tag # A0012467

Claim A27-10362

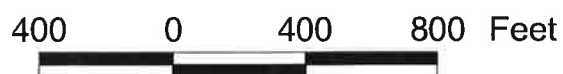
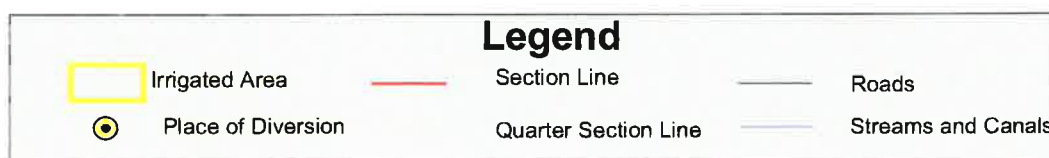
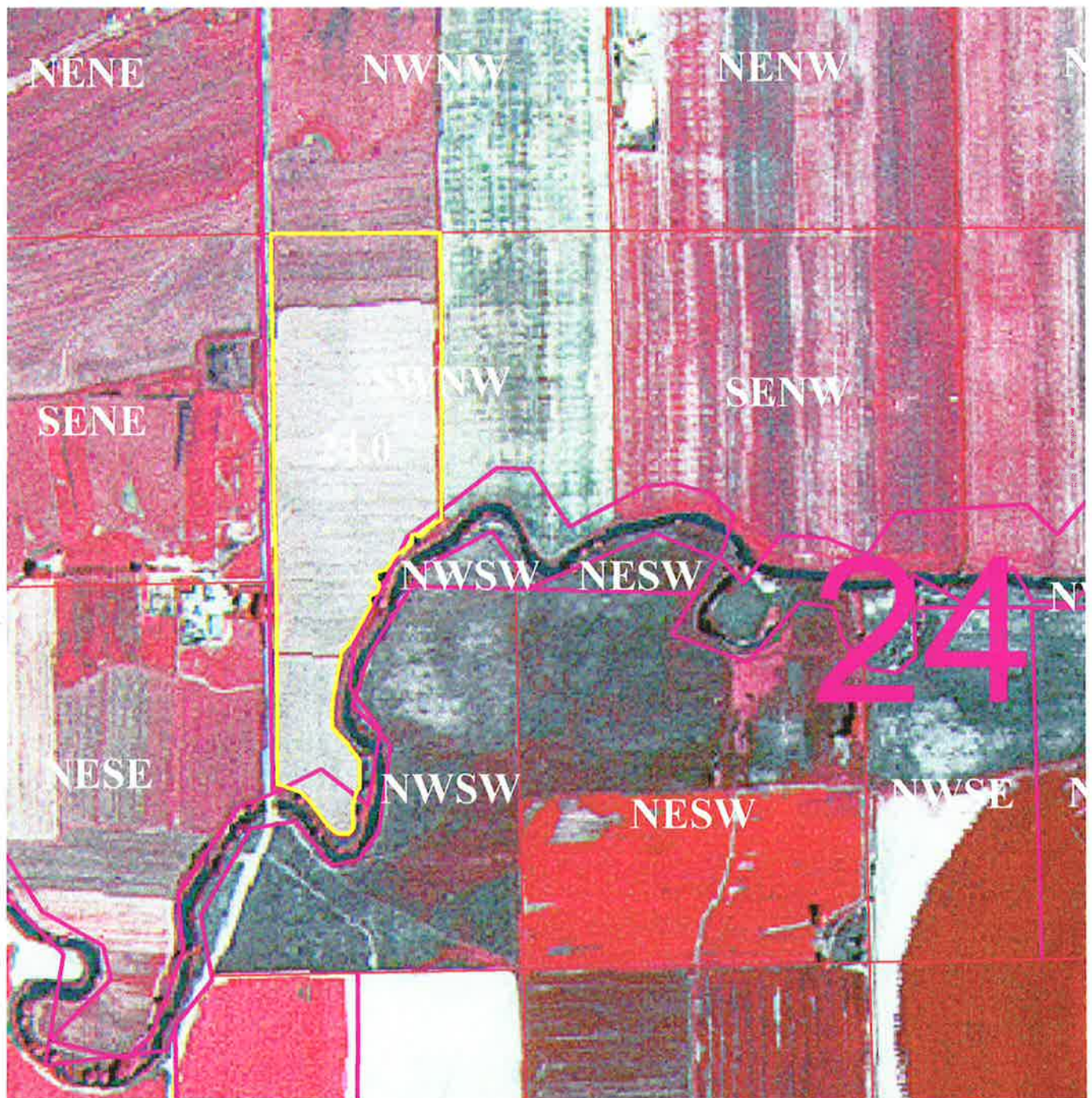


Tag was
secured here
after photo taken

Headgate of Riverton Ditch
out of the Blackfoot River.
Looking North

Water Right Claim Number 27-10362
Township , 3S34E

01/03/2001



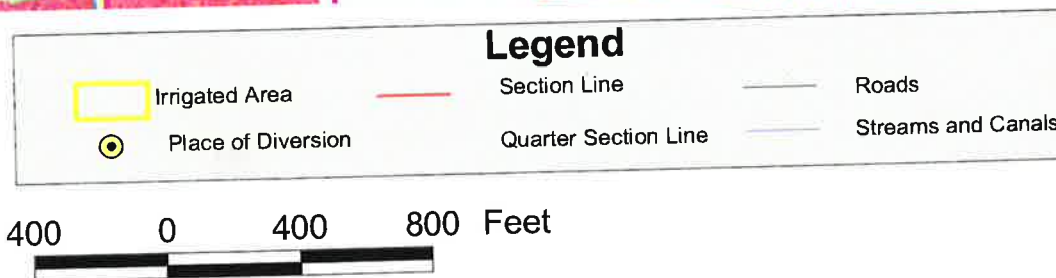
Water Right Claim Number 27-10362
Township , 3S34E

01/03/2001



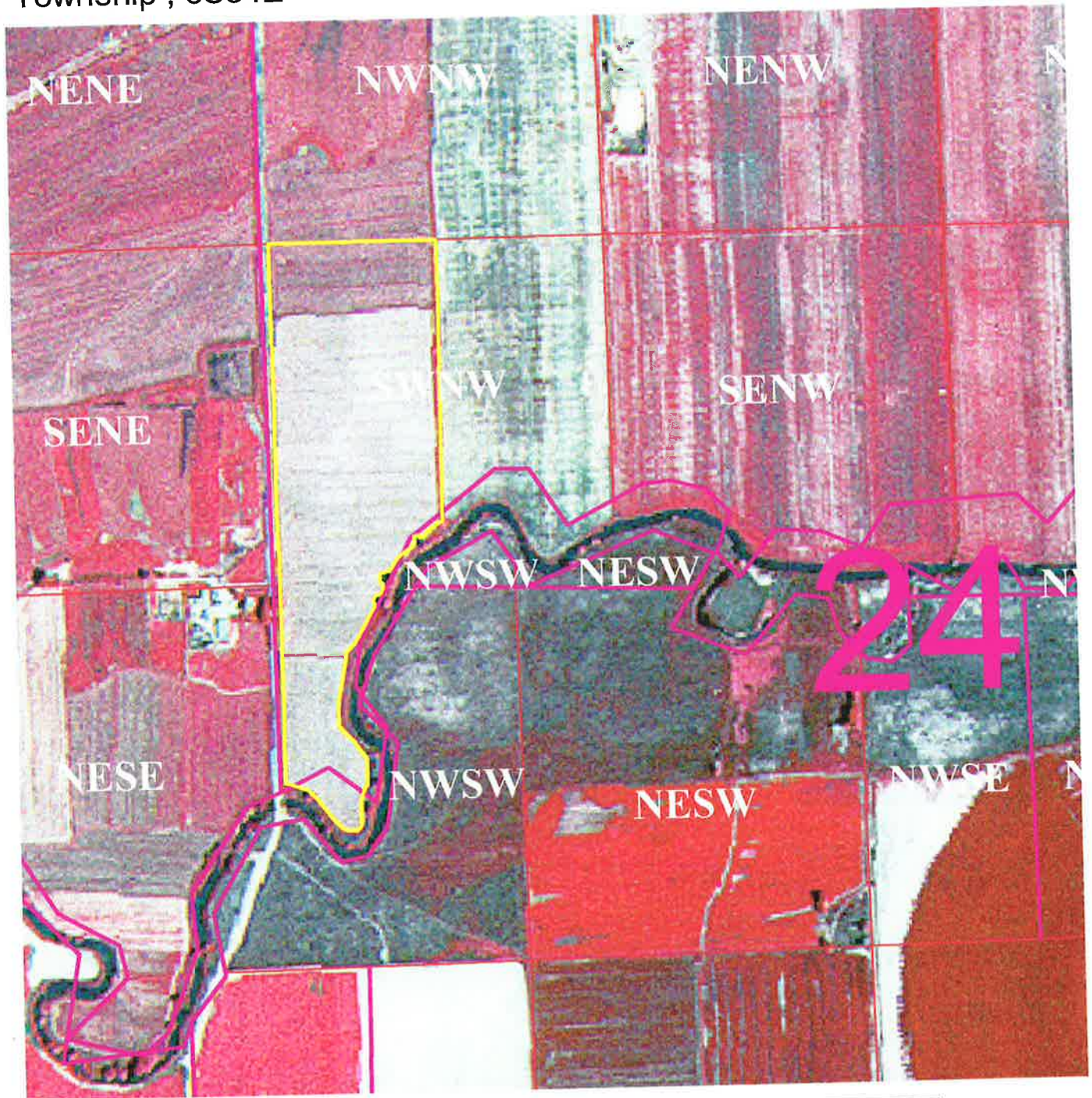
SPATIAL
DYNAMICS

01/03/2001



Water Right Claim Number 27-10362
Township , 3S34E

01/03/2001



SPATIAL
DYNAMICS

SCANNED

JUL 20 2001

Log for claim 27-10362

Spatial Dynamics LTD

1/3/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s34e	24	SWNW	23	24	Includes NWSW qq acreage.
Totals:			23	24	

EAST IDAHO NATIONAL FARM LOAN ASSOCIATION

BLACKFOOT, IDAHO

June 15, 1953.

ROSS A. SOWARD, SECRETARY-TREASURER

FEDERAL LAND BANK LOANS

Mr. Wm. Hall
Blackfoot, Idaho

Dear Sir:

In 1918, John Hamilton and his wife deeded to Edward Hoffman (Book 37 of Deeds, Page 107) the ~~W¹/₂~~ and the ~~W¹/₂~~ of Lot 4, Section 24, Township 3 South, Range 34 E.B.M. At the same time John F. Hamilton and wife deeded to Edward Hoffman (Book 37 of Deeds Page 126) 36 inches of Fox and Whitten water with a priority of June 1, 1885.

In 1923 Edward Hoffman and wife mortgaged this land, together with all water rights to the State of Idaho. The State of Idaho foreclosed this mortgage and in 1934 obtained a Sheriff's deed (Book 57 of Deeds Page 282). The Sheriff's deed describes the same land but does not mention the water.

In 1947 the State of Idaho deeded to Ray W. Dyer (Book 72 of Deeds Page 280) the same land together with all water rights.

In 1947 Ray Dyer and wife deeded to Blanchard J. Stewart the same land but no mention is made of water rights. (Book 73 of Deeds Page 477).

In 1951, Blanchard J. Stewart and wife deeded to Evan L. Mechem (Book 78 of Deeds Page 475) the same land but no mention was made of water rights.

The assessor of Bingham County now has the above-described land in three assessments, Tax Numbers 2725, 2726 and 2727.

Tax No. 2725 is assessed to Evan L. Mechem and described as follows: That part of the ~~W¹/₂~~ of Section 24, lying North of the Liverton Ditch, containing 6 acres more or less.

Tax No. 2726 is assessed to Evan L. Mechem c/o Richard Yancey, and is described as follows: Commencing at a point 96 rods South of the Northwest corner of said Section 24, and running thence East 40 rods, thence North to the water line on the North bank of what is known as the Liverton Ditch, crossing the ~~N¹/₂~~ of said Section, thence Southwesterly along the water line on the North bank of said ditch to the West line of said section, thence South to the point of beginning.

Tax No. 2727 is assessed to Evan L. Mechem c/o L. D. S. Church, and is described as follows: Commencing at a point 96 rods South of the NEP of said Section 24 and running thence East 40 rods, thence South to the North bank of the Blackfoot River, thence Southwesterly along the North bank of the river to the West line of said section, thence North to the point of beginning.

MICROFILMED

NOV 12 1992

"OWNED BY FARMERS : FOR FARMERS"

June 15, 1953

Wm. Hall

Page 2.

Tax No. 2726 contains approximately 18 acres and Tax No. 2727 approximately 20 acres.

These assessments would indicate that Evan L. Mecham has sold the land described as Tax No. 2726 to Richard Yancey and Tax No. 2727 to the L.D.S. Church. I presume the only way to learn who now owns this water would be to contact Evan Mecham and find out how much water he sold to each purchaser.

I can not find any deed on record given by Evan L. Mecham covering the above lands or the water in question.

Yours truly,


Ross A. Soward
Secretary-Treasurer

rs:hh

MICROFILMED

NOV 12 1992

126

WARRANTY DEED

Book No. 37

No. 5340

CAPITAL NEWS PUBLISHING CO., NEW YORK

This Indenture, Made the 19th day of December in the year of our Lord one thousand nine hundred and eighteen, between
 Annie A. Hamilton and John F. Hamilton, her husband,
 of the County of Madison and State of Idaho, the part 108 of the first part, and
 EDWARD HOFFMAN
 of the County of Cache and State of Utah, the part 7 of the second part,

WITNESSETH, That the said part 108 of the first part, for and in consideration of the sum of
 One Hundred - - - - - DOLLARS,
 lawful money of the United States of America, to them in hand paid by the said part 7 of the second part, the receipt whereof
 is hereby acknowledged
 do by these presents grant, sell, bargain and convey and confirm unto the said part 7 of the second part, and to his
 heirs and assigns forever, all that ~~certain~~ ^{water right} ~~lot~~ ~~and~~ ~~situate~~ ~~lying~~ ~~and~~ ~~being~~ ~~in~~ ~~the~~ ~~County~~
 of Bingham and State of Idaho, and bounded and described as follows, to-wit:

Thirty-six (36) inches of water of the Blackfoot River, the same being a part
 of that certain water right of one thousand inches of the date of June 1st, 1886,
 deeded to A. Whitten and Susan E. Whitten August 1st, 1891, in that certain water decree
 as recorded in Judgment Book No. 1 at pages 107 to 116 of the records of Bingham
 County, Idaho.

\$.50 I.R.S. attached and cancelled

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining,
 and the rents, issues and profits thereof

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges thereto
 incident, unto the said part 7 of the second part, and to his heirs and assigns forever, and the said part 108 of the
 first part, and their heirs, and the said premises in a quiet and peaceable possession of the said part 7 of the second
 part, his heirs and assigns, against the said part 108 of the first part and their heirs, and against all and
 every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever
 defend

IN WITNESS WHEREOF, The said part 108 of the first part has hereunto set their hand and seals, the
 day and year first above written.

Signed, Sealed and Delivered in the Presence of

N. L. Davis

Annie A. Hamilton (SEAL.)

John F. Hamilton (SEAL.)

(SEAL.)

(SEAL.)

STATE OF IDAHO,
 County of Madison

I DO HEREBY CERTIFY, That on this 19th day of December, 1918, before me,
 F. L. Davis

a notary public
 in and for said County and State, personally appeared

Annie A. Hamilton and John F. Hamilton, her husband,

known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to
 me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Sugar City, Idaho
 first above written.

(SEAL) the day and year

(SEAL) My commission expires March 27th, 1919 F. L. Davis Notary Public.

residing at Sugar City, Idaho.

Recorded at the request of J. H. Anderson, Dec. 31, 1918 at 1:15 P.M.

F.H. Fisher

Recorder.

5.54.6

WARRANTY DEED

No. 5235

Book No. 37

This Indenture, Made the 30th day of November in the year of our Lord one thousand nine hundred and eighteen, between
 -----Annie A. Hamilton and John P. Hamilton, her husband,
 of the County of Madison----- and State of -----Idaho-----, the part y of the first part, and
 -----Edward Hoffman-----
 of the County of -----Cache----- and State of -----Utah-----, the part y of the second part,
 WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of -----
 -----Five Hundred----- DOLLARS,

lawful money of the United States of America, to them in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged,

do by these presents grant, sell, bargain and convey and confirm unto the said part y of the second part, and to his heirs and assigns forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Blaine and State of Idaho, and bounded and described as follows, to-wit:

The west one-half of the northwest quarter of the northwest quarter (Section 24) in township three (3) south of range thirty-four (34) East of the Boise Meridian in Idaho.

It being understood that the above description conveys all that part of the west half of the northwest quarter of said section twenty-four lying west of a line running due south from a point forty rods east of the northwest corner of said section twenty-four to the Blackfoot river thence along the bank of said river to the southeast corner of said lot four in section twenty-four in township three south of range thirty-four east, Boise Meridian, Idaho.

Together with all water rights, ditches, ditch or other rights-of-way thereunto belonging.

\$50 R. I. U. Attached and Unenclosed

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the rents, issues and profits thereof

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said part y of the second part, and to his heirs and assigns forever, and the said parties of the first part and their heirs, and the said premises in a quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said parties of the first part and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hand and seal on the day and year first above written.

Signed, Sealed and Delivered in the Presence of
 F. L. Davis

Annie A. Hamilton (SEAL)
 John P. Hamilton (SEAL)
 (SEAL)
 (SEAL)

STATE OF IDAHO,
 County of Madison

I DO HEREBY CERTIFY, That on this 30th day of November in the year of 1918, before me,
 F. L. Davis, a Notary Public in and for said County and State, personally appeared
 Annie A. Hamilton and John P. Hamilton, her husband

known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

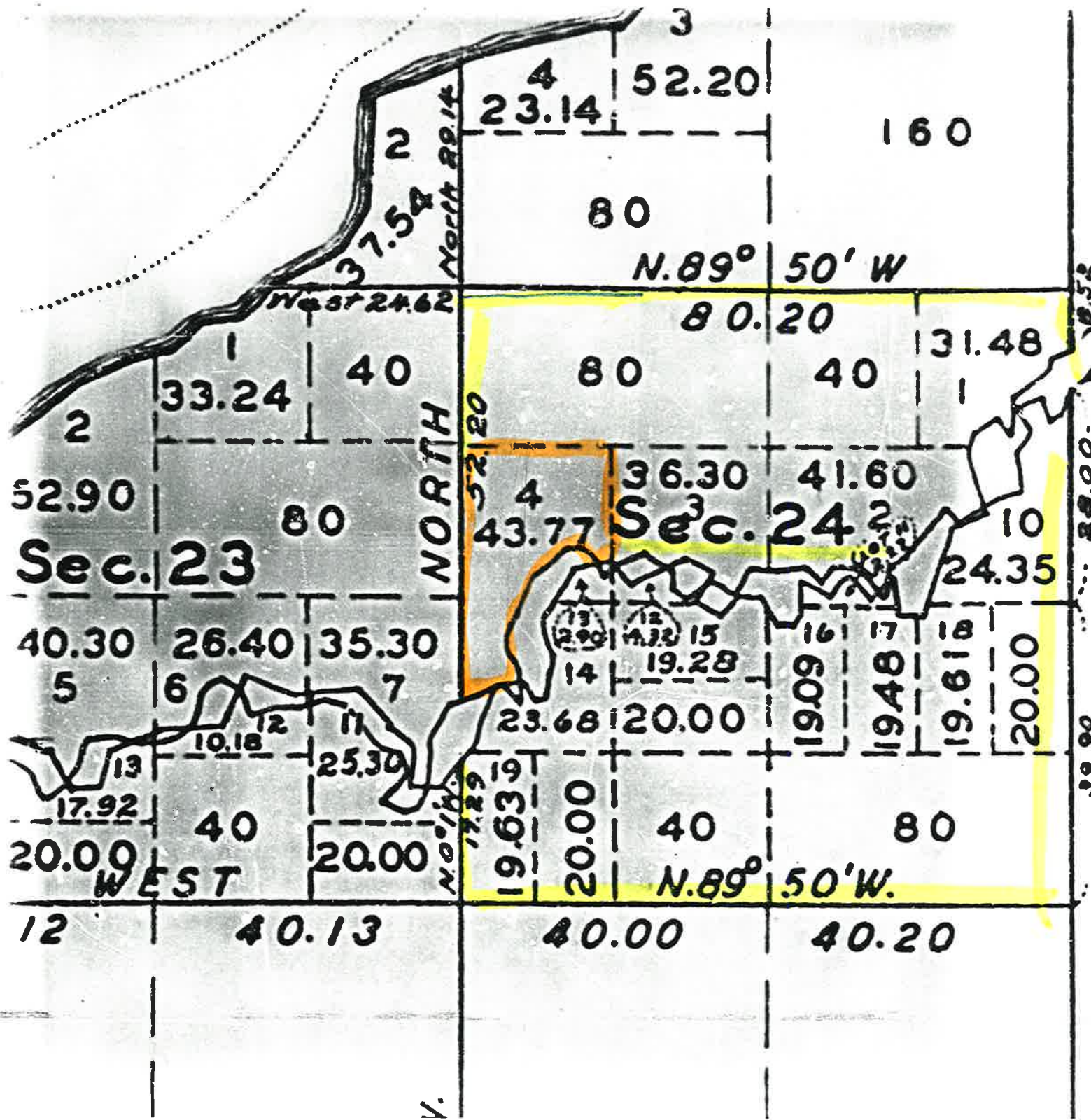
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Boise City, Idaho
 (SEAL) the day and year first above written.

(Seal) My commission expires March 25, 1919

F. L. Davis Notary Public
 Residing at Boise City, Idaho

Recorded at the request of J. L. Thomas, December 21, 1918 at 4:30 o'clock

5.54.1



North bank black to
South bank black to
to line bet Secs. 27 & 28

T3S
R
34E

SCANNED

JUL 20 2001

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: A27-10362
Date Received: 5/02/1989
Receipt No: C006841
Received By: CH

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 01, 1885

3. Source: BLACKFOOT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
03S	35E	18	NW		SW		NE		BINGHAM

5. Description of diverting works:
DIVERSION DAM, GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/01	0.360		

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

A.F.A.

8. Total consumptive use is 45.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03S	34E	24	SW		NW		IRR	15.0
			NW		SW		IRR	8.0

Section Acres 23.0

A27-10362

Page 1

Date: 05/02/89

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NOV 12 1992



10. Place of Use: Continued

Total Acres 23.0

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:

BLACKFOOT IRRIGATION COMPANY = 0.10 CFS

14. Remarks:

RIVERTON WELFARE FARM

THIS WATER RIGHT APPEARS TO BE A PORTION OF WATER RIGHT 27-00004.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

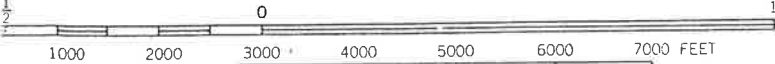
Decree Defendant

(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.

NOV 12 1992

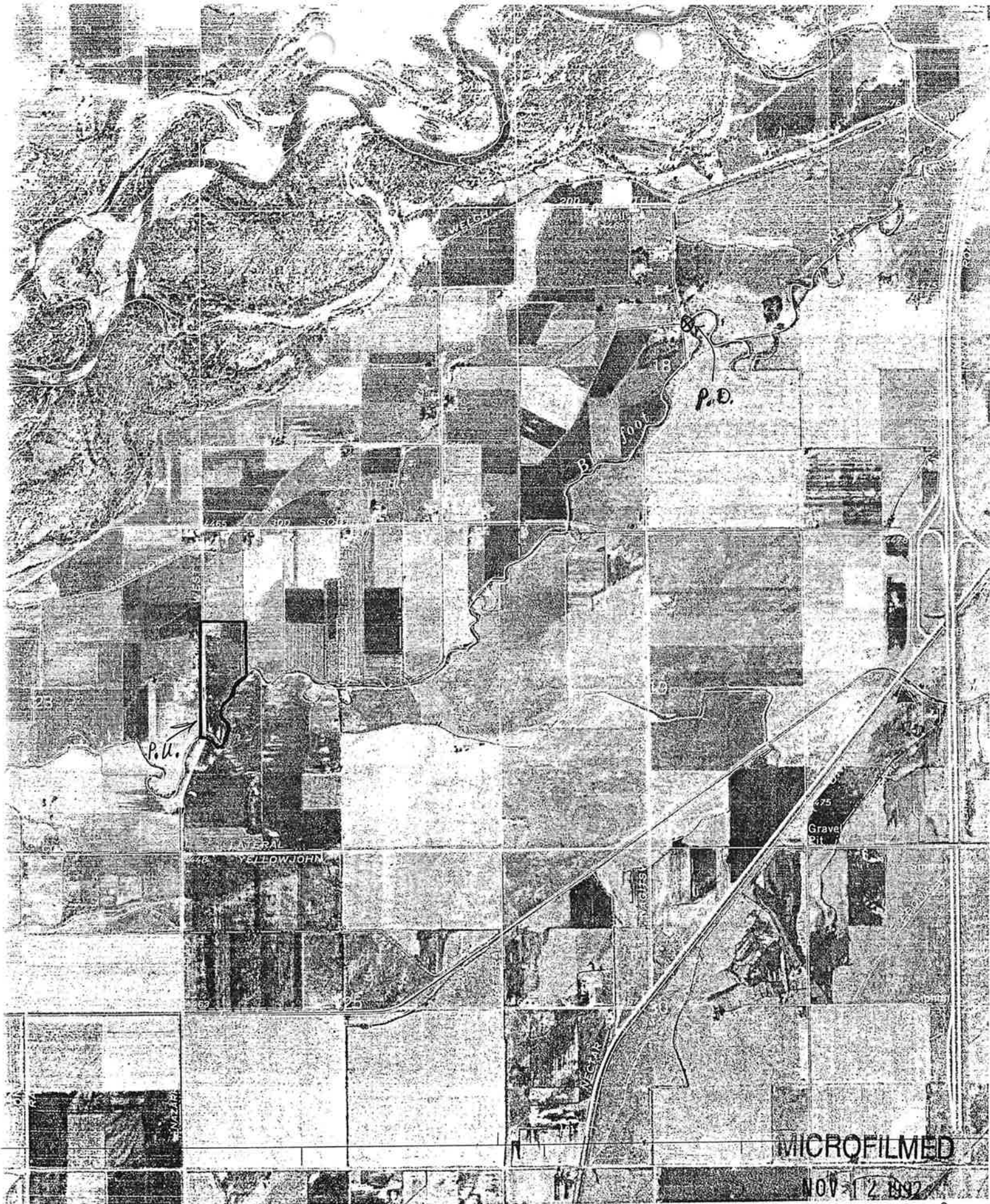


SCALE 1:24 000



34E 35E A27-10362 NOV 12 1992 387000

T 35 R 34 E Sec. 24



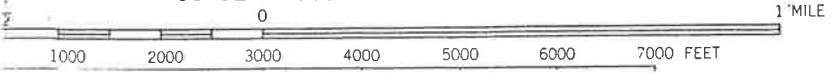
MICROFILMED

NOV 12 1992

34E 35E A27- 10362

387000

SCALE 1:24 000



T 35 ~~R 34E~~ Sec 24