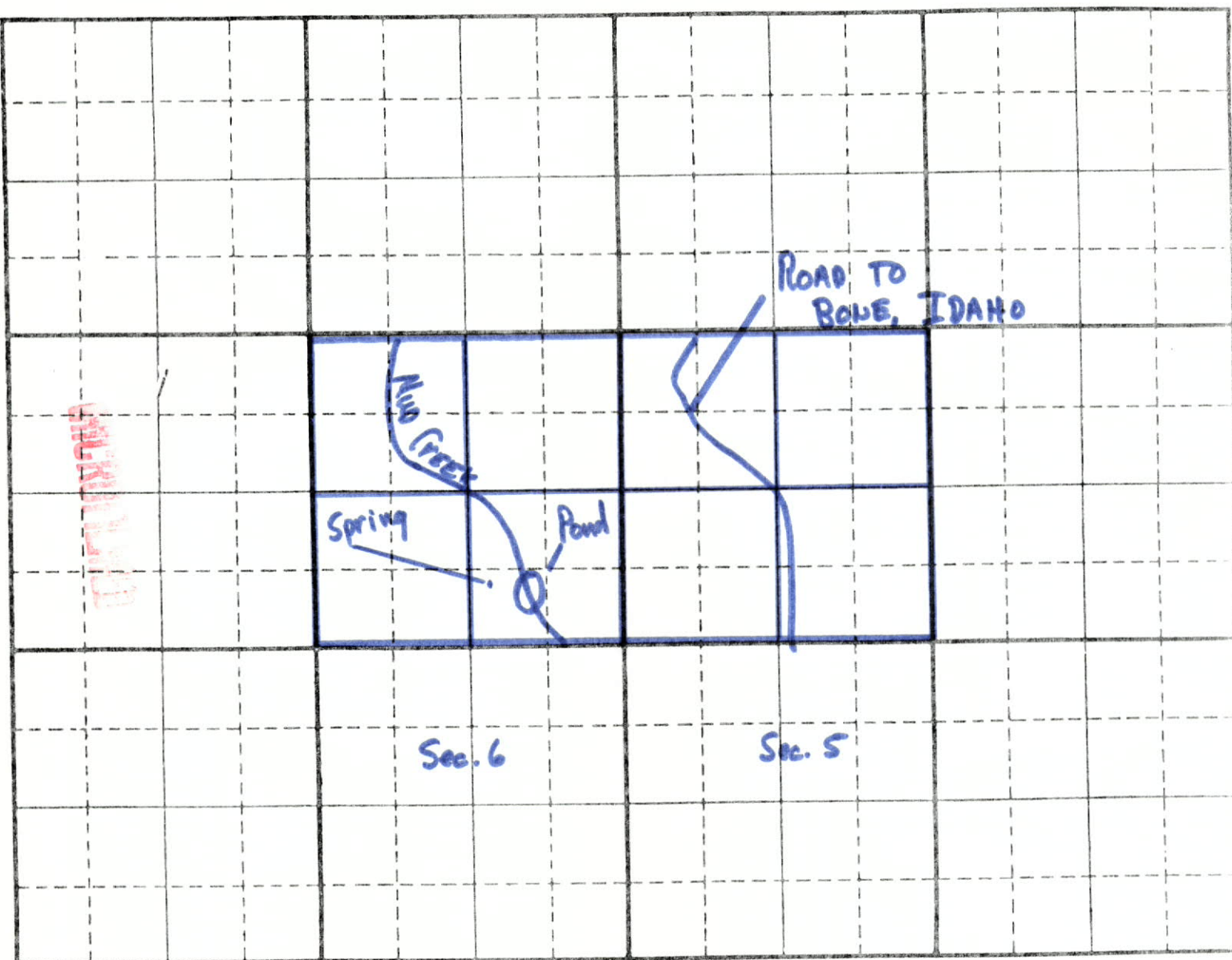


There are numerous small springs in the quarter, quarter sections described in this claim. All such springs are used for stockwater during the time periods described herein. The principal springs are shown as located on the maps.

- (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.

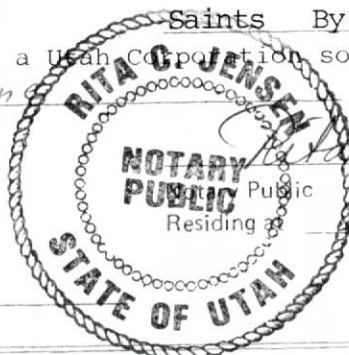
State of ~~Utah~~ Utah)
) ss.
 County of Salt Lake)

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: *James A. Bahr* *Ref*

a Utah Corporation sole. (Claimant) Authorized Agent

Sworn to before me this 17 day of June, 1983.



My commission expires 6/17 1984

FOR DEPARTMENT USE ONLY

Received by <i>CW</i>	Date <i>6-22-83</i>	Exception filed by:	Forwarded to	Date
Prelim. check by <i>DEM</i>	Date <i>6-22-83</i>		claimant by:	
\$30.00 fee received by <i>CW</i>	Date <i>6-22-83</i>			
Published in <i>Blackfoot News</i>	<i>#30657</i>			
Dates <i>8/18 & 8/25/83</i>				

I S.

T. 2 S.

T. 3 S.

B O N N E V I L L E

UNDEVELOPED

Location of recreation area, pond, and spring

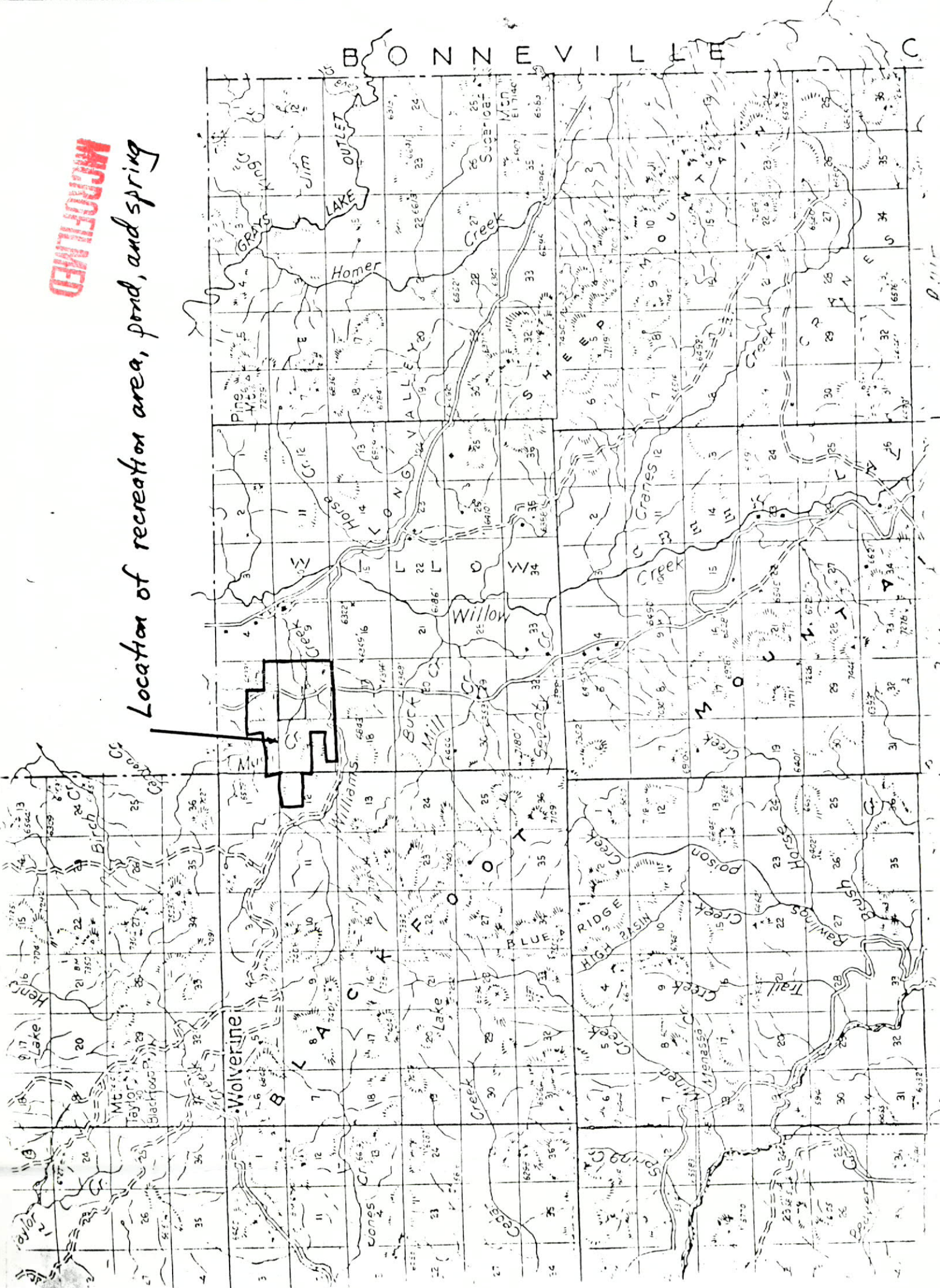


Exhibit "C"

EAST

Spring

Sellers Creek

Spring

Spring

Knob Hill

Spring

Spring

Spring

Spring

4th

Pond
3 acres in size
3 feet deep

Mud Creek

North

→

25-4236-

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: SWSE Sec 06 T 025 R 40E

Use: STOCKWATER (0.0350 CFS)

In: SWSE Sec 06 T 025 R 40E

RECEIVED

**NOTICE OF CLAIMS
TO WATER RIGHTS**

The following claims have been filed on water
right(s) created 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,

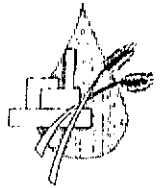
Sec. 06, T. 025, R. 40E.

Use: STOCKWATER (0.0350 CFS)

In: SWSE Sec. 06, 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

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

(Mailing Address)

Telephone No. 800-453-3860

(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 1</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 SE ¼, Sec. 6 Twp2 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	
2 S	40 E	6															X		

No. of acres

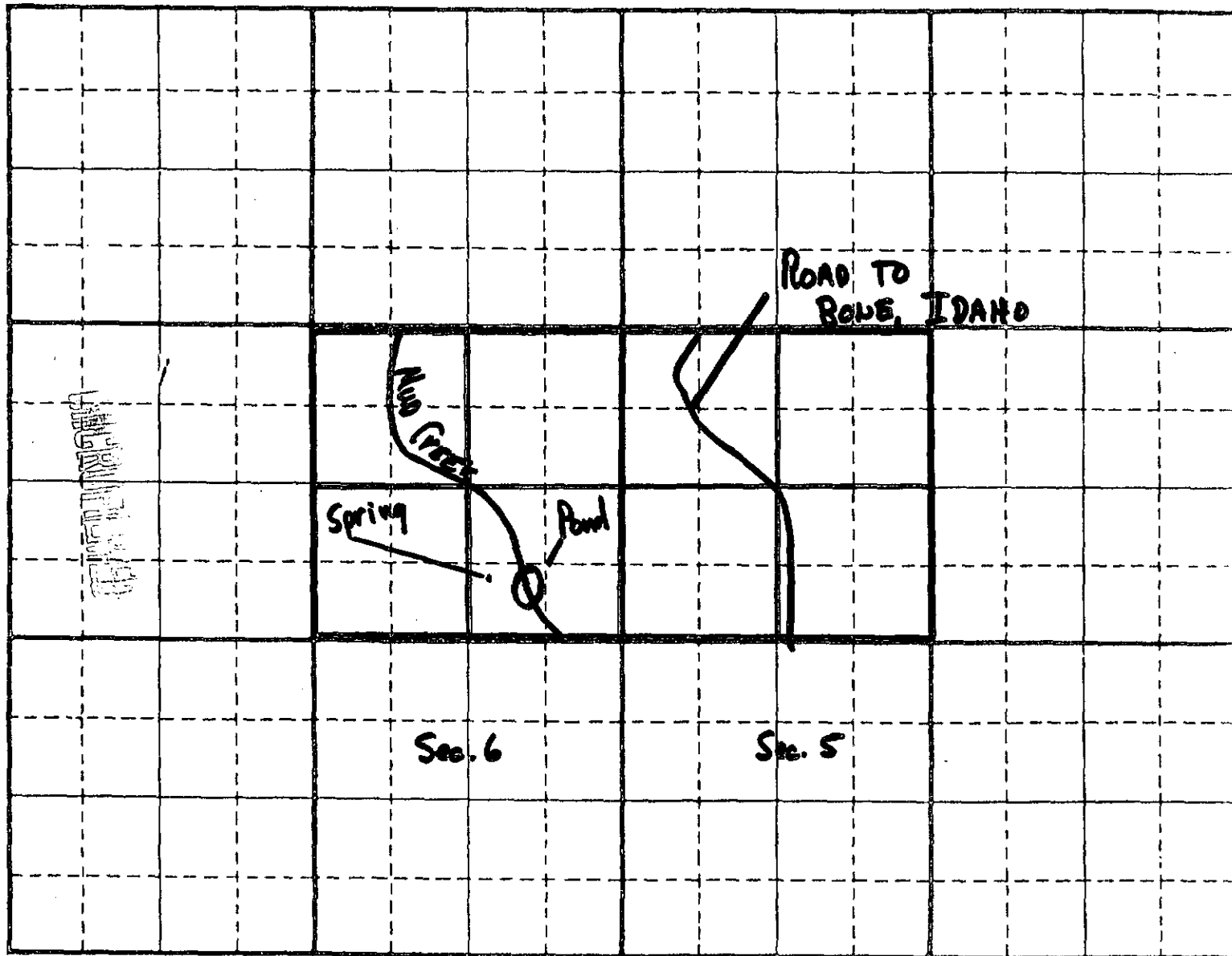
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Stock water of grazing cattle

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)

) ss.

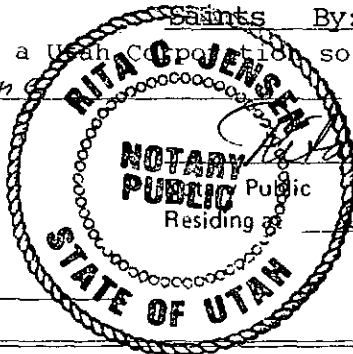
County of Salt Lake)

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: Paul A. Baker *208*

a Utah Corporation sole. (Claimant's Authorized Agent

Sworn to before me this 17 day of June, 19 83.



My commission expires 6/17 1984

FOR DEPARTMENT USE ONLY

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

1 S.

T. 2 S.

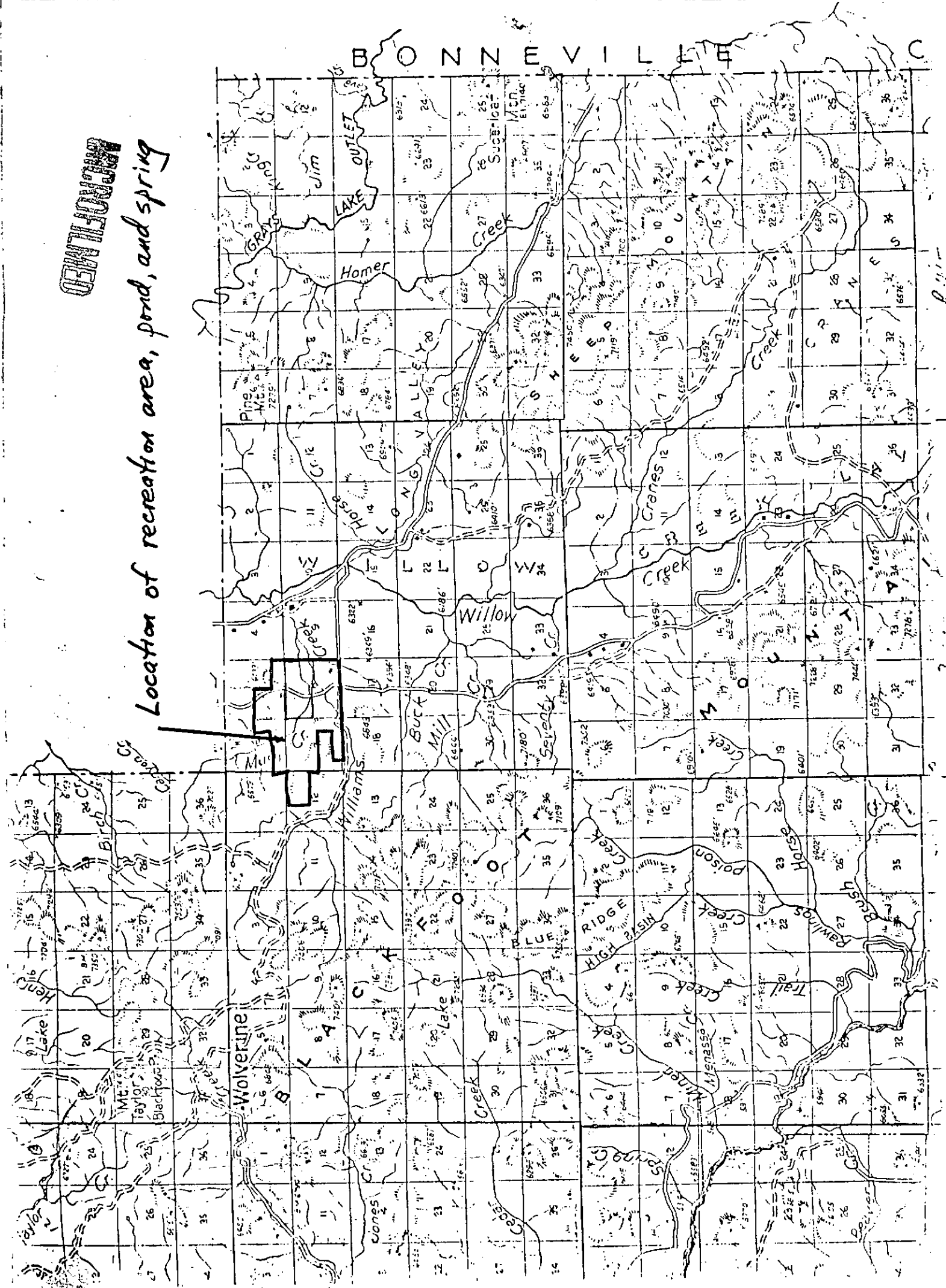
T. 3 S.

B O N N E V I L L E

P

REPRODUCED

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

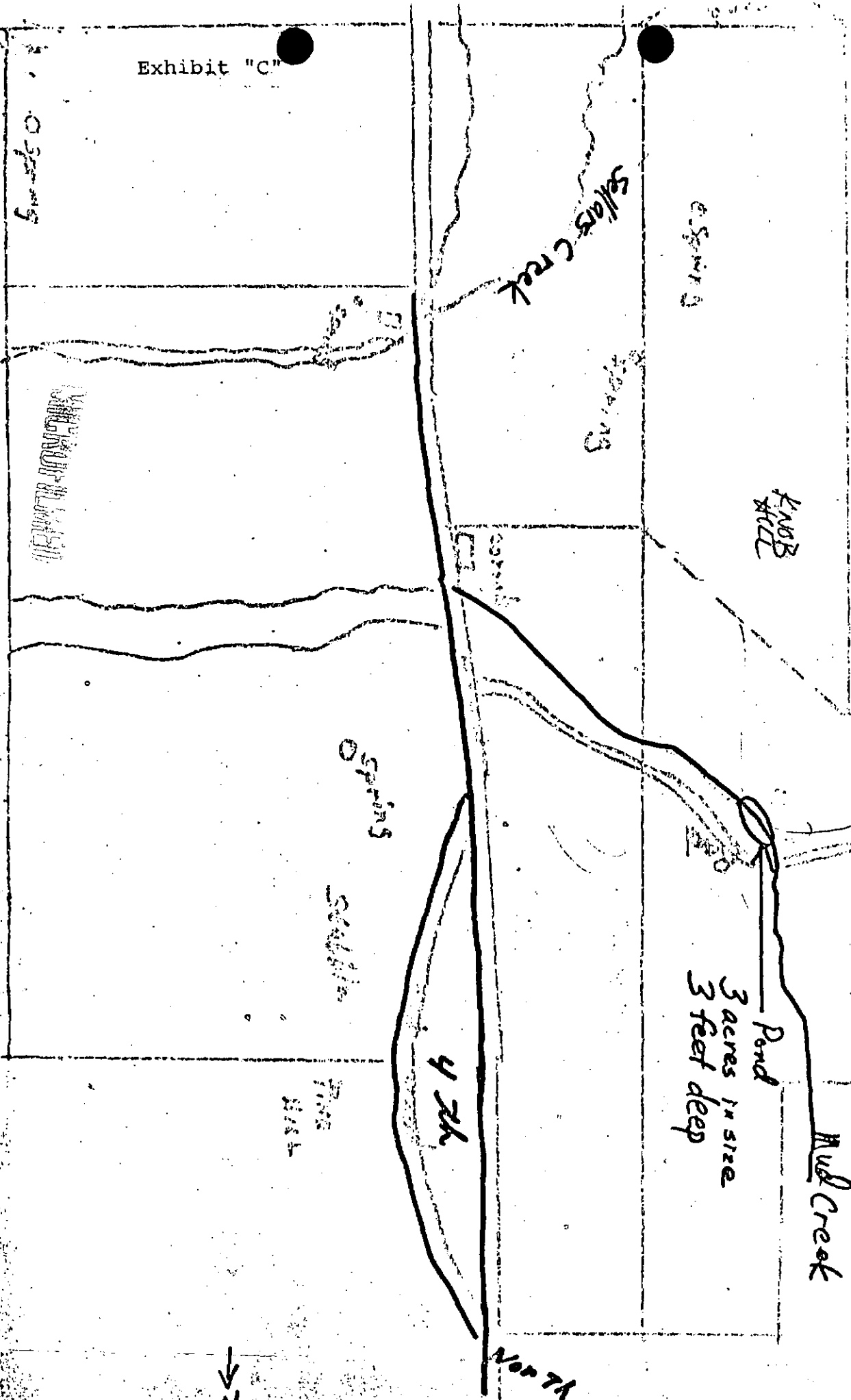
On the 13 day of May, 1983, personally appeared before me, MILDRED EMPEY, who being sworn upon her oath did acknowledge to me that she subscribed her name to the above instrument and did acknowledge that the statments therein are true and correct.

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

0375k

Exhibit "C"

EAST



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.

35-4209

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: SWSW, 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
Source: GROUNDWATER

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

I, David Mark Brown do
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

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 6, 1983

RECEIVED

PRESIDING BISHOP L.D.S. CHURCH
50 E. NORTH TEMPLE
SALT LAKE CITY UT 84111

RE: Claim No. 25-4236

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

RECEIVED
SEP 19 1983
Department of Water Resources

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JGM

Right Number 25 4236 Applicant LDS Church

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date Sept. 8, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jmi Date 9-20-83

25-4236

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: SWSE Sec 06 T 02S R 40E

Use: STOCKWATER (0.0350 CFS)

In: SWSE Sec 06 T 02S R 40E

RECEIVED
MAY 10 1935

NOTICE OF CLAIMS
TO WATER RIGHTS
The following claims have been filed for water
rights created by diversion and beneficial use:
25-4236
L.D.S. 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