

DEC 06 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 85698Department of Water Resources **MINIMUM REQUIREMENTS CHECKLIST**
Eastern Region TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEC 06 2021

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of Water Resources
Eastern Region

Name of Applicant(s) The Church of Jesus Christ of Latter-day Saints, a Utah corporation Phone 801-240-3690
Mailing address 50 E N Temple St, attn Real Estate Serv Div, Salt Lake City, UT 84150 Email waterresources@churchofjesuschrist.org

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Scott Clark Phone 801-240-3690
Mailing address 50 East North Temple, 12th Floor, Salt Lake City, UT 84150-0012 Email shclark@churchofjesuschrist.org

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

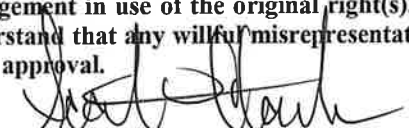
☒ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Scott Clark
Print Name and Title if applicable

11/30/21
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Is this a transfer for changes pursuant to [Idaho Code § 42-221.0.8?](#)
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.
3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
The purpose of this application is to shift irrigation to higher priority places of use around Camp Cumorah.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	25-2020	0.04 cfs	Irrigation	4/15 to 10/31	Mud/Sellars/Willow Crk
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.04 cfs cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.04 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes		SE	SW	SE	6	2 S	40 E	Bingham	Mud Creek	
Yes		NW	NE	NE	7	2 S	40 E	Bingham	Mud Crk/Storage Res	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	40E	6															0.3		0.3
2S	40E	7	1.1	1.0															2.1
Total Acres (for irrigation use)																			2.4*

0.5 acres covered under WR 25-14030

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Water will be diverted from Mud Creek at the existing headgate and to the pond, both approved under 25-7360.

A pumping station will pump directly from the pond into a pressurized irrigation system at one of the referenced PODs on the pond shown on the attached map

- b. Who owns the property at the point(s) of diversion? THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
N/A

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete [Attachment WSB](#).

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The land could still be grazed but will not be irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

25-7360: Recreation and Recreation Storage of Mud Creek/Spring on 02S 40E 6 SWSE

25-14030: Domestic use from groundwater well on 02S 40E 7 NWNE

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 25-2020

Current Owner: CORP OF THE PRESIDING BISHOP
Priority Date: 5/8/1909
Origin: Water Right
Status: Water Supply Bank Active
Basis: Decreed

Source

MUD CREEK
SELLARS CREEK

Tributary

SELLARS CREEK
WILLOW CREEK

Beneficial Use

From To

Diversion Rate

Annual Volume

DIVERSION TO STORAGE 1 /1 to 12/31
RECREATION STORAGE 1 /1 to 12/31
IRRIGATION 04/15 to 10/31

0.04 CFS

5.96 CFS
6 CFS

3.7 AF

Total Diversion

Location of Point(s) of Diversion

MUD CREEK
BINGHAM County
SELLARS CREEK
BINGHAM County
SELLARS CREEK
BINGHAM County

NE1/4NE1/4 Sec. 7, Twp 02S, Rge 40E B.M.
SW1/4SW1/4 Sec. 8, Twp 02S, Rge 40E B.M.
SW1/4SW1/4 Sec. 11, Twp 02S, Rge 39E B.M.

Place of Use

IRRIGATION Within BINGHAM County

T02S R40E S8	NENE	40.00	T02S R40E S8	NWNE	40.00
T02S R40E S8	SWNE	40.00	T02S R40E S8	SENE	40.00
T02S R40E S8	NENW	28.00	T02S R40E S8	NWNW	16.00
T02S R40E S8	SWNW	23.20	T02S R40E S8	SENW	40.00

Total Acres: 267.2

RECREATION STORAGE Within BINGHAM County

T02S R39E S11 SWSW

Place of Use: DIVERSION TO STORAGE same as IRRIGATION

Page _____ of _____

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. 01P Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
3. 219 Right 25-2020 authorizes the diversion of an annual total of 3.7 af to be used for the initial filling of the pond and for the replacement of losses caused by evaporation.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. 220 The pond established by the storage of water under this right shall not exceed a total capacity of 3.0 acre-feet or a total surface area of 0.50 acres.
7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.

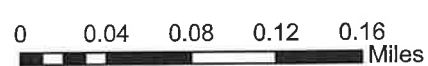
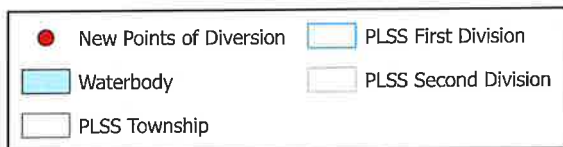
Decreed Date: 9/30/2005

Attachment #7a

Water Diversion and Delivery System Map Water Right 25-2020



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USPS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed August, 2021.



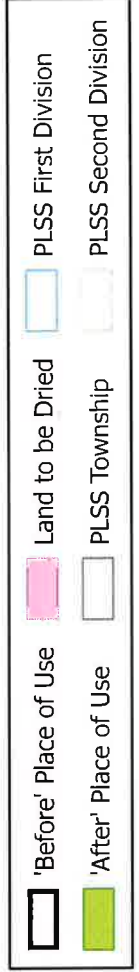
Attachment #7b

Proposed Changes to Water Right 25-2020

25698



© OpenStreetMap (and) contributors, CC-BY-SA



THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

MEETINGHOUSE FACILITIES DEPARTMENT

Natural Resource Services Division
50 East North Temple Street 12th Floor
Salt Lake City, Utah 84150-0012
Phone: 1-801-240-1824

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**Department of Water Resources
Eastern Region**

November 30, 2021

Gary Spackman, Director
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

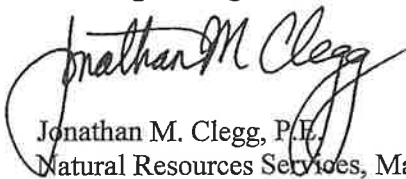
RE: Authorization for Scott Clark to sign Idaho Department of Water Resources Water Rights
Applications on behalf of The Church of Jesus Christ of Latter-day Saints, a Utah sole corporation

Dear Mr. Spackman,

Scott Clark is currently employed by The Church of Jesus Christ of Latter-day Saints, a Utah sole corporation (CHC) as a Project Manager in the Natural Resource Section (NRS) of the Real Estate Division, within the Meetinghouse Facilities Department. As such, Mr. Clark has the specific assignment, and is specifically approved by virtue of his employment, to make formal applications on behalf of CHC with the Idaho Department of Water Resources. You may rely upon his signature as representing the CHC under all terms, representations, and other matters within each specific application.

Please contact me if you have any more questions. I can be reached at 801-240-1824, or
Jonathan.Clegg@ChurchofJesusChrist.org

With highest regards,



Jonathan M. Clegg, P.E.
Natural Resources Services, Manager

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JESUS CHRIST
OF LATTER-DAY SAINTS

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DEC 06 2021

**Department of Water Resources
Eastern Region**

MEETINGHOUSE FACILITIES DEPARTMENT

Real Estate Services Division
Natural Resource Services
50 East North Temple Street
Salt Lake City, Utah 84150-0010
Office: 1-801-240-3840

November 20, 2021

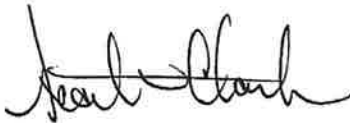
James Cefalo
Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Ste A
Idaho Falls, Idaho 83301-5858

Mr. Cefalo,

Please find attached two completed applications to transfer portions of water right 25-2020 for use at the Church's Pasa La Coma and Cumorah Recreation Camps including two checks for \$200.00 each for the associated filing fees. Please let me know if there are any questions or any further information is needed.

Thank you for your assistance with this matter.

Respectfully,



Scott Clark, P.G.
Water Group, Natural Resource Services
shclark@churchofjesuschrist.org
801-240-3690

85698



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 26, 2022

THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
50 E NORTH TEMPLE FL WW-4
SALT LAKE CTY, UT 84150-0304

RE: Transfer No. 85698, 84699
Water Right No(s). 25-2020

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the BINGHAM NEWS CHRONICLE on 2/2/2022 and 2/9/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, January 26, 2022 12:09 PM
To: legalnotices@postregister.com
Subject: Legal Notice for News Chronicle
Attachments: 85698, 85699 News Chronicle.docx

LEGAL NOTICE DEPARTMENT
BINGHAM NEWS CHRONICLE
PO BOX 70
BLACKFOOT, ID 83221-0070

RE: Transfer No. 85698, 85699
Water Right No(s). 25-2020, 25-2020

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/22/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85698**

THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, 50 E NORTH TEMPLE FL WW-4, SALT LAKE CTY, UT 84150-0304 has filed Application No. 85698 for changes to the following water rights within BINGHAM County(s): Right No(s). 25-2020; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change points of diversion and place of use. Proposed points of diversion are in SESWSE Sec 6 and NWNENE Sec 7 T02S R40E for 0.04 cfs from Mud Creek. Proposed place of use is in SWSE Sec 6, and NENE and NWNE Sec 7, T02S R40E for the irrigation of 1.9 acres within a 2.4-acre permissible place of use.

TRANSFER NO. 85699

CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, 50 E NORTH TEMPLE, SALT LAKE CTY, UT 84150-6320 has filed Application No. 85699 for changes to the following water rights within BINGHAM County(s): Right No(s). 25-2020; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change points of diversion and place of use. Proposed points of diversion (2) are in SWSW Sec 11 T02S R39E for 0.06 cfs from South Fork Sellars Creek and Marie Creek. Proposed place of use is in SWSW Sec 11 T02S R39E for the irrigation of 1.1 acres within a 1.6-acre permissible place of use. Transferred portion of right will include existing uses for diversion to storage and recreation storage.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 2/22/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/2/2022 and 2/9/2022