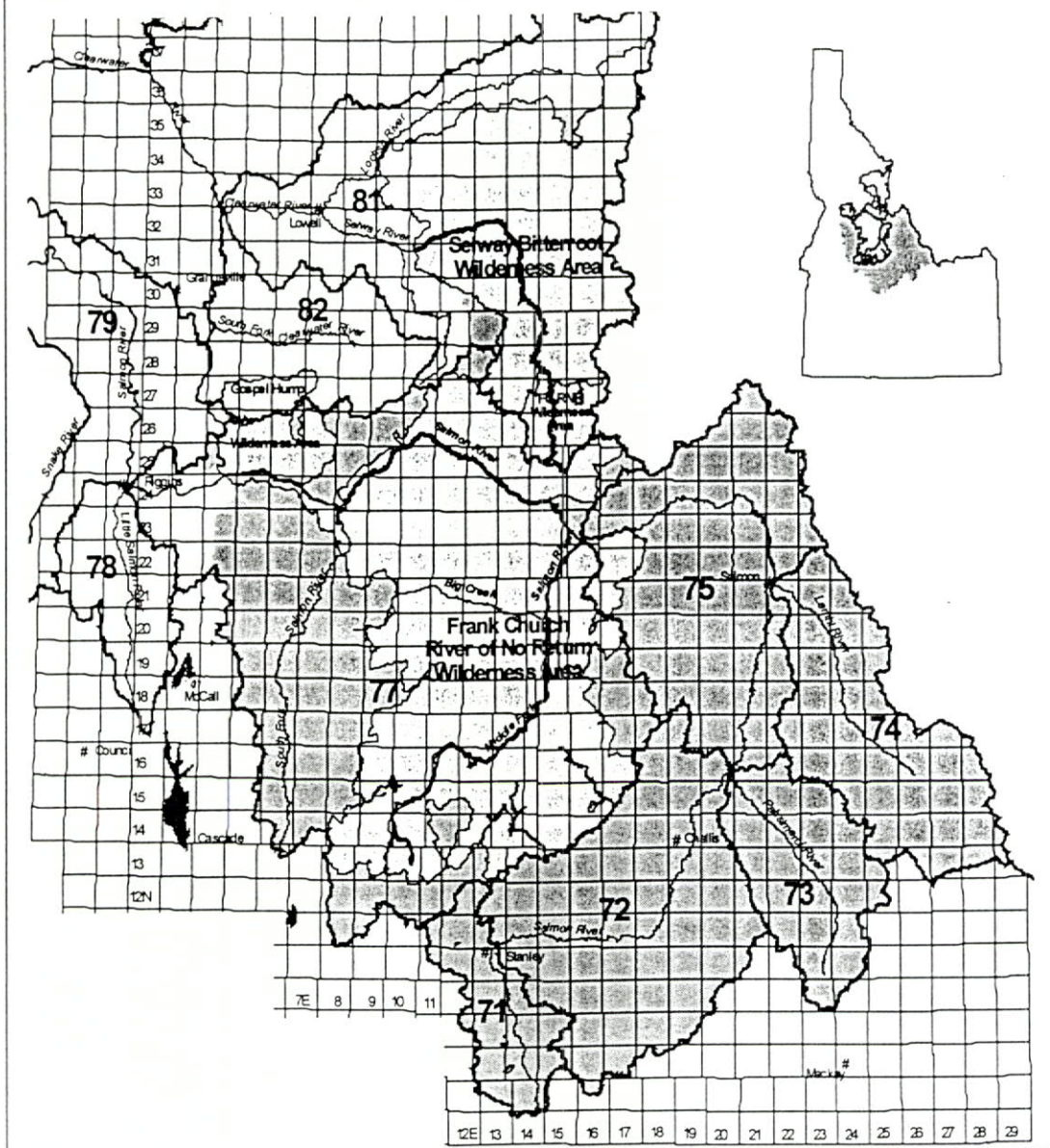


Wilderness Moratorium Areas

October 26, 1999

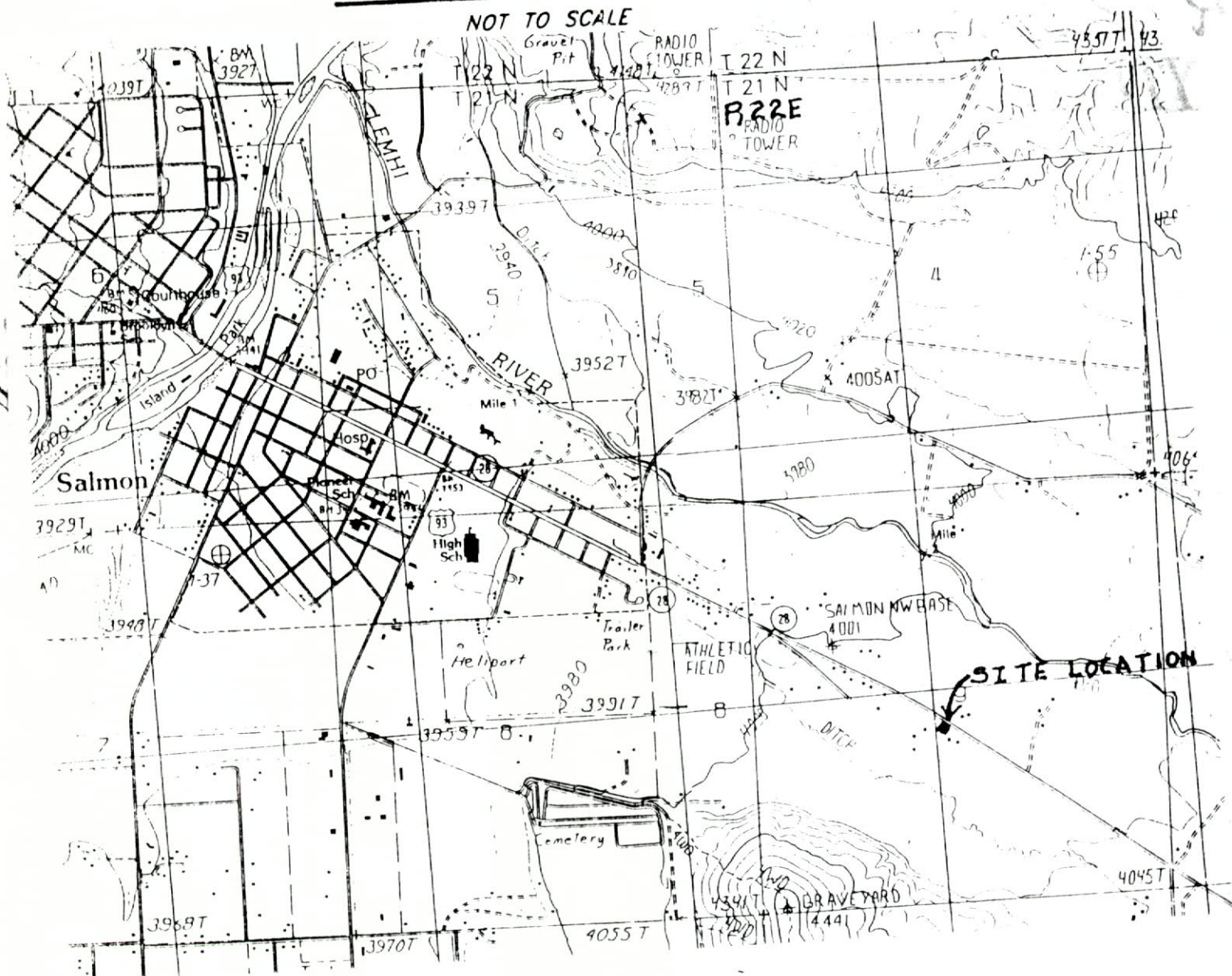
-  DWR Administrative Basins with basin number
-  Wilderness Areas
-  Tributary Areas
-  Township/Range



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VICINITY MAP

NOT TO SCALE



SURVEYORS CERTIFICATE

I, Thomas Taylor, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of the survey completed under my supervision.

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JAN 16 2001

Thomas Taylor

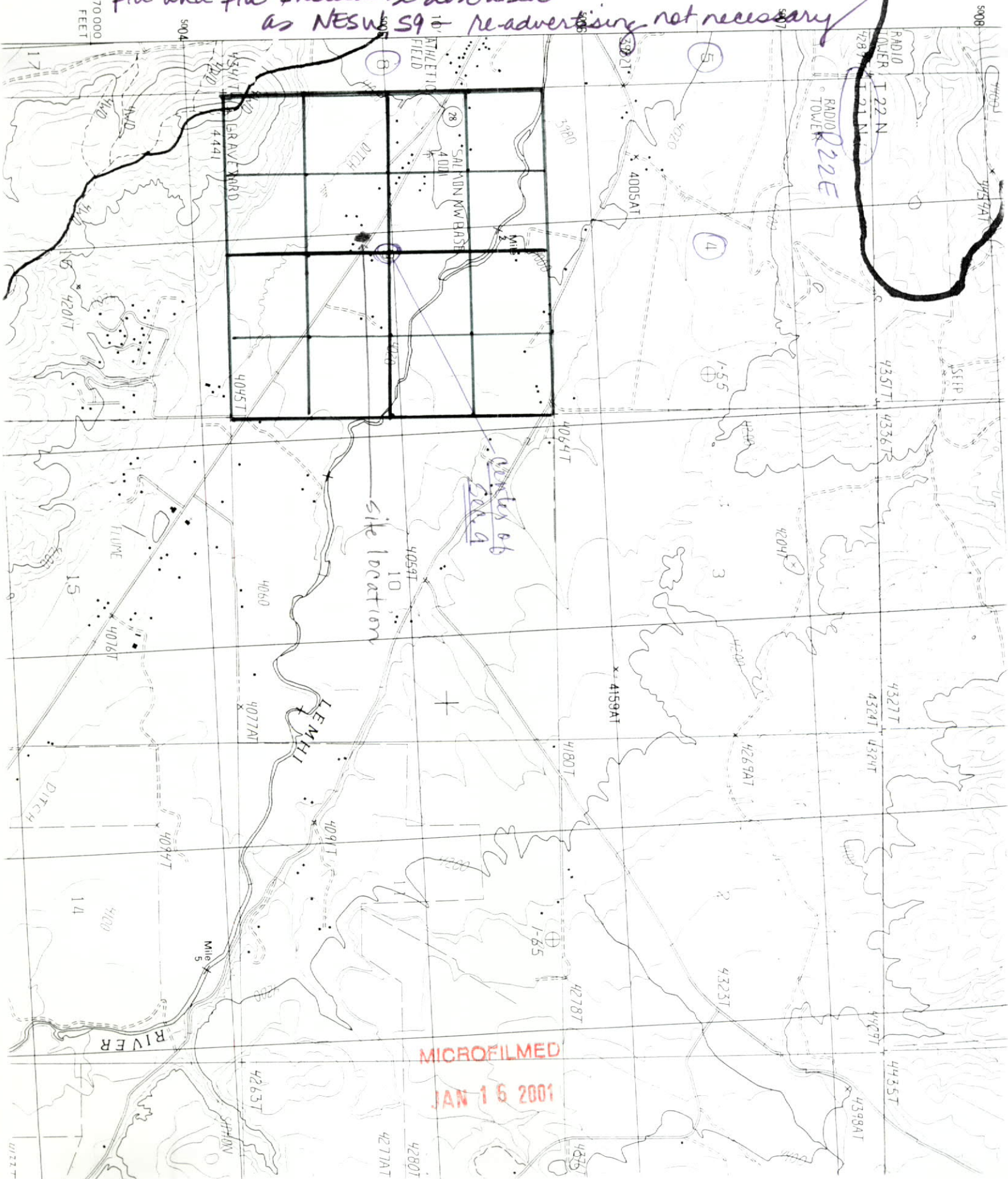


Date

11/19/97

75
74

Per telecon w/ Skip Jones on 7/28/99, the
fld and flu should be described
as NESW S9 - re-advertising not necessary



**NOTICE OF APPLICATION FOR
WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

74-07391

CHURCH OF JESUS CHRIST OF
LATTER DAY

C/O SCOTT NIELSON AIA

PO BOX 2212

IDAHO FALLS, ID 83403

Source: GROUNDWATER

Diversion Pt: NWSW Sec 9 T 21N

R 22E in LEMHI County.

Use: IRRIGATION

DOMESTIC

(0.150 CFS)

(0.040 CFS)

Total Diversion: (0.150 CFS)

Date Filed: 6/8/1999

In: LEMHI County

T21N R22E S09 NWSW

5.0 ACRES TOTAL

74-07668

GALLIGAN, WILLIAM B

GALLIGAN, SUE M

PO BOX 213

NORTH FORK, ID 83466

Source: SPRING Tributary:

SPRING CREEK, WEST FORK

Diversion: Pt: SESESW Sec 7 T

24N R 19E in LEMHI County.

Use: POWER (0.180 CFS)

Total Diversion: (0.180 CFS)

Date Filed: 6/1/1999

In: LEMHI County

T24N R19E S07 SESW

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before JULY 6, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 6/17/1999 & 6/24/1999

6-17-21c

Affidavit of Publication

STATE OF IDAHO

ss.

County of Lemhi

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the IDAHO DEPARTMENT OF WATER RESOURCES

74-07391 & 74-07668

a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for TWO (2) consecutive issues, commencing with the issue dated 6-17-99 and ending with the issue dated 6-24-99

STATE OF IDAHO

ss.

County of Lemhi

On this 24th day of JUNE in this year of 1999 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Residing At Salmon, Idaho

Shelia K. Hodges
Notary Public for Idaho

My Commission Expires: 9-21-2001

Publication Fee \$ 66.00

RECEIVED
JUL 14 1999

Department of Water Resources
Eastern Region

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JAN 16 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF WATER RIGHT PERMIT)	
NO. 74-07391 RE:)	
IN THE MATTER OF APPLICATIONS AND)	
PERMITS FOR THE DIVERSION AND USE)	PRELIMINARY ORDER RE:
OF SURFACE WATER AND GROUND)	MOTION FOR
WATER IN AND TRIBUTARY TO THE)	RECONSIDERATION OF
SELWAY-BITTERROOT WILDERNESS)	MORATORIUM ORDER
AREA, GOSPEL-HUMP WILDERNESS AREA,)	
AND FRANK CHURCH-RIVER OF NO)	
RETURN WILDERNESS AREA)	
_____)	

On October 26, 1999, the Director of the Department of Water Resources issued a Moratorium Order affecting a stay in further processing and development under pending applications and permits for the diversion and use of surface and ground water in and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area.

On November 9, 1999, the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints (the Church) filed with the Department a motion for reconsideration of the Moratorium Order as it affects water right permit No. 74-07391 in the name of the Church. The Church also filed a Request for Hearing on November 12, 1999. The Department issued permit 74-07391 on August 13, 1999, for domestic and irrigation use at the site of a new church under construction near Salmon, Idaho. The motion requests that the Department allow the Church to exercise its rights in accordance with the terms of the pre-existing permit.

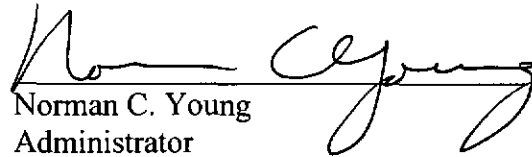
After due consideration of the relevant circumstances, this order confirms that:

1. The LDS Church project near Salmon, Idaho is not prevented by the Department's October 26, 1999 Moratorium Order from developing the water system associated with a recently constructed well and using ground water for domestic purposes within the church either under the provisions of Section 42-227, Idaho Code, or in accordance with approved water right permit No. 74-07391.

2. The Department's October 26, 1999 Moratorium Order limits further development under water right permit No. 74-07391 to non-consumptive purposes such as in-house domestic uses. The Church may preserve the right to development of domestic or irrigation use under the permit by requesting a stay of development under the permit in accordance with the provisions of the Moratorium Order.

3. Notwithstanding the above provisions of paragraph 2, nothing in this order shall preclude the Church from subsequently asserting that the use of water in accordance with approved water right permit No. 74-07391 would have no effect upon other water rights to be protected under the October 26, 1999 Moratorium Order.

Dated this 5TH day of January 2000.


Norman C. Young
Administrator

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
74-07391 IN THE NAME OF)
CHURCH OF JESUS CHRIST)
LATTER DAY SAINTS)

PRELIMINARY ORDER

This matter having come before the Department of Water Resources (Department) as a result of a response by the permit holder to an order issued by the Department, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On October 26, 1999, The Director of the Department (Director) issued a Moratorium Order (order) to stop further development of all existing permits to appropriate water within the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas, and within areas tributary to those wilderness areas.

2. On December 23, 1999, the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints (permit holder) filed a request for an indefinite stay in the development period for Permit No. 74-07391 (permit) in response to Condition 5.b of the order.

3. The permit holder provided information describing the extent of development and beneficial use that had occurred under the permit.

4. The permit holder provided information to show that the project had not been completed due to circumstances over which the permit holder had no control.

CONCLUSIONS OF LAW

1. Section 42-204(1), *Idaho Code* provides that the Department may allow for delays in the development of a permit which are due to certain matters beyond the control of the permit holder.

2. The permit holder has provided sufficient justification for the Director to authorize an indefinite stay in the development period for the permit.

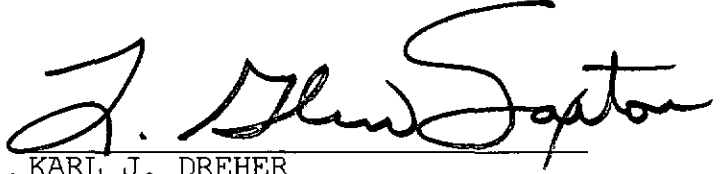
3. The Director should authorize an indefinite stay in the development period with certain conditions.

ORDER

IT IS THEREFORE HEREBY ORDERED that an indefinite stay in the development period for the above captioned permit is **GRANTED** subject to the following conditions and limitations:

1. Additional work by the permit holder in developing a water right under terms of the permit is not authorized until the Department specifically authorizes resumption of work.
2. If resumption of work is authorized under this permit, the development period for this permit shall be extended by the number of days lost as a result of the indefinite stay hereby granted.
3. The permit holder is not authorized to assign ownership of the permit to another party without prior approval of the Department.
4. The Department may rescind or modify the indefinite stay hereby granted if the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Moratorium is modified or rescinded.

Dated this 28th day of December, 1999.

for 
KARL J. DREHER
Director

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JAN 16 2001

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS AND)
PERMITS FOR THE DIVERSION AND USE)
OF SURFACE WATER AND GROUND)
WATER IN AND TRIBUTARY TO THE)
SELWAY-BITTERROOT WILDERNESS)
AREA, GOSPEL-HUMP WILDERNESS AREA,)
AND FRANK CHURCH-RIVER OF NO)
RETURN WILDERNESS AREA)
_____)

MORATORIUM ORDER

The Director of the Department of Water Resources ("Director"), having responsibility for the administration of the appropriation of water in the State of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state, and the conservation of the water resources of the state, enters the following Findings of Fact, Conclusions of Law, and Final Order.

FINDINGS OF FACT

1. On April 30, 1993, the Director issued an Amended Moratorium Order that stopped the approval of certain applications seeking to appropriate surface water within the Salmon and Clearwater River Basins in Idaho.
2. On December 13, 1993, the United States filed Notices of Claim in the Snake River Basin Adjudication ("SRBA") for federal reserved water rights for the Selway-Bitterroot, Gospel-Hump, and Frank Church-River Of No Return wilderness area designations. On February 27, 1997, a motion to amend the Notices of Claim for all three wilderness area designations was filed with the District Court of the Fifth Judicial District of the State of Idaho (the "SRBA district court") to change the claimed priority dates.
3. As amended, pertinent portions of the claim filed in the SRBA for a federal reserved water right for the Selway-Bitterroot Wilderness are as follows:

Identification Number: A31-11191
Name of Claimant: United States of America

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Date of Priority: September 3, 1964, except for Magruder Corridor that has priority date of July 23, 1980

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Selway-Bitterroot Wilderness. This claim is intended to also include those sources of water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Lochsa and Selway Rivers.

Location of Points of Diversion: None

Location of Place of Use: All locations in the Selway-Bitterroot Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Selway-Bitterroot Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, September 3, 1964.

4. As amended, pertinent portions of the claims filed in the SRBA for federal reserved water rights for the Gospel-Hump Wilderness are as follows:

Identification Numbers: 77-12774, 82-11120

Name of Claimant: United States of America

Date of Priority: February 24, 1978

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Gospel-Hump Wilderness. This claim is intended to also include those sources of

water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Salmon River.

Location of Points of Diversion: None

Location of Place of Use: All locations in the Gospel Hump Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Gospel-Hump Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, February 24, 1978.

5. As amended, pertinent portions of the claims filed in the SRBA for federal reserved water rights for the Frank Church-River of No Return Wilderness are as follows:

Identification Numbers: A75-13605, A77-12775

Name of Claimant: United States of America

Date of Priority: July 23, 1980

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Frank Church-River of No Return Wilderness. This claim is intended to also include those sources of water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Salmon River.

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Location of Points of Diversion: None

Location of Place of Use: All locations in the Frank Church-River of No Return Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Frank Church-River of No Return Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, July 23, 1980.

6. On December 18, 1997, the SRBA district court issued *Order Granting and Denying United States' Motions for Summary Judgment on Reserved Water Rights* for claims made by the United States under the Wilderness Act, Multiple-Use Sustained-Yield Act ("MUSYA"), and Hells Canyon National Recreation Area Act ("HCNRA"), referred to herein as "1997 SRBA Reserved Rights Order." In this order, the SRBA district court ruled that: "The United States is entitled to a federal reserved water right for all unappropriated flows in the Frank Church-River of No Return, the Selway-Bitterroot, and the Gospel-Hump wilderness areas." (1997 SRBA Reserved Rights Order, p. 5). The SRBA district court emphasized its ruling by stating: "The amount of water minimally sufficient to fulfill Congressional intent is the total amount of unappropriated water within each [wilderness] area, **such that none is ever available for future appropriation.**" (1997 SRBA Reserved Rights Order, p. 15, emphasis added).

7. On July 24, 1998, the SRBA district court issued *Memorandum Decision Granting, In Part, and Denying, In Part, the United States' Motion for Summary Judgment on Reserved Water Rights Claims* for claims made by the United States under the Wild and Scenic Rivers Act, referred to herein as "1998 SRBA Wild and Scenic Decision." In this decision, the SRBA district court ruled that under the Central Idaho Wilderness Act, the United States " ... **reserved land north and south of the Mainstem of the Salmon River as wilderness, thereby reserving all unappropriated flows of water in the Mainstem**" referring back to the 1997 SRBA Reserved Rights Order in a footnote. (1998 SRBA Wild and Scenic Decision, p. 7, emphasis added). The SRBA district court noted that "Congress declared that the Mainstem of the Salmon River [that segment of the main Salmon River designated as a component of the Wild and Scenic Rivers System] would be administered solely under the Wild and Scenic Rivers Act, not the Wilderness Act." However, the SRBA district court did not describe any limitation on the reservation of unappropriated flows, nor did the court distinguish between that segment of the main Salmon River designated as Wild and Scenic and that segment adjacent to the Gospel-Hump and Frank Church-River of No Return Wilderness Areas that lies downstream of the Wild and Scenic designation.

8. On October 1, 1999, the Supreme Court of the State of Idaho issued 1999 Opinion No. 113 in the case of *Potlatch Corp. et al. v. United States of America* affirming the 1997 SRBA Reserved Rights Order granting the United States reserved water rights for all unappropriated water in the Frank Church-River of No Return, the Selway-Bitterroot, and the Gospel-Hump Wilderness Areas.

9. As of the date of this Order, there are approximately 60 pending applications for permits to appropriate surface water and ground water in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas, and areas tributary to the wilderness areas. In addition, approximately 90 permits to appropriate water have been issued in these areas for which proof of beneficial use has not yet been submitted.

10. Although the SRBA district court has not issued final decrees for federal reserved water rights in the Selway-Bitterroot, the Gospel-Hump, and the Frank Church-River of No Return Wilderness Areas, the Supreme Court's decision of October 1, 1999, once final, will preclude future appropriations of water within the wilderness areas and in areas tributary to the wilderness areas.

CONCLUSIONS OF LAW

1. The Director is responsible for the allocation of water for new uses in Idaho. Section 42-203A(5), Idaho Code, reads in pertinent part as follows:

... In all applications whether protested or not protested, where the proposed use is such (a) **that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated,** or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions. (emphasis added)

2. The Director is authorized under the provisions of Section 42-1805(7), Idaho Code, as follows:

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After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of the minimum flow provisions of the state water plan.

3. The claims filed by the United States in the SRBA for federal reserved water rights for all unappropriated water in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas did not limit the claimed amount to unappropriated water arising solely within the wilderness areas as of the date the wilderness areas were reserved, nor did the claims include subordination to existing permits to appropriate water having junior priority dates for private holdings within the wilderness areas. Neither the 1997 SRBA Reserved Rights Order nor the Idaho Supreme Court decision affirming the 1997 SRBA Reserved Rights Order limited the federal reserved water rights to unappropriated water arising solely within the boundaries of the wilderness areas. Therefore, both the SRBA district court and the Idaho Supreme Court have included unappropriated water flowing into the wilderness areas, either above or below land surface, as part of the unappropriated water "in" or "within" the wilderness areas.

4. Neither the 1997 SRBA Reserved Rights Order, the 1998 SRBA Wild and Scenic Decision, nor the Idaho Supreme Court decision affirming the 1997 SRBA Reserved Rights Order excluded portions of the Middle Fork of the Salmon River, the South Fork of the Salmon River, or Big Creek lying upstream of the wilderness area boundaries, or clearly excluded the Mainstem of the Salmon River, from being considered as sources for unappropriated water "in" or "within" the wilderness areas as of the date the wilderness areas were reserved.

5. Although petitions for rehearing are pending before the Idaho Supreme Court, a moratorium on the granting of new permits to appropriate surface water or ground water and on continued development under existing permits is necessary. A moratorium will preserve the status quo until final decrees are issued for federal reserved water rights and limit the potential for resources being expended to develop water rights for which no unappropriated water may be available.

6. Because this moratorium order is issued to preserve the status quo, the order should take effect immediately upon issuance to protect the public interest in accordance with the provisions of Section 67-5247, Idaho Code.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the prior Amended Moratorium Order of the Director issued on April 30, 1993, remains in effect and the requirements listed below also apply.

IT IS FURTHER HEREBY ORDERED that a moratorium is established on the processing of applications for permits to appropriate surface water or ground water within and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area, subject to the following conditions:

1. This moratorium order shall be in effect on and after its entry and shall remain in effect until withdrawn or modified by order of the Director, except as provided herein.
2. This moratorium order applies to all applications for permit, previously filed or to be filed, and all existing permits for which proof of beneficial use has not been filed with the Department, seeking to appropriate surface water or ground water within the Salmon River Basin upstream from the location where the Salmon River leaves the Gospel-Hump Wilderness Area in Section 3, T24N, R4E, B.M. and in the Clearwater River Basin upstream from the location where the Selway River leaves the Selway-Bitterroot Wilderness Area in Section 7, T31N, R10E, B.M. The wilderness areas and tributary areas affected by this moratorium order are depicted on the attached map.
3. This moratorium order does not apply to any application proposing a non-consumptive use of water.
4. This moratorium order does not prevent the Director from reviewing an application that otherwise would not be approved under terms of this moratorium on a case by case basis, if the Director determines that the use of the water pursuant to the application would have no effect on other water rights due to:
 - (a) the location of use; or
 - (b) the effect on other water rights would be offset through mitigation provided by the applicant.

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5. The holders of all existing permits to appropriate water within the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas, and within areas tributary to those wilderness areas, shall upon receipt of this moratorium order immediately stop further development under the permit, and within sixty (60) days of receipt of this order do one of the following:

- (a) file proof of beneficial use documenting the extent of diversion and beneficial use of water that was completed prior to receiving this moratorium order; or
- (b) request a stay in the development period under the permit, in accordance with Section 42-204, Idaho Code, until the conditions that resulted in this order have been alleviated, if such should ever occur.

Dated this 26th day of October, 1999.

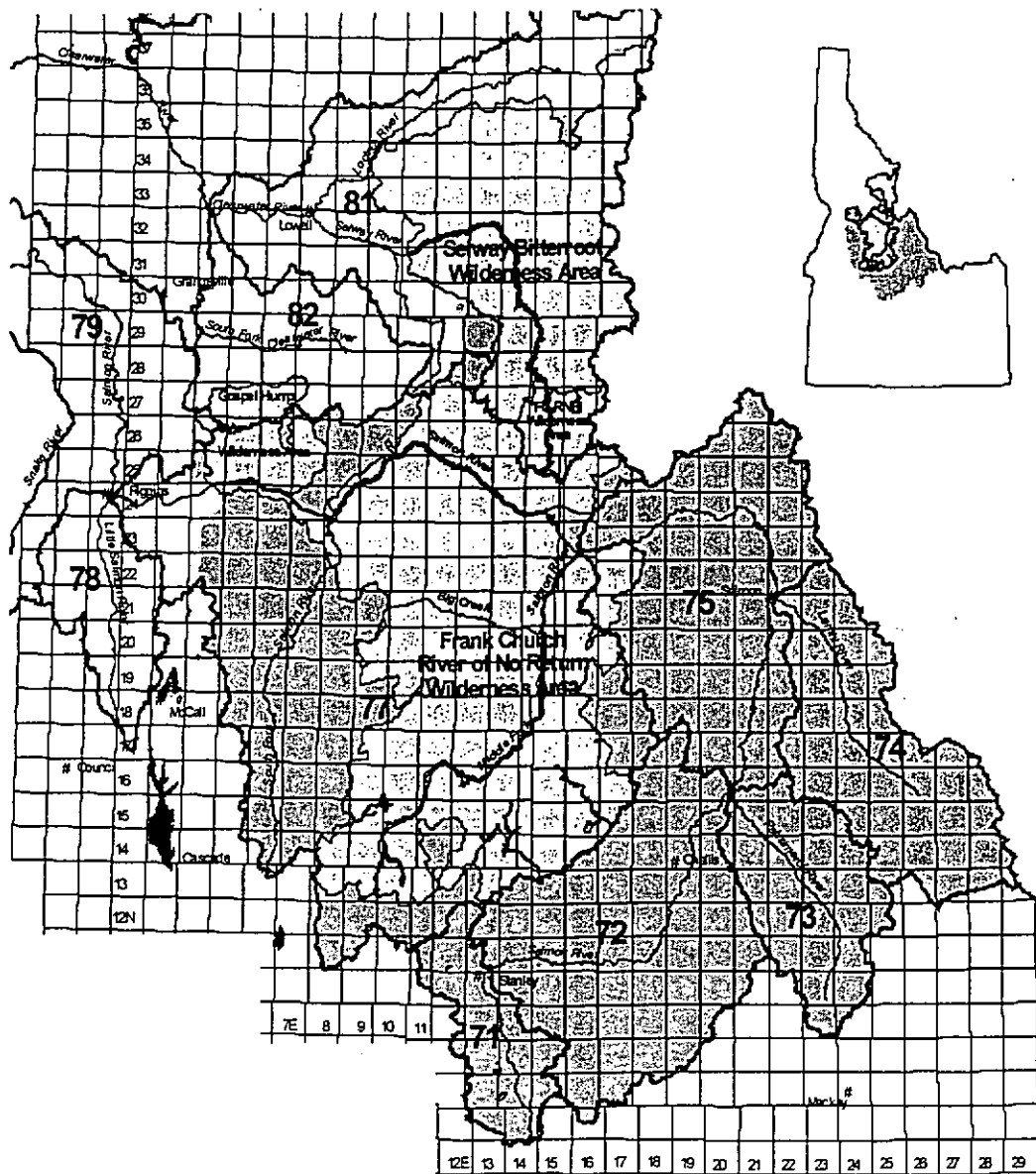
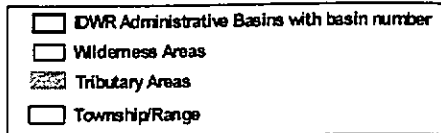


KARL J. DREHER
Director

MICROFILMED

Wilderness Moratorium Areas

October 26, 1999



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State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 74-07391

Proposed Priority: June 8, 1999

Maximum Diversion Rate:

0.15 CFS

This is to certify, that CHURCH OF JESUS CHRIST LATTER DAY SAINTS
C/O SCOTT NIELSON AIA
PO BOX 2212
IDAHO FALLS ID 83403

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/15	0.15 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.15 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 9, Township 21N, Range 22E
LEMHI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
21N	22E	9	NESW	5.0		5.0

Total number of acres irrigated: 5.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 2004.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. Domestic use is for a church.

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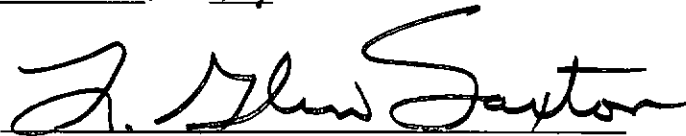
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 74-07391

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

13th day of August, 1999.



Karl J. Dreher, Director

for

MICROFILMED
JAN 16 2001

RECEIVED

JUL 19 1999

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

The Church of Jesus Christ of Latter Day Saints

1. Name of Applicant Scott Nielson AIA Phone 522-8779Mailing address P.O. Box 2212, Idaho Falls, Idaho 834032. Source of water supply Ground water which is a tributary of NA3. Location of point of diversion is Township 21N Range 22E Sec. 9 in the NW 1/4, SW 1/4, 1/4, Govt. Lot , B.M., Lewhi County; additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 0.15 for Irrigation purposes from 4/15* to 10/15* (both dates inclusive) * per standard season se 7/20/99
 (cfs or acre-feet per annum) May 15 to Sept. 15

Amount 0.04 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
 (cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
 (cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
 (cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
 (cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
 (cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.15 and/or (b)
cubic feet per second acre feet per annum

6. Proposed diverting works:

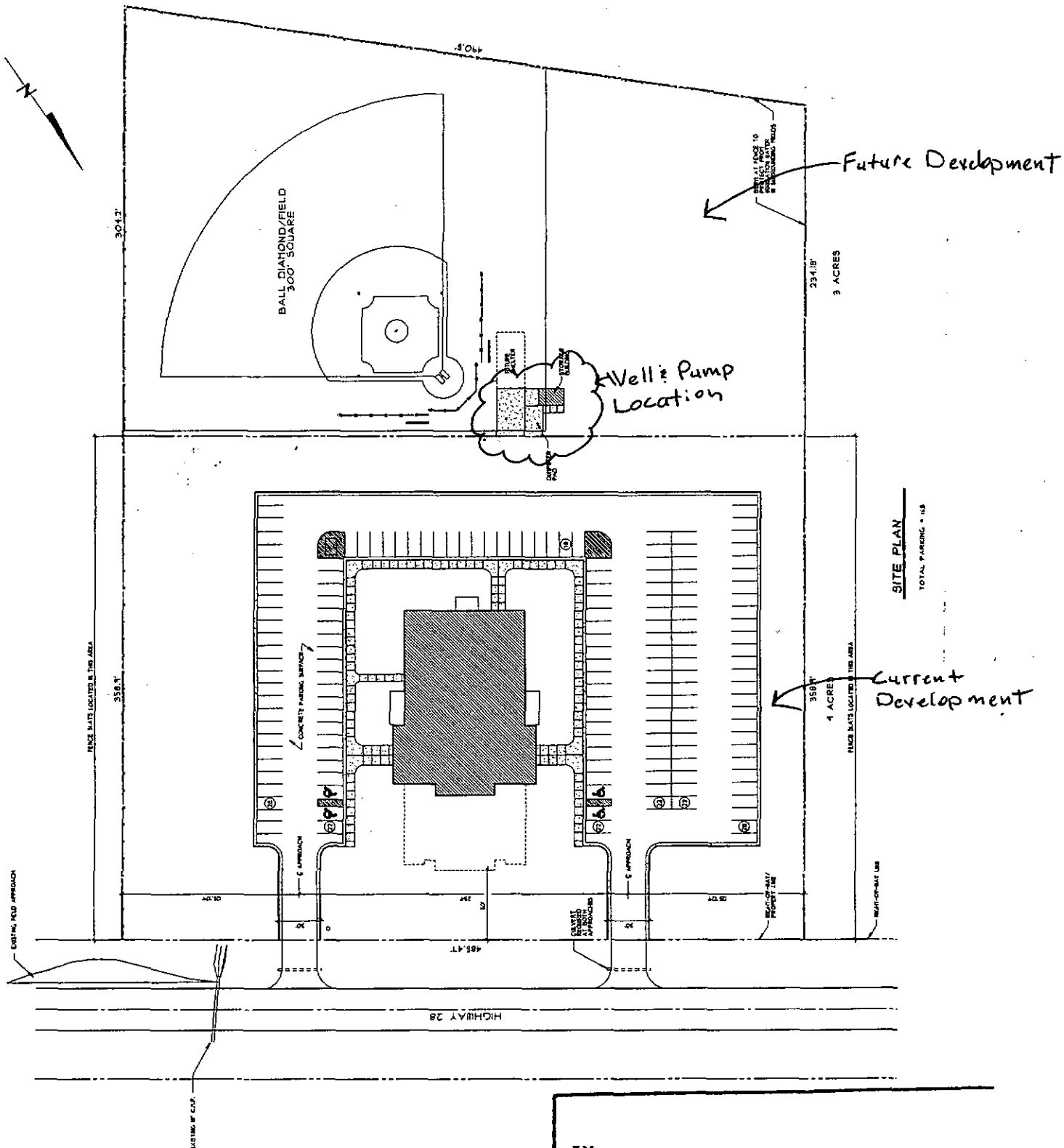
a. Describe type and size of devices used to divert water from the source well, pump and lawn sprinkler system + domestic use for churchb. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feetc. Proposed well diameter is 6" inches; proposed depth of well is 100 feetd. Is ground water with a temperature of greater than 85°F being sought? e. If well is already drilled, when? ; Drilling firm Well was drilled for (well owner) ; Drilling Permit No. 7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

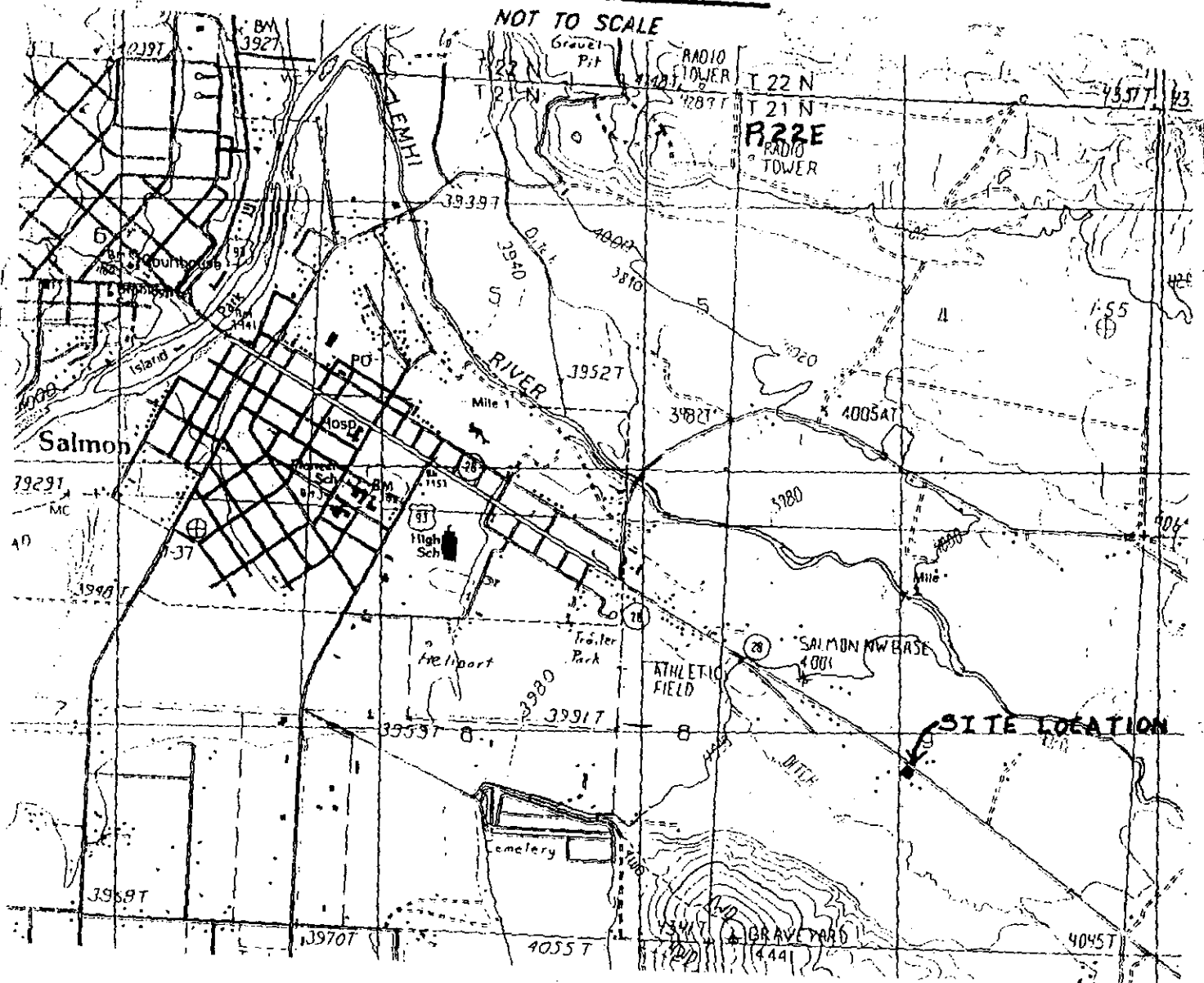
a. Hydropower; show total feet of head and proposed capacity in KW. b. Stockwatering; list number and kind of livestock. c. Municipal; show name of municipality. d. Domestic; show number of households. e. Other; describe fully.

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JAN 16 2001



VICINITY MAP

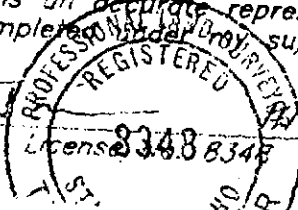


SURVEYORS CERTIFICATE

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JAN 16 2001

I, Thomas Taylor, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of the survey completed under my supervision.

Thomas Taylor
Date 1/19/97



9. Description of place of use:

a. If water is for irrigation, indicate acreage for each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	22E	9									5								5
											D								

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. The Owner already has surface under rights.

11. a. Who owns the property at the point of diversion? The Church of Jesus Christ of Latter Day Saints

b. Who owns the land to be irrigated or place of use? The Church of Jesus Christ of Latter Day Saints

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Nielson Bodily & Associates is the contract architect for this project.

12. Remarks: Water rights to be owned by The Church of Jesus Christ of Latter Day Saints. The landscaped area in the front four acres is to be irrigated now. The back three acres will be developed and irrigated at a later date. The water volume and acres indicated on this application are for the front part of the site.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Steve A. Odell - Architect
Signature of Applicant (and title, if applicable)

Received by HLW Date 6-8-99 Time 1:01 pm Preliminary check by
Fee \$ 50.00 Received by HLW # E025046 Date 6-8-99
Publication prepared by SC Date 6-17 & 6-24-99 Published in Recorder Herald
Publication approved SC Date 7/14/99

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JAN 16 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 12, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Ron B. Rock
Moffatt, Thomas, Barrett, Rock & Fields, Chartered
101 S. Capital Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701

RE: Preliminary Order for Water Right Permit 74-07391

Dear Mr. Rock:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

This letter also serves as a follow-up to conversations that you had last week with Department's Counsel, Phillip Rassier, Deputy Attorney General regarding drilling a replacement or an additional well for domestic uses at the LDS Church near Salmon Idaho. Authorization to construct a well for domestic purposes within the October 26, 1999 moratorium area can only be obtained by filing an application for drilling permit and receiving a written drilling permit from the department. If a drilling permit has already been issued for this purpose, then construction of the new well can proceed. If construction of the new well is approved, use of the water for domestic purposes within the church could proceed either as exempt from water right permitting in accordance with Section 42-227, Idaho Code, or in accordance with the use authorized by approved Water Right Permit 74-07391. However, the moratorium order limits further development under the water right permit to non-consumptive purposes such as in-house domestic uses. You may want to contact the department before proceeding to see if an amendment to the permit would be required for use of the new well.

If you have any questions regarding this matter, please call me at 208-327-7940.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

Enclosures

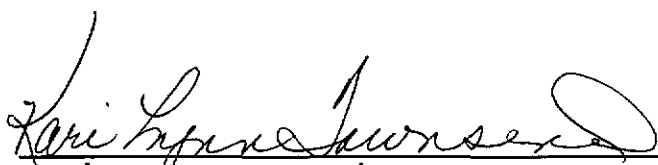
MICROFILMED
JAN 16 2001

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of January, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Motion for Reconsideration of Moratorium Order) to the person(s) listed below:

Water Right 74-07391

RON B ROCK
MOFFATT THOMAS BARRETT ROCK & FIELDS
PO BOX 829
BOISE ID 83701-0829



Kari Lynn Townsend
Secretary

MICROFILMED
JAN 16 2001

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED
JAN 16 2001

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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JAN 16 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MOFFATT THOMAS BARRETT ROCK & FIELDS
RON B ROCK
PO BOX 829
BOISE ID 83701-0829

RE: Preliminary Order for Water Right 74-07391

Dear Water Right Holder(s):

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-327-7940.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: The Church of Jesus Christ of Latter Day Saints
Scott Nielson, AIA

MICROFILMED

JAN 16 2001

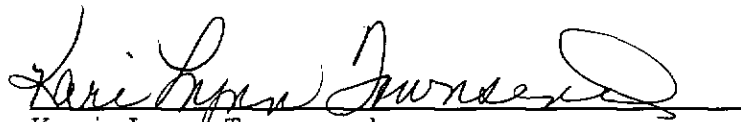
CERTIFICATE OF MAILING

I hereby certify that on the 29th day of December, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: Preliminary order for Water Right 74-07391

MOFFATT THOMAS BARRETT ROCK & FIELDS
RON B ROCK
PO BOX 829
BOISE ID 83701-0829

THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
C/O SCOTT NIELSON AIA
PO BOX 2212
IDAHO FALLS ID 83403


Kari Lynn Townsend
Secretary

MICROFILMED
JAN 16 2001

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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JAN 16 2001

CERTIFICATE OF SERVICE

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FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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JAN 16 2001

Ron B. Rock, No. 1060
John W. Kluksdal, No. 5641
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2000
Facsimile: (208) 385-5384
10-985.14

RECEIVED
DEC 23 1999
Department of Water Resources

Attorneys for Corporation of the Presiding Bishop
of The Church of Jesus Christ of Latter-day Saints

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS AND	)	
PERMITS FOR THE DIVERSION AND USE	)	
OF SURFACE WATER AND GROUND	)	
WATER IN AND TRIBUTARY TO THE	)	
SELWAY-BITTERROOT WILDERNESS	)	REQUEST FOR STAY
AREA, GOSPEL-HUMP WILDERNESS AREA,	)	IN DEVELOPMENT
AND FRANK CHURCH-RIVER OF NO	)	PERIOD UNDER
RETURN WILDERNESS AREA	)	PERMIT
	)	

The Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints ("the Church") hereby requests an indefinite stay of the time limitations allowed for the Church to commence and complete construction of works and application of water to beneficial use pursuant to permit to appropriate water No. 74-07391 issued by the Department on or about August 13, 1999 for domestic and irrigation use at the site of a new church being constructed

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JAN 16 2001

near Salmon, Idaho. This request is submitted on the following grounds and for the following reasons:

1. Certain court rulings and decisions have been entered which have raised questions about water rights and claims for water rights in the geographic area in the vicinity of Salmon, Idaho.

2. On October 26, 1999 the Director of the Department of Water Resources issued a Moratorium Order staying further processing and development under pending applications and permits for the diversion and use of surface and ground water in and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area. The church does not concede, admit or acknowledge that the court decisions or the moratorium order apply to, or are valid with respect to, the Church's water right permit and/or the Church's water rights or application of water to beneficial use at present or in the future. In fact, the Church specifically denies the validity and/or applicability of said Moratorium Order and court decisions on water rights of the Church.

3. As a result of the court decisions and/or the Moratorium Order referenced above and the uncertainties that may exist with respect to the effect of those decisions and the Moratorium Order on the Church's right to proceed with completion of works and application of the water to full beneficial use, the Church requests an indefinite stay and continuance with respect to the deadlines and time limits that may otherwise apply to the Church proceeding with and completing construction of works and application of water to beneficial use, said stay extending to and including a reasonable time after the uncertainties raised by said court decisions and the Moratorium Order have been adequately resolved.

This request is made pursuant to Section 42-204, Idaho Code, and other applicable laws and equitable principles.

DATED this 23rd day of December, 1999.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By RB Rock
Ron B. Rock - Of the Firm
Attorneys for Corporation of the Presiding
Bishop of The Church of Jesus Christ of
Latter-Day Saints

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of December, 1999, I caused to be served a true copy of the foregoing **REQUEST FOR STAY** by the method indicated below.

Phillip J. Rassier, attorney
Department of Water Resources
1301 N. Orchard
Boise, ID 83720

() U.S. Mail, Postage Prepaid
(**x**) Hand Delivered
() Overnight Mail
() Facsimile



Ron B. Rock

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JAN 16 2001

Z 269 221 972

US Postal Service

Receipt for Certified

No Insurance Coverage Pk
Do not use for International

Sent to	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

74-07391

CHURCH OF JESUS CHRIST OF LATTER DAY
C/O SCOTT NIELSON, JR.
PO BOX 2212
IDAHO FALLS

ID 83403

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

102595-99-M-0079

PS Form 3800, April 1995 (Reverse)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

74-07391
CHUCH OF JESUS CHRIST LATTER DAY
C/O SCOTT NIELSON AIA
PO BOX 2212
IDAHO FALLS ID 83403

4a. Article Number

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

SCOTT L NIELSON

6. Signature: (Addressee or Agent)

X 

MICROFILME 44-3

JAN 16 2001

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
1301 N. ORCHARD ST.
BOISE, ID 83706-2237

NOV 5 1999

MICROFILMED
Department of Water Resources

JAN 16 2001

WA

83706-2237





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 26, 1999

CERTIFIED MAIL

RE: Procedures Available upon Issuance of Final Moratorium Order

Dear Applicant or Permit Holder:

The accompanying "Final Order" by the Director of the Department of Water Resources establishes a moratorium on the processing of applications for permits to appropriate surface water or ground water within and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area. The order is issued pursuant to Section 67-5246, Idaho Code, and is effective as of October 25, 1999.

This letter provides a statement of the available procedures pursuant to Section 67-5246, Idaho Code, and provides the time limits for filing a petition for reconsideration of the order. The statement is required by the Department's Rule of Procedure 740.02.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of the order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be deemed denied by operation of law pursuant to Section 67-5246(4), Idaho Code.

A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

OPPORTUNITY TO REQUEST HEARING

The department did not conduct a hearing prior to issuance of the accompanying order. Section 42-1701A(3) provides, in pertinent part, as follows:

MAILED
JAN 16 2001

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person aggrieved by any decision, determination, order or action of the director of the department of water resources or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the director, who is aggrieved by a denial or conditional approval ordered by the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the denial or conditional approval upon filing with the director, within fifteen (15) days after receipt of the denial or conditional approval, a written petition stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of (a) the service date of the final order, (b) an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

For questions regarding the moratorium order please contact Glen Saxton, Water Allocation Bureau Chief, or me at (208) 327-7900.

Sincerely,



Norman C. Young
Administrator
Water Management Division

MICROFILMED

JAN 16 2001

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
_____ 1/4 _____ 1/4 _____ 1/4
Lat: : : Long: : :
☒ Air ☐ Flowing Artesian

PAGE

0. D 0011148

0011148

WELL TAG NO. D _____ 0011148

DRILLING PERMIT NO. 74- 99 - E - 0010 000

Other IDWR No. 74-07391

2. OWNER CHURCH of JESUS CHRIST of LATTER DAY SAINTS
Name C/O SCOTT NIELSON AIA
Address P.O. BOX 2212
City IDAHO FALLS State ID Zip 83403

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

W

X
 E
 N
 S

Twp. 21 N North ☒ or South ☐
 Rge. 35 E East ☒ or West ☐
 Sec. 9 1/4 NW 1/4 SW 1/4
 Gov't Lot _____ County LEMHI 10 acres 10 acres 160 acres
 Lat: : : Long: : :
 Address of Well Site 1/2 MILE OUT-
SIDE SALMON CITY LIMITS
 City SALMON
(Give at least name of road + Distance to Road or Landmark)

Lt. — Blk. — Sub. Name —

4. USE: *Municipal*

☒ Domestic ☒ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
BENTONITE	0	20	1050#	POURED
GRANULAR				

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 60 FT
Was drive shoe seal tested? ☒ Y ☐ N How? DROVE INTO CLAY

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+2	60	.280	STEEL	☒	☐	☒	☐
4.5"	30	230	sched	PVC	☐	☒	☐	☒
			80		☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations	Method	SKILL SAW
--------------	--------	-----------

Screens	Screen Type
---------	-------------

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
30	230	1/8"	3	4.5"	PVC	☐	☒
			per fs			☐	☐
			per ft			☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

10 ft. below ground Artesian pressure N/A lb.
Depth flow encountered N/A ft. Describe access port or
control devices: REMOVABLE WELL CAP

WELL TESTS:

☐ Pump ☐ Bailer

Yield gal./min.	Drawdown	Pumping Level	Time
20 GPM	N/A	200 FT.	4 HRS

Water Temp. **COLD** Bottom hole temp. **COLD**

Water Quality test or comments: _____

Depth first Water Encounter **8 FT**

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
10"	0	1	fill gravel and sand mix		X
	1	5	brown clay		X
	5	8	brown clay and sand mix	X	
	8	13	Med grvl, clay, sand mix	X	
	13	20	med to hrg grvl, med sand mix	X	
6"	20	35	med to hrg gravel, med sand mix	X	
	35	40	brown clay		X
	40	70	hard blue clay		X
	70	75	gray clay		X
	75	77	burnt red colored clay		X
	77	85	blue - gray colored clay		X
	85	90	green, white, purple, gray, blue colored clay mix		X
	90	98	hard dry green & gray clay		X
	98	100	hard brn clay w/some quartzite mix	X	
100	105		burnt red colored clay		X
	105	110	blue - gray colored clay		X
	110	115	blue-gray clay w/some black rock mix	X	
	115	116	blue - gray clay		X
	116	120	blue-gray clay w/some very small layers of quartzite mix.	X	
	120	130	solid lite gray quartzite	X	
130	133		blue - gray shale		X
	133	136	blue - gray clay		X
	136	139	hard blue - gray clay		X
	139	140	brown quartzite & brown clay mix	X	
	140	155	hard blue shale		X
	155	165	quartzite	X	
	165	170	blue clay		X
	170	172	quartzite	X	
	172	176	brown clay		X
	176	180	blue clay		X
	180	183	brown clay		X

Completed	Depth	230 FT.	(Measurable)
Date: Started	8/10/99	Completed	8/20/99

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name **JAFCO DRILLING** Firm No. **504**

Firm Official Vincent S. [Signature] Date 8-23-99

and
Driver or Operator Date

(Sign once if Firm Official & Operator)

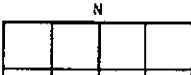
FORWARD WHITE COPY TO WATER RESOURCES

PAGE 2

2. OWNER: CHURCH of JESUS CHRIST of LATTER DAY SAINTS
Name: C/O SCOTT NIELSON AIA

Name _____
Address **P.O. BOX 2212**
City **IDAHO FALLS** State **ID** Zip **83403**

Sketch map location must agree with written location.



Twp. 21 N North ☐ or South ☐
 Rge. 35 E East ☐ or West ☐
 Sec. 9 1/4 **NW** 1/4 **SW** 1/4
 Gov't Lot _____ County LEWIS 10 acres 160 acres
 Lat: : : Long: : :
 Address of Well Site 1/2 MILE OUT-
SIDE SALMON CITY LIMITS
 City SALMON
 (Give at least name of road + Distance to Road or Landmark)

Lt. _____ Bk. _____ Sub. _____ Name _____

☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

☐ New Well ☐ Modify ☐ Abandonment ☐ Other _____

☐ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? ☐ Y ☐ N How? _____

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

Perforations _____ Method _____
Screens _____ Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

_____ ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or
control devices: _____

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: **not available at time well was drilled.**

Depth first Water Encounter

12. LITHOLOGIC LOG: (Describe repairs or abandonment) water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
	183	185	blue clay		✓
	185	190	brown clay		✓
	190	195	gray - brown clay mix		✓
	195	200	gray clay		✓
	200	205	brown - gray clay mix		✓
	205	210	gray clay		✓
	210	215	gray clay		✓
	215	220	gray clay		✓
	220	225	gray clay		✓
	225	230	gray clay w/small amounts of sand mx	✓	
	230		gray - brown clay mix		✓

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~~AUG 26 1999~~

RECEIVED

SEP 10 1999

Department of Water Resources

Completed Depth _____ (Measurable)
Date: Started _____ Completed _____

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name **JAFCO DRILLING** Firm No. **504**

Firm Official _____ Date _____
and _____ MICROFILMED

Driller or Operator _____ Date _____

(Sign once if Firm Official & Operator) 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 12, 1999

Ron B. Rock
Moffatt, Thomas, Barrett, Rock, & Fields, Chartered
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701

Re: Motion for Reconsideration of Moratorium Order Dated October 26, 1999

Dear Mr. Rock:

This letter is a follow-up to conversations that you had earlier today with the Department's Counsel, Phillip Rassier, Deputy Attorney General. The purpose of the letter is to confirm that, as discussed, the LDS Church project near Salmon, Idaho is not prevented from developing the water system associated with a recently constructed well and using ground water for domestic purposes within the church. IDWR records indicate that Drilling Permit No. 74-99-E-0010-000 was issued on July 27, 1999, authorizing construction of a well for this project. The driller's report filed on August 26, 1999, indicates that the well is capable of producing about 20 gpm which should be adequate for domestic use in the church.

The church can use the well for domestic purposes either as exempt from water right permitting in accordance with Section 42-227, Idaho Code, or in accordance with the use authorized by approved Water Right Permit 74-07391. However, the October 26, 1999, moratorium order limits further development under the water right permit to non-consumptive purposes such as in-house domestic uses.

The most straightforward way to address this matter may be to use the exemption for domestic uses allowed by Section 42-227, Idaho Code, to provide the water needed within the church and use existing surface water rights for irrigation of the premises. The right to develop under the permit can be preserved by requesting a stay of development under the permit. If the issues prompting the moratorium are ultimately resolved, a new development period will be approved under the permit allowing the church to use ground water for the irrigation use. The request for indefinite stay can be used to indicate that the use in the church is pursuant to the exemption.

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JAN 16 2001

Ron B. Rock
November 12, 1999
Page 2

It is my understanding that the purpose of the petition was to seek resolution of the specific issues involved with using ground water at the church and that the petition was not intended to contest the overall implementation of the moratorium. It is my understanding that the resolution discussed with you and documented in this letter provides a satisfactory response to the petition without further action by the department.

Please contact me if you have further questions or concerns about this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman C. Young". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Norman C. Young
Administrator
Water Management Division

c. Eastern Region IDWR

MICROFILMED
JAN 16 2001

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

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NOV 12 1999

Boise
Idaho Falls
Pocatello

Department of Water Resources

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John C. Ward
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch

Michael T. Spink
Michael G. McPeck
Kirk R. Helvie
Thomas C. Morris
Robert B. Burns
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
JoAnn C. Butler
Bradley J. Williams
Lee Radford
David S. Jensen
James L. Martin
Stephen J. Olson

Scott A. Tschirgi
Julie K. Weaver
C. Clayton Gill
Erik J. Bolinder
Stephen R. Drake
David P. Gardner
Katrina T. Sather
Julian E. Gabiola
John W. Klusdal
Ray J. Chacko
Dean C. Sorensen
of counsel:
Paul S. Street

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

November 12, 1999

via Facsimile and

~~U.S. Mail~~ *HAND*
Delivery

Mr. Phillip Rassier
Department of Water Resources
1301 N. Orchard
Boise, ID 83720

Re: Motion for Reconsideration of Dept.'s Moratorium Order dated 10/26/99
filed on behalf of The Church of Jesus Christ of Latter-Day Saints
Referencing Permit No. 74-07391
MTBR&F File No. 10-985.14

Dear Phillip:

For the record I am submitting this Request for Hearing, but based on our preliminary discussions I expect we will be able to get this matter resolved prior to and without the necessity of a hearing. We appreciate the manner in which you and the Department have expedited consideration and worked with us towards resolving this matter in a manner that will allow construction of the church facilities to proceed without undue delay.

Yours very truly,



R. B. Rock

RBR/gac
Enclosure

cc: James Ellsworth (w/ encl.)

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JAN 16 2001

Ron B. Rock, No. 1060
John W. Kluksdal, No. 5641
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2000
Facsimile: (208) 385-5384
10-985.14

Attorneys for Corporation of the Presiding Bishop
of The Church of Jesus Christ of Latter-day Saints

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS AND)
PERMITS FOR THE DIVERSION AND USE)
OF SURFACE WATER AND GROUND)
WATER IN AND TRIBUTARY TO THE)
SELWAY-BITTERROOT WILDERNESS)
AREA, GOSPEL-HUMP WILDERNESS AREA,)
AND FRANK CHURCH-RIVER OF NO)
RETURN WILDERNESS AREA)
_____)

REQUEST FOR HEARING

The Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints requests a hearing on its Motion for Reconsideration of the Department of Water Resources' Moratorium Order dated October 26, 1999. The Church is requesting that the Department exempt the Church from the moratorium and allow the Church to exercise its water rights pursuant to its pre-existing permit.

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JAN 15 2001

DATED this 12th day of November, 1999.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By



Ron B. Rock - Of the Firm
Attorneys for Corporation of the Presiding
Bishop of The Church of Jesus Christ of
Latter-Day Saints

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of November, 1999, I caused to be served a true copy of the foregoing **REQUEST FOR HEARING** by the method indicated below.

Phillip J. Rassier, attorney
Department of Water Resources
1301 N. Orchard
Boise, ID 83720

() U.S. Mail, Postage Prepaid
(**x**) Hand Delivered
() Overnight Mail
(**x**) Facsimile



Ron B. Rock

Ron B. Rock, No. 1060
John W. Kluksdal, No. 5641
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2000
Facsimile: (208) 385-5384
10-985.14

Attorneys for Corporation of the Presiding Bishop
of The Church of Jesus Christ of Latter-day Saints

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Department of Water Resources

RECEIVED

NOV - 9 1999

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS AND)
PERMITS FOR THE DIVERSION AND USE)
OF SURFACE WATER AND GROUND)
WATER IN AND TRIBUTARY TO THE)
SELWAY-BITTERROOT WILDERNESS)
AREA, GOSPEL-HUMP WILDERNESS AREA,)
AND FRANK CHURCH-RIVER OF NO)
RETURN WILDERNESS AREA)
_____)

MOTION FOR RECONSIDERATION
OF MORATORIUM ORDER
DATED OCTOBER 26, 1999

The Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day
Saints (the Church) brings this motion for reconsideration of the Department of Water
Resources' Moratorium Order dated October 26, 1999. The Church requests, due to the equities
involved in this case, that the Department except the Church from this moratorium and allow the
Church to exercise its water rights pursuant to a pre-existing permit the Department granted to
the Church earlier this year.

MOTION FOR RECONSIDERATION OF
MORATORIUM ORDER DATED OCTOBER 26, 1999 - 1

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JAN 16 2001

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I. INTRODUCTION

The Department issued permit number 74-07391 to the Church for irrigation of the church site and domestic use within the worship facility on August 13, 1999. (Exhibit A to Clyde Weber affidavit). Without water, the building cannot be completed because fire and sanitary requirements cannot be met. Therefore, the charitable purpose of the church facility are unattainable. The total cost of the project is 1.8 million dollars. (Exhibit B to Clyde Weber affidavit). The contractor has completed about 70% of the work and has expended 1.3 million dollars, with the expectation that construction will be complete in January 2000. (Weber affidavit).

On October 26, 1999, the Department issued a moratorium ordering that holders of existing permits stop the development of projects in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas. This moratorium will have a tremendous detrimental effect not only on the Church and its members but on the contractor and his employees, who rely on the continued development of this project.

There are four wards in Salmon but their current facility only has capacity for three, so an entire ward is desperately waiting for the new facility. (Weber affidavit). The facility is not functional without water and, for that matter, construction cannot be completed because many of the mechanical systems depend on water availability. The facility is located beyond the city limits and water from city facilities is unavailable.

II. DISCUSSION

The equities involved in this case call for the Department to reconsider the portion of its October 26 moratorium order applying to the Church and allow the Church to exercise its rights

under the pre-existing permit. Considering the limited purpose for which the water is sought and the fact that the inability to complete this construction project will cause undue economic and social hardship in the Salmon community, the Department should grant the Church the right to use their permit as it was granted. An entire ward¹ is waiting for the facility to open, and are without sufficient facilities to worship until that time. Applying the moratorium to the church's worship facility will prevent completion and use of the facility and will effectively operate as a taking of the property.

The contract between the contractor and the Church made time an essential term of the contract. (Exhibit B). Moreover, the parties realized that time was an extremely important factor in the completion of the project and agreed to a liquidated damages clause to the contract, requiring that the contractor pay the Church a pre-determined amount for each day that the project was late. (Weber affidavit). Thus, it is clear from the agreement that the parties believed that time was an essential element in the construction of the facility and they both acted in expectation that the facility would be completed during the first two months of next year.

In addition to the direct results on the Church, the moratorium seriously effects the contractor and its employees. The contractor has expressed that it may incur significant financial harm if it is prohibited from completing the contract. Presumably, if the contractor will be financially harmed, its employees and creditors also stand to suffer a loss as a result of the moratorium.

The Church will only be using the permit for very limited purposes. The amount of water the Church will use under the permit is so minimal that it does not materially effect the interests

¹The waiting ward consisted of 353 people last year when the proposal for this project was submitted. (Weber affidavit).

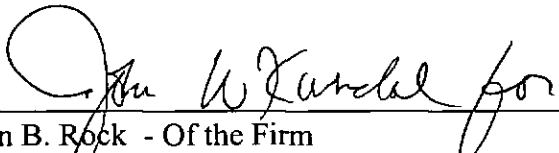
of the federal government. The Church and contractor placed itself in this position in reliance upon the Department's issuance of a permit. During the construction of this facility the parties involved have become deeply dependent, financially and emotionally, on its completion. Therefore, when the Department looks at the equities involved it should consider the burden that will be created if the Church is denied the permit as opposed to the relatively insignificant amount of water which will be consumed by allowing the Church to exercise its rights under the permit.

III. CONCLUSION

Allowing the Church to use the very small amount of water authorized by the permit would have no adverse affect on the water available to the federal government's wilderness areas. Allowing water to the Church's facility will allow the Church to pursue its charitable purposes and prevent extreme hardship to the community and its citizens. 1.3 million dollars has already been expended. The Church requests that the Department allow it to exercise its rights under the pre-existing permit No. 74-07391.

DATED this 19th day of November, 1999.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Ron B. Rock - Of the Firm
Attorneys for Corporation of the Presiding
Bishop of The Church of Jesus Christ of
Latter-Day Saints

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th ^{9th day} day of November, 1999, I caused to be served a true copy of the foregoing **MOTION FOR RECONSIDERATION OF MORATORIUM ORDER DATED OCTOBER 26, 1999**, by the method indicated below.

Phillip J. Rassier, attorney
Department of Water Resources
1301 N. Orchard
Boise, ID 83720

- ☐ U.S. Mail, Postage Prepaid
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☐ Facsimile

by John Kutschal for

Ron B. Rook

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NOV - 5 1999

Department of Water Resources

RECEIVED

NOV - 9 1999

Department of Water Resources

Ron B. Rock, No. 1060
John W. Kluksdal, No. 5641
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
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Telephone: (208) 345-2000
Facsimile: (208) 385-5384
10-985.14

Attorneys for Corporation of the Presiding Bishop
of The Church of Jesus Christ of Latter-day Saints

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS AND)
PERMITS FOR THE DIVERSION AND USE)
OF SURFACE WATER AND GROUND)
WATER IN AND TRIBUTARY TO THE)
SELWAY-BITTERROOT WILDERNESS)
AREA, GOSPEL-HUMP WILDERNESS AREA,)
AND FRANK CHURCH-RIVER OF NO)
RETURN WILDERNESS AREA)
_____)

AFFIDAVIT OF CLYDE J. WEBER
SUBMITTED IN SUPPORT OF
MOTION FOR RECONSIDERATION

STATE OF IDAHO)
) ss.
County of Ada)

I, Clyde J. Weber, attest that I have personal knowledge of the following facts
submitted in support of the motion of the Corporation of the Presiding Bishop of the Church of

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JAN 16 2001

Jesus Christ of Latter-Day Saints for reconsideration of the moratorium order dated October 26, 1999, as it pertains to the Church's building and lot described herein.

(1) I am an architect and am the project manager for the church facility being constructed near Salmon, Idaho, for the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints. Attached to this affidavit as exhibits are true and correct copies of the following documents regarding the construction of this facility:

- a. Exhibit A is a permit to appropriate water, number 74-07391, granted by the Department of Water Resources to the Church.
- b. Exhibit B is the contract between the Church and the contractor.

The documents referenced by the contract are not attached.

(2) The Church applied for and was granted by the Department of Water Resources a permit allowing them to use water for domestic and irrigation use purposes incidental to use of the church building and lot for worship services. (Exhibit A).

(3) The Church entered into a contract with Pacific West Contractors, Inc., for construction of the facility. (Exhibit B). The total cost of the facility is \$1,800,000 and its completion date is set for late January 2000. (Exhibit B).

(4) Thus far, \$1,300,000 has been expended toward the completion of the facility.

(5) There are four wards in the Salmon, Idaho area. The current facility barely has the capability to accommodate three of the wards. Thus, until the new facility is built, the fourth ward (which consisted of 353 members last year when the proposal to build a new facility was presented) is without a sufficient facility to congregate for worshiping and related purposes.

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JAN 16 2001

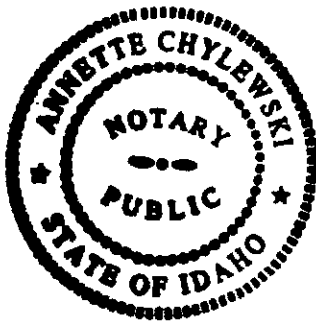
(6) Time is an essential element to this contract because of the great needs of the waiting ward. The parties agreed in their contract that time would be of the essence.

(Exhibit B). There is a liquidated damages clause in a document referenced by the contract which establishes that a specific amount of damages will be paid by the contractor for every day he is late in completing the project.

(7) The facility is located beyond the city limits and does not have access to city water.


Clyde J. Weber

SUBSCRIBED AND SWORN to before me this 9th day of November, 1999.




NOTARY PUBLIC FOR IDAHO
Residing at Boise, ID
My Commission Expires 1-12-2005

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9TH day of November, 1999, I caused to be served a true copy of the foregoing **AFFIDAVIT OF CLYDE J. WEBER**, by the method indicated below.

Phil Rassier, Chief Counsel
State of Idaho
Department of Water Resources
1301 N. Orchard
Boise, ID 83706

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Ron B. Rock

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JAN 16 2001

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 74-07391

Proposed Priority: June 8, 1999

Maximum Diversion Rate:

0.15 CFS

This is to certify, that CHURCH OF JESUS CHRIST LATTER DAY SAINTS
C/O SCOTT NIELSON AIA
PO BOX 2212
IDAHO FALLS ID 83403

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/15	0.15 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.15 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESW, Sec. 9, Township 21N, Range 22E
LEMHI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
21N	22E	9	NESW	5.0		5.0

Total number of acres irrigated: 5.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 2004.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. Domestic use is for a church.

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PAGE 2

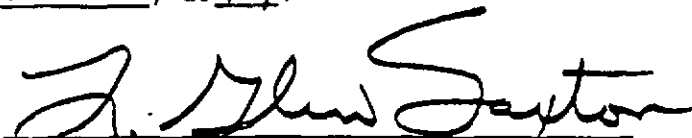
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 74-07391

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

13 th day of August, 1999.



Karl J. Dreher, Director

for

MICROFILMED

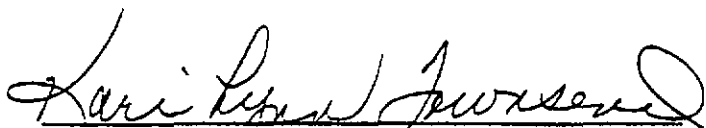
JAN 16 2001

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of August, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 74-07391

CHURCH OF JESUS CHRIST LATTER DAY SAINTS
C/O SCOTT NIELSON AIA
PO BOX 2212
IDAHO FALLS ID 83403


Kari Lynn Townsend
Secretary

MICROFILMED

JAN 16 2001

AGREEMENT

This Agreement made and entered into this 8th day of April in the year Nineteen Hundred and Ninety-nine by and between the CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A Utah Corporation Sole, hereinafter called "OWNER" and PACIFIC WEST CONSTRUCTION, INC. hereinafter called "CONTRACTOR".

WITNESSETH:

WHEREAS: Owner intends to have certain work performed as outlined below, and

WHEREAS: Contractor is able and willing to perform such work.

NOW THEREFORE: Owner and Contractor for the considerations hereinafter provided agree as follows:

ARTICLE I. SCOPE OF WORK

Contractor shall furnish all of the materials and equipment and perform all of the labor necessary to complete all of the work as required in the Contract Documents entitled SALMON 3, 4 WARDS, SALMON IDAHO STAKE; SALMON 3, 4 WARDS, SALMON IDAHO STAKE as prepared by NIELSON BODILY & ASSOCIATES hereinafter referred to as "ARCHITECT".

ARTICLE II. THE CONTRACT DOCUMENTS

The General Conditions of the Contract, Supplementary Conditions, the Project Manual entitled SALMON 3, 4 WARDS, SALMON IDAHO STAKE numbered Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 15, 16, dated December 1998, Addenda No. 1, 2, and the Drawings dated December 1998 entitled SALMON 3, 4 WARDS, SALMON IDAHO STAKE and numbered G-1A, G-1 thru G-5, SD-1 thru SD-5, L-1, L-2, L-3, A-1 thru A-25, F-1, F-2, F-3, F-4, SS-1, S-1 thru S-11, P-1, P-2, P-3, M-1 thru M-11, E-1A, E-1 thru E-7, ES-1, ES-2, ES-3 together with this Agreement form the Contract and are as fully a part thereof as if attached hereto or repeated herein.

ARTICLE III. THE CONTRACT SUM

Owner shall pay and contractor shall accept as full payment of this Contract the sum of ONE MILLION EIGHT HUNDRED TWENTY FOUR THOUSAND ONE HUNDRED FORTY AND NO/100 DOLLARS (\$1,824,140.00), subject to additions and deductions provided in the Contract.

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JAN 16 2001

-2-

ARTICLE IV. TIME OF COMMENCEMENT AND COMPLETION

Work under this Contract shall commence upon written notice to proceed from Owner, and be completed and ready for Owner's final inspection within 270 calendar days from the date of such notice. Time is of the essence.

ARTICLE V. INSPECTION

The fact that any particular work has been inspected shall not be considered a waiver of the requirements of strict compliance with the Contract Documents.

ARTICLE VI. CONTRACTOR NOT AGENT OF OWNER

It is expressly agreed that Contractor is not the agent or employee of Owner, but that he is an independent Contractor.

ARTICLE VII. PROGRESS PAYMENTS, FINAL ACCEPTANCE AND FINAL PAYMENT

Payments shall be made in accordance with the applicable Sections of the Contract Documents.

ARTICLE VIII. ASSIGNS

Neither party to the Contract shall assign the Contract or sublet it as a whole without the written consent of the other. Contractor shall not assign any monies due or to become due to him hereunder nor shall he pledge or attempt to pledge the credit of Owner or bind the Owner to any third party.

ARTICLE IX. ACCEPTANCE

The work shall be inspected for acceptance by Owner promptly upon receipt of notice from Contractor and Architect that all work is complete and ready for inspection. The building and all materials and work connected therewith shall be at Contractor's risk until accepted by Owner in writing.

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JAN 16 2001

-3-

ARTICLE X. DEFAULT AND ATTORNEY'S FEES

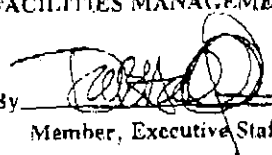
Should any dispute arise between the parties hereto, with regard to the performance of their respective obligations under the Contract Documents, which dispute cannot be settled between the parties and litigation is commenced, then the losing party in the litigation agrees to pay all costs and attorney's fees of the prevailing party.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the day and year first above written, binding themselves, their heirs, successors, executors, administrators and representatives to the full performance of the contract.

REVIEWED

FACILITIES MANAGEMENT DEPARTMENT

By

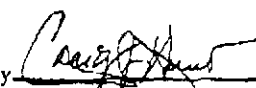

Member, Executive Staff

ACCEPTED

OWNER:

CORPORATION OF THE PRESIDING BISHOP
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS,
A Utah Corporation Sole

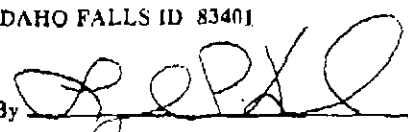
By


George A. Bonnet, Authorized Agent
Craig J. Hunt

CONTRACTOR:

PACIFIC WEST CONSTRUCTION, INC.
2440 JEANNES WAY
IDAHO FALLS ID 83401

By


Lynden P. Kundo, President

Name and Title

License Number 11846-AAA-2-3

MICROFILMED

JAN 16 2001

RECEIVED

COPY

AUG 02 1999

Department of Water Resources

Ident. No. 74-99-E-0010-000
Well Tag No. D0011148
Water Right No. 74-07391

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR DRILLING PERMIT

1. Name: CHURCH OF JESUS CHRIST OF LATER DAYS O 208-522-8779
Address: C/O SCOTT NIELSON AIA
P.O. BOX 2212
IDAHO FALLS ID 83403

2. Proposed Well Location: Township 21N, Range 35E, Sec. 9, NWSW
LEMHI County

Street Address of Well Site: 1/2 MILE OUTSIDE CITY LIMITS
SALMON ID

3. Proposed Use of Well: Non-Domestic Municipal

4. Well Construction Information:

- A. NEW WELL
B. Proposed Surface Diameter 8 In. Proposed Maximum Depth Ft.
C. Anticipated Bottom Hole Temperature: 85 F or less (Cold water well)
(NOTE: Construction diagrams and/or other information may be requested for monitor, low temperature geothermal, municipal and artesian wells.)

5. Construction Start Date: 7/28/1999

6. Anticipated Well Driller: JAFCO (No. 0504)

NOTE: The actual well driller must be identified to IDWR prior to drilling commencement.

7. Applicant's Signature Cory Feltus Date 7-27-99

Title NIELSON BOBILY & ASSOC.
(Owner, Firm Representative, Other)

Fee \$ 300.00 Receipted by DN No. E025166 Date July 27, 1999

MICROFILMED
(Continued)

JAN 15 2000

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is **APPROVED**

Date: **7/27/1999**

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. **READ CAREFULLY!**

CONDITIONS OF APPROVAL:

1. This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank. Public Water Supply wells must not be drilled closer than 100' from any drainfield or septic tank.
3. The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.
9. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig Line " Number for your area is 1-800-342-1585.
10. WELL IS TO BE CONSTRUCTED TO THE EXACT SPECIFICATIONS & DESIGNS APPROVED BY THE ENGINEER AND D.E.Q. THERE SHALL BE NO CHANGES OF ANY KIND MADE BY THE DRILLER. NO CHANGES OF ANY KIND ARE TO BE MADE WITHOUT THE PRIOR APPROVAL OF THE ENGINEER AND D.E.Q. THIS WAS DISCUSSED AND EXPLAINED TO CORY ROBERTS WHO MADE APPLICATION FOR THIS PERMIT.

(Continued)
MICROFILM

JAN 16 2001

Ident. No.
Well Tag No.

74-99-E-0010-000
D0011148

Dennis Dunn

Signature of Authorized Dept. Representative

Sr Water Resource Agent

Title

EXTENSION OF DRILLING PERMIT

Extension Approved by: _____

Approval Date: _____

Expires On: _____

MICROFILMED

JAN 16 2001

ADDENDUM TO DRILLING PERMIT

1. APPLICATIONS, AS NECESSARY, ARE ON FILE SEEKING AUTHORIZATION TO USE THE WELL FOR THE PURPOSE FOR WHICH IT IS BEING DRILLED.
2. THERE ARE NO APPARENT REASONS THAT THE PENDING APPLICATIONS WILL NOT BE APPROVED AUTHORIZING USE OF THE WELL.
3. THE APPLICANT HAS REQUESTED BY LETTER THROUGH HIS AGENT THAT EXPEDITED APPROVAL IS NEEDED FOR IMMEDIATE CONSTRUCTION.
4. THE DRILLING PERMIT IS CONDITIONED TO SHOW THAT THERE IS NO AUTHORIZATION FOR DIVERSION AND USE OF WATER UNTIL THE WATER RIGHT APPLICATION IS APPROVED.
5. THE APPLICANT BY ACCEPTING THIS DRILLING PERMIT AND COMMENCES CONSTRUCTION ACKNOWLEDGES THAT HE ACCEPTS ALL RISK THAT THE WELL MAY NOT BE APPROVED FOR USE.

MICROFILMED

JAN 16 2001



Drilling Permit No. 74-99-E-0010
74-7391

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT

CORY ROBERTS FOR

LDS CHURCH IN SALMON, Applicant, requests issuance of a drilling permit prior to approval of a pending Application for Permit or Application for Transfer on file with this department. The request is made for the following reasons:

The general contractor is currently working
on site in Salmon and is in need of
water for the project. The site is located outside
city limits so water isn't available. The usual
permit may take up to two months to process and
water is need as soon as possible.

Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the well may not ultimately be approved for use.

7-27-99
Date

Cory Roberts
Signature

MICROFILMED
JAN 16 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 1999

CHURCH OF JESUS CHRIST LATTER DAY SAINTS
C/O SCOTT NIELSON AIA
PO BOX 2212
IDAHO FALLS ID 83403

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 74-07391

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

MICROFILMED

JAN 16 2001

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

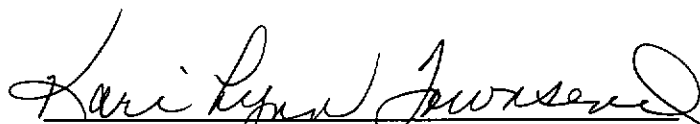
MICROFILMED
JAN 16 2001

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of August, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 74-07391

CHURCH OF JESUS CHRIST LATTER DAY SAINTS
C/O SCOTT NIELSON AIA
PO BOX 2212
IDAHO FALLS ID 83403


Kari Lynn Townsend
Secretary

MICROFILMED

JAN 16 2001

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED
JAN 16 2001

JAN 16 2001
MICROFILMED

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

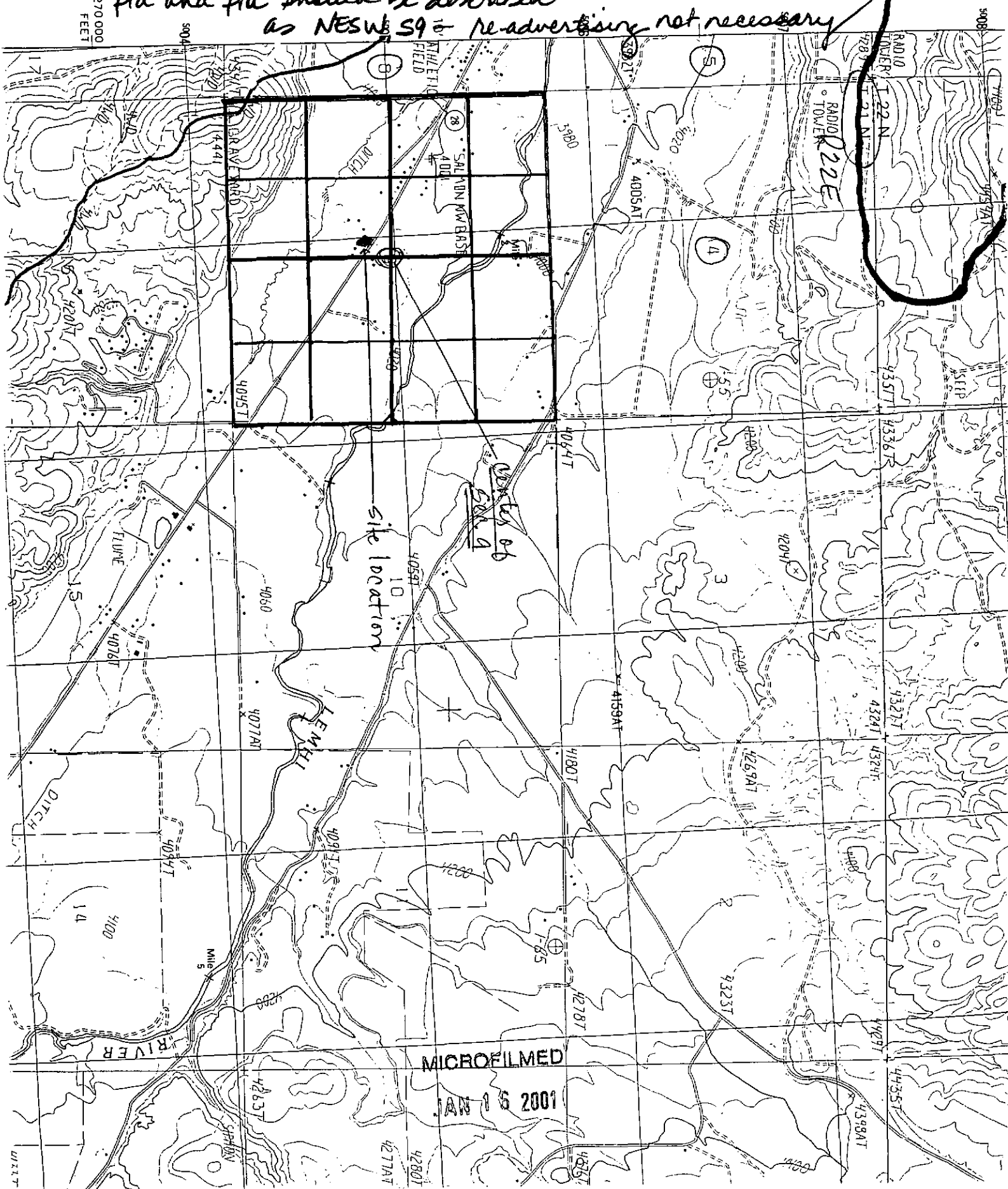
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

75
74

Per telecon w/ Skip Jones on 7/28/99, the
fld and plu should be described
as NESW 59 - re-advertising not necessary



APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

No.: 74-07391 Name: LDS Church Date: 7/20/99 Ad OK? / by S. Curtis / Gvmt Lts:

AREA OF CONCERN: - No/Yes: S/C Mor / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 048-P23
- In Basin 347 - 085
- Irr. within WVD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067
- ≤ 0.24 cfs/5 acres - No MD

WMD

- Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
- Supp. irr + uses - 100-101
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

- FISH & GAME CONTACTED: - YES / No; WHEN: RESPONSE:
- IN/ABOVE MSF (✓ MAP) - *WB9
- IN-STREAM DEVELOPMENT - P52 (stream channel alteration)
- WD (✓ MAP & LISTING) - R04 (WVD #)
- > 0.20 cfs - 01J-P08 (MD & LD)
- ≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP) - 067 or No MD (in-stream stock or power)
- > 0.24 cfs/5 acres - No MD
- ≤ 0.24 cfs/5 acres - No MD
- SPRINGS/SINK, INACTIVE WD & REST OF STATE
- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 -P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage)-01H-P01 (LD)/01P, 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- STOCKWATER - R37 (BLMUSFS); NA
- MINING - 054(req) -081-P10
- FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

MUNICIPAL

- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp. to SW? - 102

DOMESTIC

- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070

FIRE PROTECTION

- 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 129
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) - 051-052-053-P74 (Consumptive Uses), NA
- Trust - 048-049 (Consumptive Uses), NA
- Non-Trust (1) - 004 (PD/PU)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

LDS Church
8/11/2004
PD & PU are NESW

7/28/99 - tele con w/
Skip - NESW should
be used - do not
re-advertise

RECEIVED

JUL 19 1999

DEPARTMENT OF WATER RESOURCES

Dist. for staffing

Submitted for advertising

6-9-99

Form No. 202

4/87

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS PERMIT

LDS Church

INITIAL REVIEW BY HWT DATE 6-9-99 APPLICATION NO. 74-07391

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee Return overpayment
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- Overlapping place of use (Describe source & relationship to present application on the back.)
- Overlapping point of diversion
- Yes ☐ No ☒ Field check required
- Field check by _____
- Yes ☐ No ☒ Field report attached
- Yes ☐ No ☒ Critical groundwater area
- Yes ☐ No ☒ Groundwater management area
- Yes ☐ No ☒ Send dam safety information
- Yes ☐ No ☒ Send power requirement letter
- Yes ☐ No ☒ Send fish farm requirement letter
- Yes ☐ No ☒ Power residency affidavit
- Yes ☐ No ☒ Power efficiency form
- Yes ☐ No ☒ Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- Yes ☒ No ☐ Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

RECEIVED

JUL 19 1999

Department of Water Resources

PROCESSING

☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken _____

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest _____
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____
☐ Yes ☐ No Special conditions of approval or cover letter below.

Date of priority recommended 6-8-1999
By: [Signature] Date: 7-14-1999
STATE OFFICE REVIEW

By _____ Date: _____
ADDITIONAL INFORMATION

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

74-07391

CHURCH OF JESUS CHRIST OF LATTER DAY

C/O SCOTT NIELSON AIA

PO BOX 2212

IDAHO FALLS, ID 83403

Source: GROUNDWATER

Diversion Pt: NWSW Sec 9 T 21N

R 22E in LEMHI County.

Use: IRRIGATION

DOMESTIC

(0.150 CFS)

(0.040 CFS)

Total Diversion: (0.150 CFS)

Date Filed: 6/8/1999

In: LEMHI County

T21N R22E S09 NWSW

5.0 ACRES TOTAL

74-07668

GALLIGAN, WILLIAM B

GALLIGAN, SUE M

PO BOX 213

NORTH FORK, ID 83466

Source: SPRING Tributary:

SPRING CREEK, WEST FORK

Diversion: Pt: SESESW Sec 7 T

24N R 19E in LEMHI County.

Use: POWER (0.180 CFS)

Total Diversion: (0.180 CFS)

Date Filed: 6/1/1999

In: LEMHI County

T24N R19E S07 SESW

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before JULY 6, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 6/17/1999 & 6/24/1999

6-17-2tc

Affidavit of Publication

STATE OF IDAHO

ss.

County of Lemhi

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the IDAHO DEPARTMENT OF WATER RESOURCES

74-07391 & 74-07668

a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for TWO (2) consecutive issues, commencing with the issue dated 6-17-99 and ending with the issue dated 6-24-99

STATE OF IDAHO
County of Lemhi

ss.

On this 24th day of JUNE in this year of 1999 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Residing At Salmon, Idaho

Ricky G. Hodges
Notary Public for Idaho

My Commission Expires: 9-21-2001

Publication Fee \$ 66.00

RECEIVED
JUL 14 1999

Department of Water Resources
Eastern Region

MICROFILMED
JAN 16 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JUNE 10, 1999

Legal Notices Department
RECORDER-HERALD
P.O. BOX 310
SALMON, ID 83467

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 6, 1999.

Yours truly,

Sharla Cox
Senior Secretary

Encl.



MICROFILMED

JAN 16 2001

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

74-07391

CHURCH OF JESUS CHRIST OF LATTER DAY
C/O SCOTT NIELSON AIA
PO BOX 2212
IDAHO FALLS, ID 83403

Source: GROUNDWATER

Diversion Pt: NWSW Sec 9 T 21N R 22E in LEMHI County.

Use: IRRIGATION	(	0.150 CFS)
DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.150 CFS)

Date Filed: 6/ 8/1999

In: LEMHI County
T21N R22E S09 NWSW

5.0 ACRES TOTAL

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before JULY 6, 1999. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

Published: 6/17/1999 & 6/24/1999

KARL J. DREHER, Director

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JAN 16 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 9, 1999

CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
C/O SCOTT NIELSEN AIA
PO BOX 2212
IDAHO FALLS ID 83403

RE: Applications for Permit #74-07391

Dear Applicant:

This office is currently in the process of advertising the application in the Recorder Herald on June 17 and 24, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

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JAN 16 2001