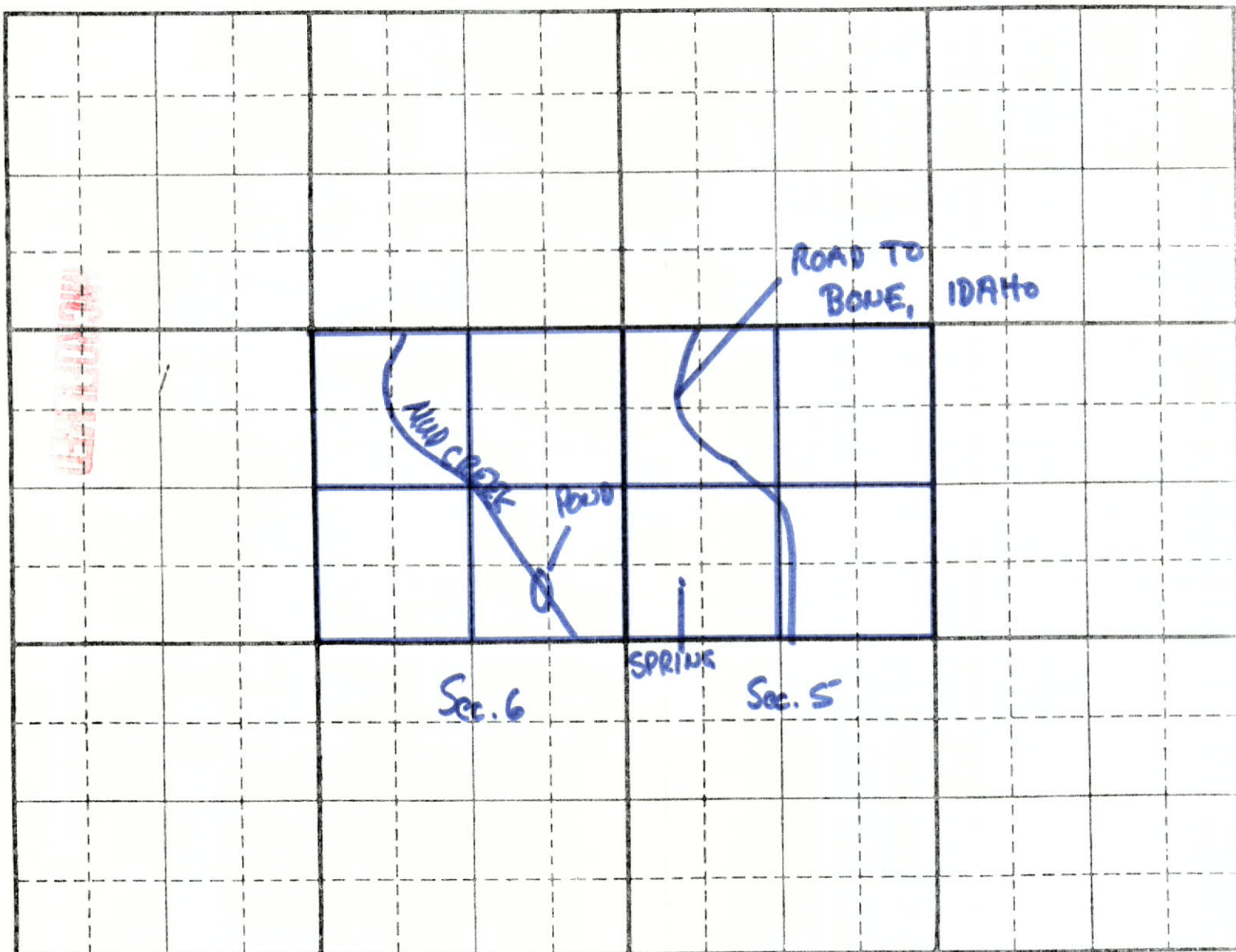


There are numerous small springs in the quarter, quarter sections described in this claim. All such springs are used for stockwater during the time periods described herein. The principal springs are shown as located on the maps.

- (8) Remarks (1) See Exhibit "A" - Map attached hereto and incorporated herein by reference. Copy of plat map showing location of springs.
(2) See Exhibit "B" - Affidavit of Mildred Empey attached, etc.
(3) See Exhibit "C" - Hand drawn map by Max Call, Farm Manager



Scale: 2 inches equal 1 mile.

Sections 5 and 6, T 2 South, R 40 East of Boise Meridian
Bingham County, Idaho

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

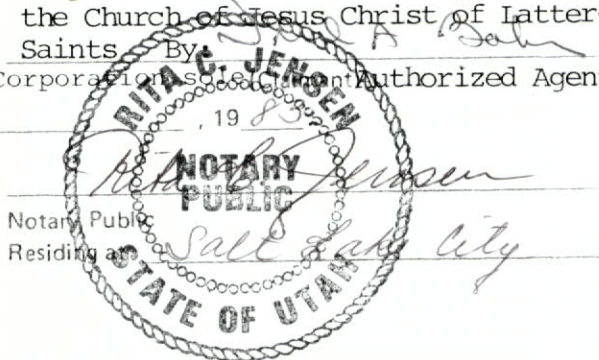
State of ~~Utah~~ Utah)

County of Salt Lake) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

By Walter C. Jensen,
a Utah Corporation, Secretary and Authorized Agent

Sworn to before me this 17 day of June, 1983



My commission expires 6-17/1984

FOR DEPARTMENT USE ONLY

Received by CW Date 6-22-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ABM Date 6-22-83 claimant by: _____
\$30.00 fee received by CW Date 6-22-83
Published in Blackfoot News #30637
Dates 8/18 & 8/25/83

Location of recreation area, pond, and spring

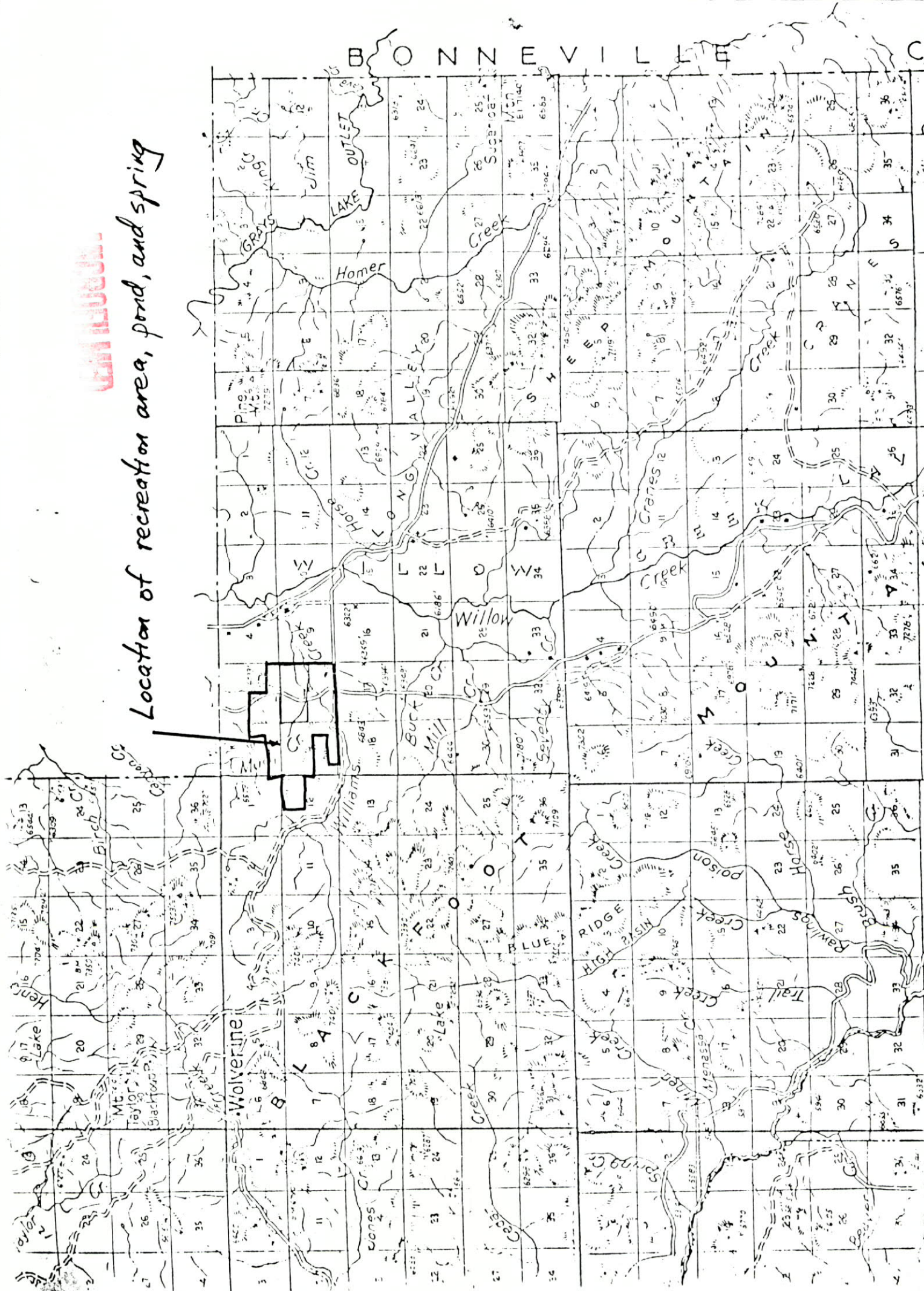
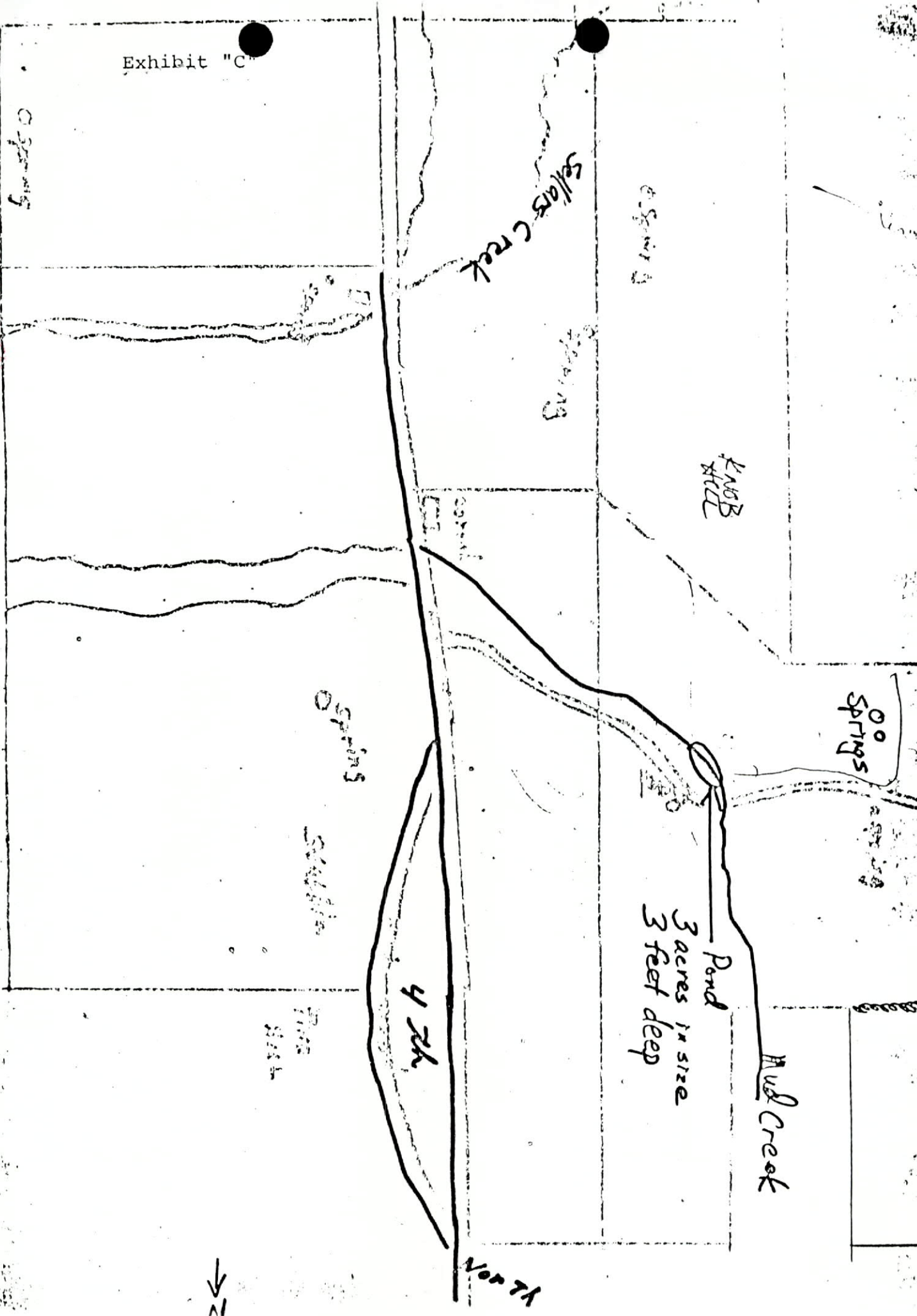


Exhibit "C"

ENCLOSURE

EAST



25-4239

L.D.S. CHURCH, PRESIDING BISHOP

50 E. NORTH TEMPLE, SALT LAKE CITY, UT 84111

Source: SPRINGS trib. to MUD CREEK

Priority Date: 05/01/1935

Diversion Pt: SWSW Sec 05 T 025 R 40E

Use: STOCKWATER (0.0350 CFS)

In: SWSW Sec 05 T 025 R 40E

RECORDED

25-4239

LDS CHURCH, Presiding Bishop

50 E. North Temple,

Salt Lake City, Utah 84111

Source: SPRINGS trib. to MUD CREEK

Priority date: 05/01/1935

Diversion Pt.: SWSW,

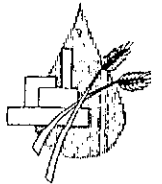
Sec. 05, T. 025, R. 40E.

Use: STOCKWATER (0.0350 CFS)

In. SWSW Sec. 05, T. 025, R. 40E.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Corporation of the Presiding Bishop of the Church of Jesus Christ
Notice is hereby given that of Latter-Day Saints Attn: Real Estate Dept.
a Utah Corporation sole (Name of Claimant)
50 E. North Temple, Salt Lake City, Utah 84111 Telephone No. 800-453-3860
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1935

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Springs tributary to Mud Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>.035 cfs</u>	Use <u>stock</u>	Period of Use From <u>May 1</u>	To <u>October 31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) .035 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 5 Twp. 2 South Rge. 40 E. B.M., County of Bingham
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Pipe from spring to tank capable in size of watering 1000 head of cattle

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	40E	5										X							

No. of acres _____

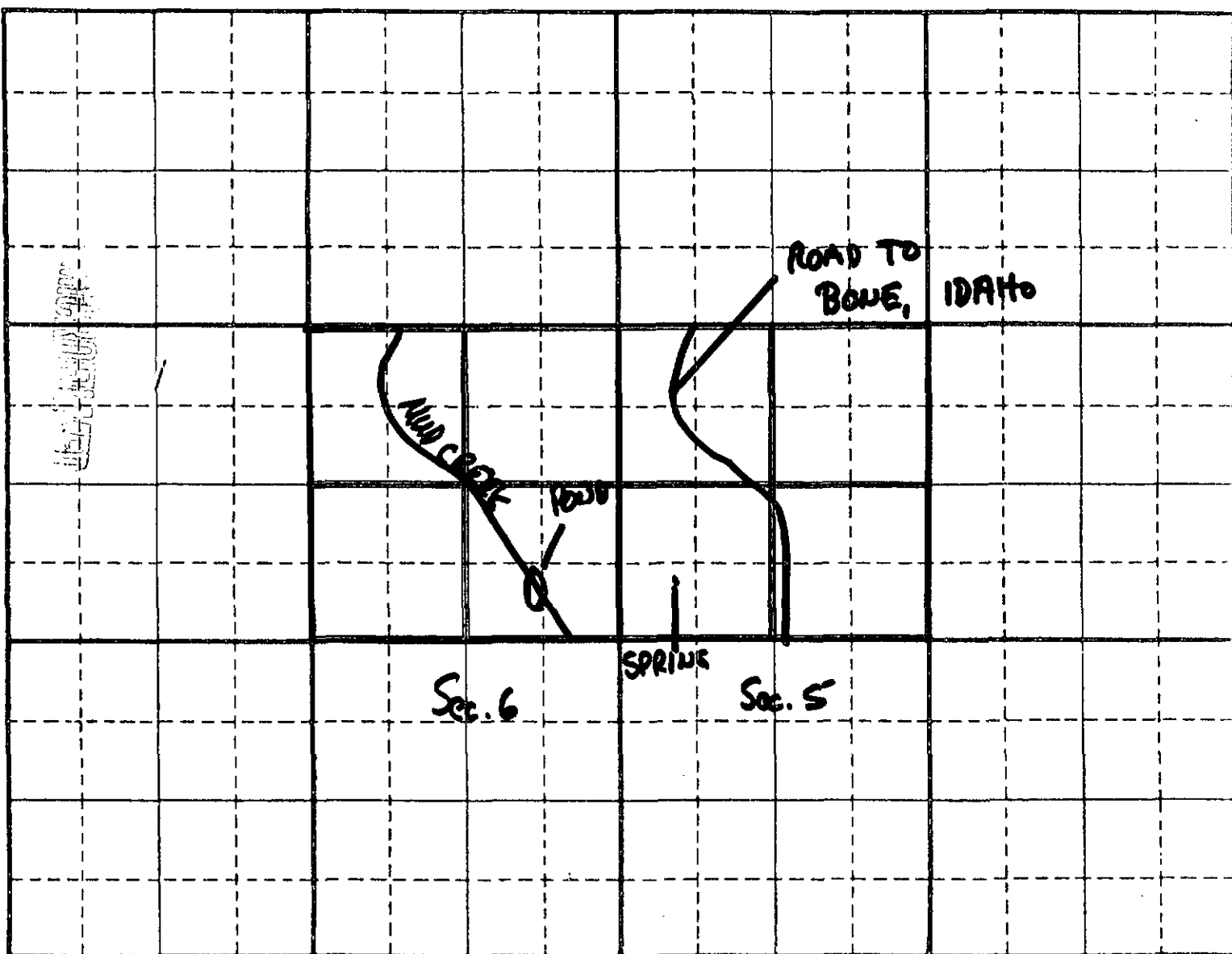
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stock water of grazing cattle

NOTE: Include here the type and number of stock watered: 325 range cattle

(7) If you are claiming water as a member of an organization, list name of organization: Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints

There are numerous small springs in the quarter, quarter sections described in this claim. All such springs are used for stockwater during the time periods described herein. The principal springs are shown as located on the maps.

- (8) Remarks (1) See Exhibit "A" - Map attached hereto and incorporated herein by reference. Copy of plat map showing location of springs.
(2) See Exhibit "B" - Affidavit of Mildred Empey attached, etc.
(3) See Exhibit "C" - Hand drawn map by Max Call, Farm Manager



Scale: 2 Inches equal 1 mile.

Sections 5 and 6, T 2 South, R 40 East of Boise Meridian
Bingham County, Idaho

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~Utah~~ Utah)
County of Salt Lake) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

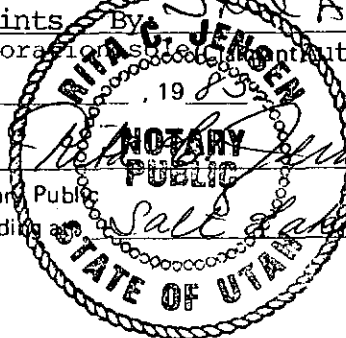
Corporation of the Presiding Bishop of
the Church of Jesus Christ of Latter-Day
Saints. By John A. Smith
Authorized Agent

Sworn to before me this 17 day of June

Notary Public
Residing at

My commission expires

6-17/1984



FOR DEPARTMENT USE ONLY

Received by CW Date 6-22-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by DBM Date 6-22-83 claimant by: _____
\$30.00 fee received by CW Date 6-22-83
Published in Blackfoot News #30637
Dates 8/28/83 8/25/83

1 S.

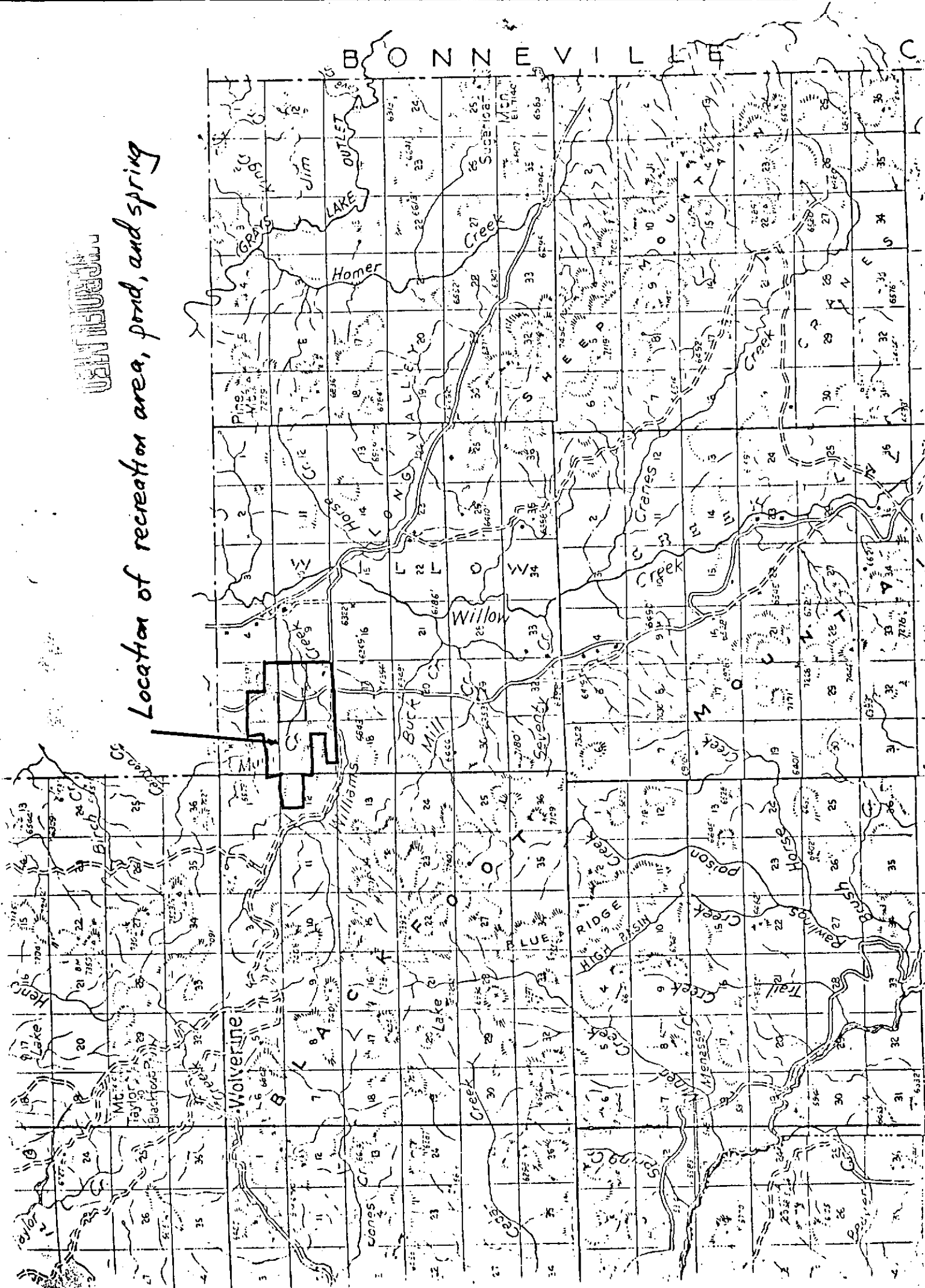
T. 2 S.

T. 3 S.

B O N N E V I L L E

WELCOME

Location of recreation area, pond, and spring



AFFIDAVIT

STATE OF IDAHO)
 : SS.
 County of Bonneville)

MILDRED EMPEY, being first duly sworn upon her oath
 deposes and states as follows:

1. That she is the widow of Earl Empey who resided in Bonneville and Bingham Counties in the State of Idaho.
2. That Earl Empey is the son of Alfred Empey who also resided in Bonneville and Bingham Counties in the State of Idaho.
3. That Alfred Empey owned certain lands in Sections 5, 6, 7 and 8 in Township 2 South, Range 40 East of the Boise Meridian and in Section 12 of Township 2 South, Range 39 East of the Boise Meridian all situate in Bingham County, Idaho.
4. That Alfred Empey acquired title to portions of said land by homestead claim and to other portions by deed from John Williams.
5. That title to said lands was transferred by Alfred Empey to Earl Empey and Oren Empey his sons.
6. That there are two principal ~~and several small~~ springs ^{M.E.} on the lands previously owned by Alfred Empey and said springs are located in the SW1/4 SE1/4, Section 6, Township 2 South, Range 40 East of the Boise Meridian, and SE1/4 SW1/4, Section 5, Township 2 South, Range 40 East of the Boise Meridian.
7. That on March 15, 1962 affiant and her husband, together with Oren Empey and his wife Emily Empey conveyed a portion of the lands which they owned, and which were previously conveyed to them by Alfred Empey, to the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, a Utah corporation sole, by Warranty Deed dated March 15, 1962, recorded as Instrument Number 114234 in the records of Bingham County, Idaho, Recorder.
8. That the above-described springs were located on the lands conveyed to said corporation

9. That for a period of twenty-seven (27) years prior to the conveyance of said lands to the L.D.S. Church, that is since the summer of 1935, affiant and her husband, Earl Empey, grazed 300 - 400 cattle each summer on the lands conveyed.

10. That the springs described above were used to water the cattle grazed on said lands.

11. That affiant knows said springs were used by Alfred Empey for similar stock watering purposes during the period of time which he owned the land.

12. Further affiant sayeth naught.

AFFIANT

Mildred Empey
Mildred Empey

On the 13 day of May, 1983, personally appeared before me, MILDRED EMPEY, who being sworn upon her oath did acknowledge to me that she subscribed her name to the above instrument and did acknowledge that the statments therein are true and correct.

Janina Messinger
Notary Public for State of Idaho
Residing at Idaho Falls
My Commission is Permanent

0375k

Exhibit "C"

MICROFILMED

EAST

Sellers Creek

Spring

Spring

Knob Hill

Spring

Spring

Stable

Tree
Hatch

4th

Pond
3 acres in size
3 feet deep

Aud Creek

North



RECEIVED

AUG 31 1983

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS
TO WATER RIGHTS

The following claims have been filed on water
right(s) by diversion and beneficial use:

25-4236

LDS CHURCH, Presiding Bishop
50 E. North Temple,
Salt Lake City, Utah 84111
Source: SPRINGS trib. to MUD CREEK
Priority Date: 05/01/1935
Diversion Pt.: SWSE, Sec. 06,
T. 02S, R. 40E
Use: STOCKWATER (0.0350 CFS)
In: SWSE, Sec. 06, T. 02S, R. 40E.

25-4238

LDS CHURCH, Presiding Bishop
50 E. North Temple,
Salt Lake City, Utah 84111
Source: SPRINGS trib. to MUD CREEK
Priority Date: 05/01/1935
Diversion Pt.: SWSE, Sec. 06,
T. 02S, R. 40E
Use: STOCKWATER (0.0350 CFS)
In: SWSE, Sec. 06, T. 02S, R. 40E.

25-4239

LDS CHURCH, Presiding Bishop
50 E. North Temple,
Salt Lake City, Utah 84111
Source: SPRINGS trib. to MUD CREEK
Priority Date: 05/01/1935
Diversion Pt.: SWSW, Sec. 05,
T. 02S, R. 40E
Use: STOCKWATER (0.0350 CFS)
In: SWSW, Sec. 05, T. 02S, R. 40E.

25-4209

CITY OF ATOMIC CITY
Main and 7th Avenue West,
Atomic City, Idaho 83215
Source: GROUNDWATER
Priority Date: 08/01/1952
Diversion Pt.: NWSW, Sec. 03,
T. 01N, R. 31E
Use: MUNICIPAL (6.00 CFS)
In: City of ATOMIC CITY

35-4211

DANCE, Evan D. &/or Leslie Ann
Rt. 5, Box 79,
Blackfoot, Idaho 83221
Source: GROUNDWATER
Priority Date: 06/20/1956
Diversion Pt.: SWSW, Sec. 05,
T. 02S, R. 34E
Use: IRRIGATION (2.67 CFS)
In: SWNW, SENW, NESW, NWSW, SWSW,
SESW
Sec. 05, T. 02S, R. 34E,
for 190 ACRES.

35-4212

OLSEN, Ariel LaMar
Rt. 7 Box 268,
Blackfoot, Idaho 83221
Source: GROUNDWATER
Priority Date: 06/01/1920
Diversion Pt.: NENE, Sec. 28,
T. 02S, R. 34E
Use: STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: NENE, Sec. 28, T. 02S,
R. 34E

35-4213

RATHKA, Grace C.
835 Tyhee and East Park,
American Falls, Idaho 83211
Source: GROUNDWATER
Priority Date: 01/01/1911
Diversion Pt.: NWNW, Sec. 11,
T. 06S, R. 31E
Use: IRRIGATION (0.06 CFS)
STOCKWATER (0.05 CFS)
DOMESTIC (0.04 CFS)
In: NWNW, Sec. 11, T. 06S,
R. 31E for 2 ACRES.

35-4214

PHILLIPS, Wm. R. and Sons
Rt. 4, Box 269,
Blackfoot, Idaho 83221

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

I, David Mark Brown
solemnly

swear that I am the Publisher of
The Morning News which is a daily newspaper of general
circulation published each day except Sunday at
Blackfoot, Bingham County, Idaho, said newspaper hav-
ing been so published at Blackfoot, aforesaid for more
than one year past; that said newspaper heretofore com-
plied with all the provisions of Chapter 154 of the Ses-
sions Laws of Idaho of 1933, approved March 11, 1933,
and duly designated, pursuant to law, a particular day of
the week as the day on which legal notices required by
law or by the order of any Court of competent jurisdiction
within the State of Idaho shall be published to-wit: Thursday
of each week; that the notice attached hereto and which
is a part of this affidavit and part of the proof of
publication was published in said issue or said
newspaper 2 consecutive weeks

the first publication having been made on the
18th day of August, 19 83

and the last publication having been made on the
25th day of August, 19 83

that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

Subscribed and sworn to before me this 30th

day of August, 19 83

Patricia A. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1984

25-4239

L.D.S. CHURCH, PRESIDING BISHOP

50 E. NORTH TEMPLE, SALT LAKE CITY, UT 84111

Source: SPRINGS trib. to MUD CREEK

Priority Date: 05/01/1935

Diversion Pt: SWSW Sec 05 T 02S R 40E

Use: STOCKWATER (0.0350 CFS)

In: SWSW Sec 05 T 02S R 40E

RECEIVED
MAY 10 1935

