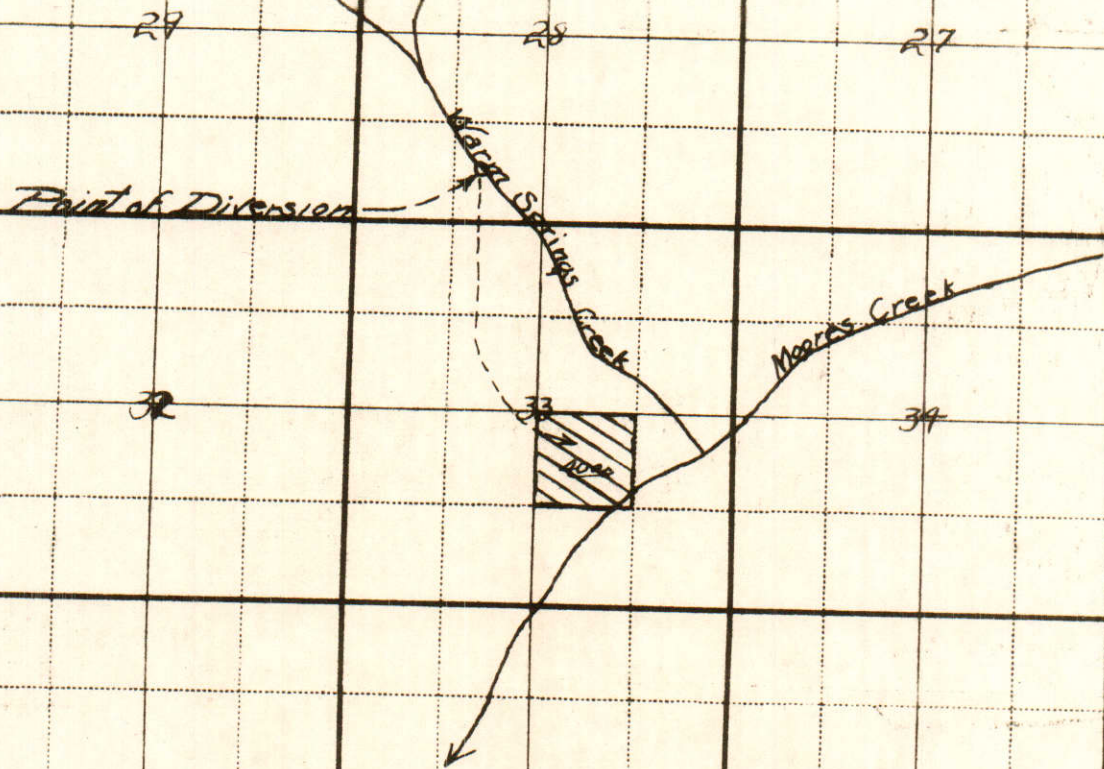


T.6N, R.5E, BM.



Permit Map No. 217-4  
 As Approved  
 SEP 2 1949  
 MARK R. KULP  
 State Reclamation Engineer

63-4016P

Identification No. 21204  
Claim No. 28879 42739  
Map No. 21204

**STATE OF IDAHO**  
**DEPARTMENT OF RECLAMATION**  
**CLAIM TO A WATER RIGHT**  
**Established by Diversion and Application to Beneficial Use**

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Boise Stake Corporation of the Church of Jesus Christ of Latter-day Saints  
post office address a corporation sole 118 Mobley Drive, Boise, Idaho
2. The point of diversion is in SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  Section 28 Township 6 N  
Range 5 E B.M. located on Warm Springs Creek  
(name of source)  
tributary to More's Creek in Boise County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
  - a. Date of priority claimed:  
August 23, 1949 amount: 0.8 c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
Total claimed \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet.
  - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:  
domestic and irrigation  
use continuous / \_\_\_\_\_ period of use from Aug. 23, 1949 to date hereof (both dates inclusive)  
use Domestic period of use from January 1 to December 31 (both dates inclusive)  
use Irrigation period of use from March 15 to November 15 (both dates inclusive)  
use Recreational period of use from March 15 to November 15 (both dates inclusive).
4. Description of diverting works:
  - a. Surface water diversion dam and/or headgate: material is composed of concrete, stone, steel and planks; length is 12 feet; height is 3 feet; width at bottom is 10 feet; with at top is about 14 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known \_\_\_\_\_  
The reservoir, which silts at times has been repeatedly dredged out and cleared and enlarged.
  - b. Underground water diverting works: is well flowing or pumped \_\_\_\_\_; depth of well is \_\_\_\_\_ feet; diameter of well is \_\_\_\_\_ inches; type of pump is \_\_\_\_\_ capacity of pump is \_\_\_\_\_ g.p.m.; name and address of well driller is \_\_\_\_\_;

attach well logs if available; has there been any change in pump or motor since well was first completed \_\_\_\_\_; if so, give dates and explain \_\_\_\_\_

- c. Conveying works: length of ditch to place of use is None feet; width of ditch at top is \_\_\_\_\_ feet; width of bottom of ditch is \_\_\_\_\_ feet; depth of water is \_\_\_\_\_ feet; grade of ditch per 1000 feet is \_\_\_\_\_ feet; material through which ditch passes is \_\_\_\_\_; maximum length of pipe line to first place of use is 10,560 feet; diameter of pipe line is 1 1/2" inches; type of pipe galvanized steel; grade of pipe per 1000 feet is 40' per mile.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible \_\_\_\_\_

This system is much older than the claimed date of priority of August 23, 1949.

The claim made hereunder is made under that date by reason of the fact that this claimant is the successor in interest by deeds of record in the office of the county Recorder of Boise County, to Bobby A. Whitten, original claimant.

- d. If water is stored: name of reservoir Water is impounded at the intake of the pipe, no name.

total capacity of reservoir is \_\_\_\_\_ acre feet; active capacity of reservoir is \_\_\_\_\_ acre feet;

year construction commenced \_\_\_\_\_; year completed \_\_\_\_\_; date first used \_\_\_\_\_

period of storage is from \_\_\_\_\_ to \_\_\_\_\_; is reservoir drained each year \_\_\_\_\_;

is reservoir on or off stream \_\_\_\_\_ explain \_\_\_\_\_

if feeder canal is used give maximum carrying capacity \_\_\_\_\_ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions \_\_\_\_\_

has there been any enlargement of the reservoir since it was first built \_\_\_\_\_, if so, give dates and describe Immaterial variations in size due to silting from year to year and cleaning out.

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS      |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |             |
| 6 N  | 5 E   | 33   |        |        |        |        |        |        |        |        | X      |        |        |        |        |        |        |        | 20 acres    |
| 6 N  | 5 E   | 33   |        |        |        |        |        |        |        |        |        |        |        |        |        | X      |        |        | 16.70 acres |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |             |

Total number of acres to be irrigated 36.70  
(gross; much non-irrigable in rock)

Explain any significant increase in area irrigated since first use, give dates and acreages if known \_\_\_\_\_

None

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch \_\_\_\_\_ The other users and their respective interests in the ditch are (if known) \_\_\_\_\_

6. Where water is used for stock watering, give number of each kind of stock watered None

7. Where water is used for domestic or municipal purposes give number of families served See notes below name of town supplied \_\_\_\_\_

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. This water supply serves the recreation grounds and about 15 occupied buildings used for housing children and adults, for resident caretakers, supervisors etc., serving several thousand people per year in connection also with water derived from Crowley's Springs under Water License No. 23547 originally issued to Ariel L. Crowley, January 13, 1953 for 0.033 second feet, which water is run into the swimming pool and also into the domestic lines when required.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation The water system was first established by Winthrop Estabrook for Lot 6, Tw. 6 N. R 5 E, in Section 33; later the additional 20 acres was acquired by patent running to Ralph Whitten. The certificate of completion of works as improved by Bobby A. Whitten, is dated 25 October 1949. As far as is known to this applicant no final proof was ever made after completion of works by her, but the use of the works and water has been continuous, and a final certificate and license should issue either upon the basis of her original application, or upon this registration of appropriation by construction of works and actual use, for more than twenty consecutive years. The actual time of use from the original diversion and application to beneficial use is more than fifty years ago, the exact time not being now accurately known.

The Bobby Whitten application, and proof of completion of works, and the affidavit of Ariel L. Crowley are appended by photocopy and original affidavit.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.  
May 10, 1968 BOISE STAKE CORPORATION OF THE CHURCH OF JESUS CHRIST OF  
(Date) LATTER-DAY SAINTS By B. Blair Johnson  
(Signature of Claimant) President  
State of Idaho A Corporation Sole of Idaho  
County of Ada } ss.  
On this 14 day of May 19 68, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

J. Reed Williams  
Notary Public residing at Boise

My commission expires Mar. 24 19 69.

For Department Use Only

|                                       |                      |                     |                           |      |
|---------------------------------------|----------------------|---------------------|---------------------------|------|
| Received by <u>RB</u>                 | Date <u>5/15-68</u>  | Exception filed by: | Forwarded to claimant by: | Date |
| Prelim. check by <u>RB</u>            | Date <u>5/15</u>     |                     |                           |      |
| Fee received by <u>RB</u>             | Date <u>5/15</u>     | Fee \$ <u>10.00</u> |                           |      |
| Approved for publication by <u>RB</u> | Date <u>2-26-68</u>  |                     |                           |      |
| Published in <u>Idaho World</u>       | Dates <u>2-26-68</u> |                     |                           |      |

## INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

### Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

|                           |                     |         |                            |           |
|---------------------------|---------------------|---------|----------------------------|-----------|
| Date of priority claimed: | <u>May 18, 1871</u> | amount: | <u>0.8 c.f.s.</u> or _____ | acre feet |
|                           | <u>June 1, 1901</u> | amount: | <u>0.4 c.f.s.</u> or _____ | acre feet |
|                           | Total claimed:      |         | <u>1.2 c.f.s.</u> or _____ | acre feet |

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

BEFORE THE DEPARTMENT OF RECLAMATION, STATE OF IDAHO

IN THE MATTER OF THE CLAIM OF  
BOISE STAKE CORPORATION OF THE  
CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS TO A WATER  
RIGHT ESTABLISHED BY DIVERSION  
AND APPLICATION TO BENEFICIAL  
USE

)  
)  
) AFFIDAVIT OF ARIEL L. CROWLEY  
)  
)  
)

STATE OF IDAHO )  
 ) SS.  
County of Boise )

ARIEL L. CROWLEY, being first duly sworn says:

He is a citizen of the United States, Probate Judge of Boise County, and formerly owner of the property known as Pinetop, now owned by the Boise Stake Corporation of the Church of Jesus Christ of Latter-Day Saints, a corporation sole of the State of Idaho.

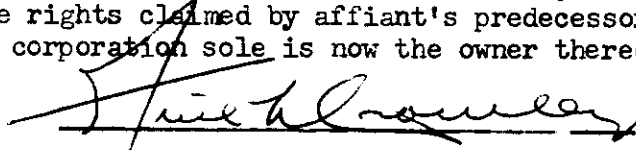
Affiant purchased the said premises, described as NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> and Lot 6 in Section 33, T. 6 N. R. 5 EBM in Boise County, Idaho, from Bobby A. Whitten, daughter and successor in interest to Ralph Whitten and wife, who originally acquired by patent the said NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, and who were successors in interest to Winthrop Estabrook and wife, the original appropriators of water to beneficial use from the Warm Springs Creek some time after 1900.

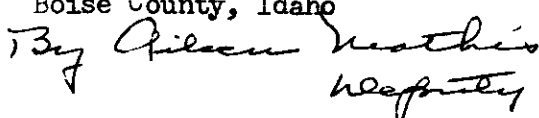
Affiant entered into possession of the said lands in 1951 and completely overhauled both the intake reservoir, the pipeline and all outlets for distribution of said waters; at the time affiant took such possession the said system had obviously been long in use and extensive repairs and rehabilitation were required and made by affiant in person.

Affiant is also the identical person who discovered, concentrated and established, by License No. 23547 the additional water right with priority of January 13, 1953 covering waters from Crowley's Springs, which waters are also continuously used upon the same areas.

Affiant knows of his own knowledge and upon his oath states that the appropriation made by Bobby A. Whitten and upon which certificate of completion of works was executed by the Hon. Mark R. Culp, Reclamation Engineer, 25 October 1949, has been in continuous, uninterrupted use upon the said lands for domestic and irrigation purposes throughout the years 1951 to this date in 1958 inclusive; and at no time has anyone made any claim or assertion against the said right, which has been well known, openly claimed and used as a matter of established right of ancient date.

Affiant and his wife Daveda L. Crowley sold and conveyed to the Boise Corporation of the Church of Jesus Christ of Latter-day Saints, a corporation sole, the said lands and water rights, including the rights claimed by affiant's predecessor in interest Bobby A. Whitten and the said corporation sole is now the owner thereof.

  
Subscribed and sworn to before me May 11, 1968.

  
Clerk of the District Court  
Boise County, Idaho  
By  *Katherine M. Brown*  
Deputy

Permit No. 23547

## Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that ARIEL L. CROWLEY  
 of Idaho City, County of Boise, and State of  
Idaho, the holder of Permit No. 23547, issued upon Application  
 No. 31323 bearing date of priority of January 13, 1953, authorizing the diversion of  
0.5 second foot of the waters of Un-named springs to be known as Crowley  
Springs, tributary to Warm Springs Creek,  
 County of Boise, State of Idaho, for irrigation, domestic and recreational  
 purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof  
 of completion of the works of diversion set out and described in said Permit; that said works are adequate for  
 diverting and conveying to the place of intended use 0.5  
 second foot of the waters of said springs;

that the points of diversion of said waters are in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 33,  
Township 6 North, Range 5 East, B. M.

and that the lands proposed to be irrigated by the use of said water are described as follows: Lot 6 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 33, Township 6 North, Range 5 East, B. M.

Witness my hand this 4th day of December, A. D. 19 54.

*Mark R. Kulep*  
 State Reclamation Engineer

(Form No. 1)

P. O.

# APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 28879  
 Permit No. 21204  
 District No. \_\_\_\_\_

1. Name of applicant: Bobby A. Whitten  
 Post office address C/o Idaho City Stage / Boise, Idaho County Ada State Idaho
- I. If applicant is a corporation, give:
- (a) Date and place of incorporation: \_\_\_\_\_  
 (b) Amount of capital stock: \$ \_\_\_\_\_ (c) Amount paid in: \$ \_\_\_\_\_  
 (d) Names and addresses of directors: \_\_\_\_\_
- II. The financial resources of the applicant are: (a) Cash on hand: \$ \_\_\_\_\_  
 (b) Treasury stock: \_\_\_\_\_ (c) Bonds to be issued: \_\_\_\_\_  
 (d) Other resources: \_\_\_\_\_
2. Quantity of water claimed: 0.8 cubic feet per second.
3. Source of water supply: Warm Springs Creek  
 which is tributary of Moore's Creek
4. Location of point of diversion: \_\_\_\_\_ feet distant from the \_\_\_\_\_ corner  
 of Section \_\_\_\_\_ T. \_\_\_\_\_ R. \_\_\_\_\_ B.M., and is in the SW 1/4  
 of Section 28 T. 6 N. R. 5 E. B.M., County of Boise.
5. Water is to be used for: Irrigation and domestic purposes.
6. If for mining, milling, power or manufacturing purposes, give:
- (a) Point of use of water: \_\_\_\_\_ feet distant from \_\_\_\_\_ corner of Section \_\_\_\_\_  
 T. \_\_\_\_\_ R. \_\_\_\_\_ B.M., in the \_\_\_\_\_ of Section \_\_\_\_\_ T. \_\_\_\_\_ R. \_\_\_\_\_ B.M.  
 (b) Amount of power generated: \_\_\_\_\_ H.P., under \_\_\_\_\_ feet head  
 (c) Water is to be returned to \_\_\_\_\_ at a point \_\_\_\_\_ feet  
 distant from the \_\_\_\_\_ corner of Section \_\_\_\_\_ T. \_\_\_\_\_ R. \_\_\_\_\_ B.M., in the  
 \_\_\_\_\_ of Section \_\_\_\_\_ T. \_\_\_\_\_ R. \_\_\_\_\_ B.M.
7. Estimated cost of works: \$ 10,000.00
8. Kind of works: Dam and Pipe Line.  
 (Reservoir, dam, ditch, flume, pipe, etc.)
9. Height of dam 3 feet; length of dam at top 12 feet; length of dam at bottom 10  
 (If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)  
 feet; material used in dam Concrete
10. Size of headgate: Width \_\_\_\_\_ feet; Height \_\_\_\_\_ feet.
11. Ditch. Width at bottom \_\_\_\_\_ feet; Width at water line \_\_\_\_\_ feet; Depth of water \_\_\_\_\_ feet;  
 Dimensions of flume \_\_\_\_\_ Diameter of pipe 1 1/2 inches;  
 Length of conduit 2 miles. Average grade per mile 40 feet.



16. (a) Is reservoir to be used?.....(If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit: .....

(c) Date of filing of Application for Storage Permit and Name of Applicant. ....

Remarks: .....

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

*Betty A. Whitten*

Applicant

By \_\_\_\_\_, Agent

## Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, \_\_\_\_\_ of \_\_\_\_\_ County of \_\_\_\_\_ State of \_\_\_\_\_, do hereby certify that I am the owner of the land on which the spring mentioned in the application of \_\_\_\_\_ is located, to-wit: \_\_\_\_\_ and that I do hereby grant unto the said \_\_\_\_\_ permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO

County of \_\_\_\_\_ } ss.

On this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ before me, a Notary Public for the State of Idaho, residing at \_\_\_\_\_ personally appeared \_\_\_\_\_ known to me to be the person whose name \_\_\_\_\_ subscribed to the foregoing certificate, and acknowledged to me that \_\_\_\_\_ executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

Notary Public.

My commission expires \_\_\_\_\_

# Approval of State Reclamation Engineer

The number of this permit is 21204

Recorded in Book 76 Page 21204 Approved SEP 2 1949

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$..... to be filed before .....

Work to begin on or before November 2, 1949

and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before March 2, 1950

The whole of said work to be completed on or before September 2, 1950

Beneficial use of water appropriated in accordance herewith, to be made on or before September 2, 1951

Witness my hand this 2nd day of September, 1949

*Mark R. Kulp*  
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. HOBINS

Governor of the State of Idaho,

and J. D. "CY" PRICE

Secretary of State of the State of Idaho, have caused

this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be

hereunto affixed, this 2nd day of September, 1949

Countersigned

By *J. D. Price*  
Secretary of State.

STATE OF IDAHO

By *C. A. Hobins*  
Governor

No. 21204

PERMIT

Date of first receipt at office of State  
Reclamation Engineer

4:30 P.M. Aug 23, 1949

Returned to applicant for correction

Corrected application received

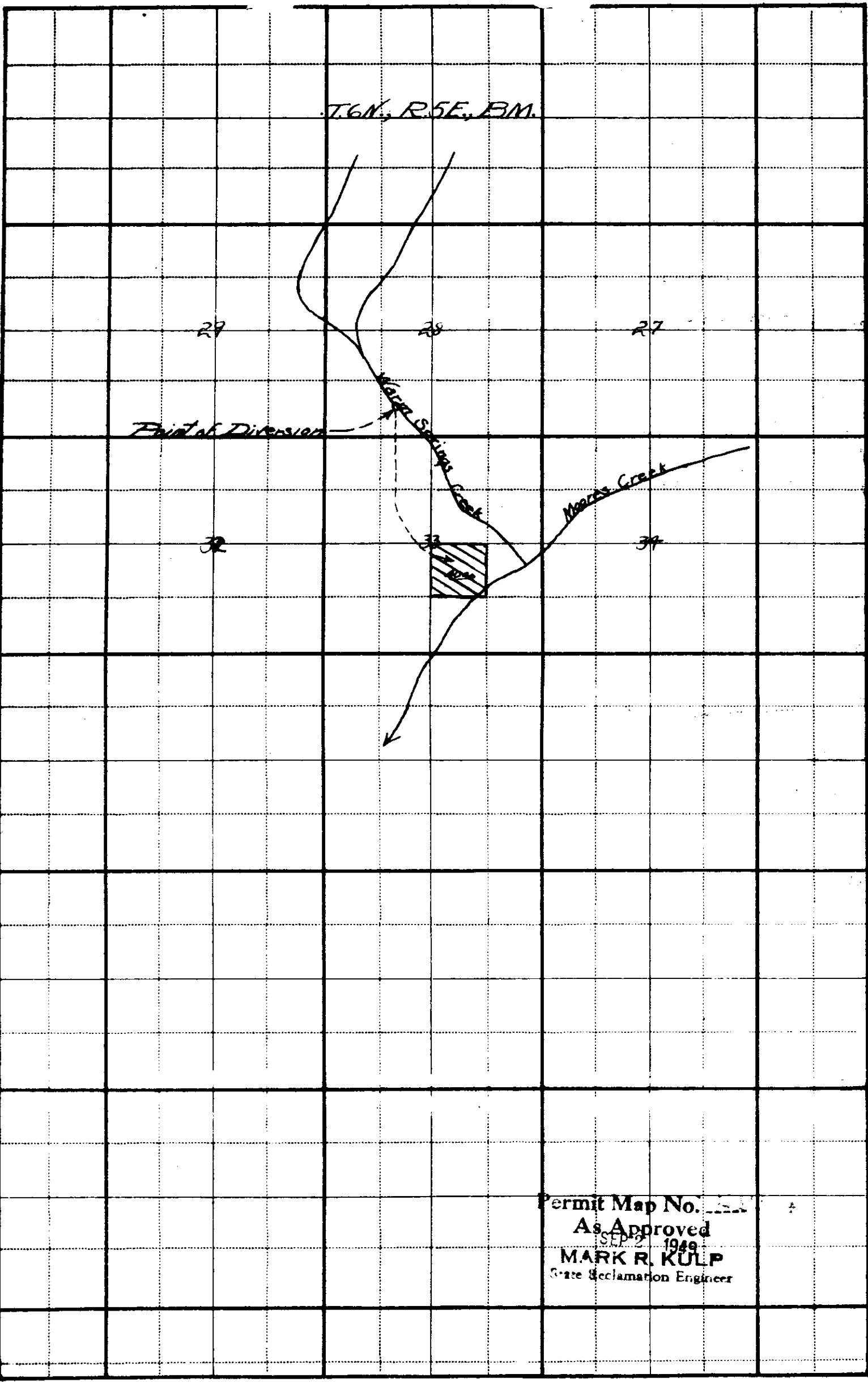
Fees \$5.00

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. .... \$5.00

For each additional Sec. Ft. or fraction

thereof ..... .25



Permit Map No. 122  
 As Approved  
 SEP 2 1949  
 MARK R. KULP  
 State Reclamation Engineer

Permit No. 21204**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to certify that BOBBY A. WHITTEN  
 of Boise, County of Ada, and State of  
Idaho, the holder of Permit No. 21204, issued upon Application  
 No. 28879 bearing date of priority of August 23, 1949, authorizing the diversion of  
0.8 second feet of the waters of Warm Springs Creek, a tributary of  
Moore's Creek,

County of Boise, State of Idaho, for irrigation and domestic  
 purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the  
 proof of completion of the works of diversion set out and described in said Permit; that said works are  
 adequate for diverting and conveying to the place of intended use 0.8  
 second feet of the waters of Warm Springs Creek;

that the point of diversion of said waters SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 28, Twp. 6 N., Range 5 E., B.M.

and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 33, Twp. 6 N., Range 5 E., B.M.

Witness my hand this 25th day of October, A. D. 19 49

*Mark R Kulp*

State Reclamation Engineer.

Permit No. 21204

**Certificate of Completion  
of Works**

Dated October 25, 1949

Stream Warm Springs Creek, a  
tributary of Moore's Creek  
County Boise

Amount 0.8 second foot

Date of Priority August 23, 1949

Recorded in Book 76

of Permits, page 21204

**AFFIDAVIT  
OF  
PUBLICATION**

STATE OF IDAHO, } S.S.  
COUNTY OF BOISE, }

T. R. Adams being

duly sworn, deposes and says:  
That he is the manager and principal clerk of THE IDAHO WORLD a weekly news paper published at Idaho City, in the County of Boise and state of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication, and was published in the newspaper proper and not in a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issues beginning

with July 4, 1968  
and ending with the issue of

July 11, 1968

Fees \$ T. R. Adams

Subscribed and sworn to before  
me this 29 day of July  
1968

Katherine M. Bryan  
Clerk District Court  
Alison Heather  
Deputy

**NOTICE OF CLAIM TO A  
WATER RIGHT**

No. 63 - 4016

Notice is hereby given that the Boise ~~S. S.~~ Corporation of the Church of Jesus Christ of Latter-Day Saints, 418 Mobley Drive, Boise, Idaho, has filed a claim to a water right establish by diversion and application to beneficial use of 0.8 cubic feet per second of water from Warm Springs Creek, tributary to Mores Creek, with point of diversion in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Sec. 28, T. 6N., R. 5E., B.M., Boise County; the water is claimed to be used from March 15 to November 15 for irrigation and recreational uses and from January 1 to December 31 for domestic use with a priority of August 23, 1949; the place of use is the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Sec. 33 T. 6N., R. 5E. B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON  
State Reclamation Engineer  
Pub. July 4 - 11, 1968

—o—o—o—

63 4016

*file with 7-31-68*

RECEIVED

JUL 30 1968

Department of Reclamation

AFFIDAVIT  
OF  
PUBLICATION

STATE OF IDAHO, } S.S.  
COUNTY OF BOISE, }

T. R. Adams being  
duly sworn, deposes and says:  
That he is the manager and principal clerk of THE IDAHO WORLD a weekly news paper published at Idaho City, in the County of Boise and state of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for Two consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication, and was published in the newspaper proper and not in a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issues beginning with July 4, 1968 and ending with the issue of July 11, 1968

Fees \$ T. R. Adams

Subscribed and sworn to before  
me this 29 day of July  
1968

Katherine M. Progan  
Clerk District Court  
Chas. H. Hatcher  
Deputy

NOTICE OF CLAIM TO A  
WATER RIGHT  
No. 63 - 4016

Notice is hereby given that the Boise Stake Corporation of the Church of Jesus Christ of Latter-Day Saints, 418 Mobley Drive, Boise, Idaho, has filed a claim to a water right establish by diversion and application to beneficial use of 0.8 cubic feet per second of water from Warm Springs Creek, tributary to Mores Creek, with point of diversion in the SE 1/4 SW 1/4, Sec., 28, T. 6N., R. 5E., B.M., Boise County; the water is claimed to be used from March 15 to November 15 for irrigation and recreational uses and from January 1 to December 31 for domestic use with a priority of August 23, 1949; the place of use is the NE 1/4 SW 1/4, NW 1/4 SE 1/4, Sec. 33 T. 6N., R. 5E. BM

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON  
State Reclamation Engineer  
Pub. July 4 - 11, 1968

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63-4016



C. A. ROBINS  
GOVERNOR

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

October 27, 1949

Re: Permit No. 21204

Mrs. R. E. Whitten  
Route 4  
Boise, Idaho

Dear Mrs. Whitten:

We enclose Certificate of Completion of Works issued under Permit No. 21204 in the name of Bobby A. Whitten for the diversion of 0.8 of a second foot of water from Warm Springs Creek, with point of diversion in the ~~SW~~ NW $\frac{1}{4}$  Section 28, Township 6 North, Range 5 East, B.M. for irrigation and domestic use on the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 33, same Township and Range.

We also enclose Departmental Receipt No. 21877 for the \$5.00 fee paid by you in connection with this proof.

We have sent to the Idaho Mountaineer, copy of Notice of Beneficial Use Proof to be made under this Permit at 11:00 A. M. November 29, 1949, with instructions to publish it once a week for four consecutive weeks prior to that date and to send you the Affidavit of Publication, together with statement of costs.

At the time set, you should appear before Mr. John D. Davis, Notary Public, together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer

By

*Jeannie L. Anderson*  
Chief Clerk

A:bh  
Enc.

July 30, 1908

Re: Claim No. 63-4016

Beise Stake Corporation of the Church  
of Jesus Christ of Latter-day Saints  
418 Mebley Drive  
Beise, Idaho

Gentlemen:

The Department of Reclamation has received and processed your claim to a water right. The information in your claim is filed under Claim No. 63-4016.

Enclosed is receipt No. 885 for the amount of \$10.00 for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:ks

Enclosure: Receipt No. 885

63 4016

July 23, 1968

Re: Application No. 63-7115 - Calvin G. Wells  
Application No. 63-7113 - Monica S. Edsall  
Application 63-7112 - Elmer A. Martin  
Application No. 63-7070 - William B. Joy  
Claim No. 63-4021 - Monica S. Edsall  
Claim No. 63-4016 - Boise Stake Corporation

The Idaho World  
Idaho City,  
Idaho

Gentlemen:

As of this date we have not received the affidavit or the bill of publication for the above referenced applications and claims. It is quite important that a couple of these are processed immediately and we are waiting for the bill and affidavit. Your prompt reply would very much appreciated.

Very truly yours,

Donald W. McElldowney  
Appropriation Examiner

DWM:ks

63 4016

**No. 63 - 4016**

use is the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE  
 $\frac{1}{4}$ , Sec. 33 T. 6N., R 5E. BM

Any exception to this claim of water right may be filed with the Department of Reclamation.

**R. KEITH HIGGINSON**  
State Reclamation Engineer  
Pub. July 4 - 11, 1968

DON SAMUELSON  
GOVERNOR



R. KEITH HIGGINSON  
State Reclamation Engineer

## STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
107 STATE HOUSE  
BOISE, IDAHO 83701

June 26, 1968

Re: Application No. 63-7115 - Calvin G. Wells  
Application No. 63-7113 - Monica S. Edsall  
Application No. 63-7112 - Elmer A. Martin  
Application No. 63-7070 - William B. Joy  
Claim No. 63-4021 - Monica S. Edsall  
Claim No. 63-4016 - Boise Stake Corporation of the L.D.S. Church

The Idaho World  
Idaho City, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you can not publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

  
Signature of claimant

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:ks

Enclosure: Legal notice

63 4016

Form 3

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4016

Notice is hereby given that the Boise Stake Corporation of the Church of Jesus Christ of Latter-Day Saints,  
418 Mebley Drive, Boise has filed a claim to a water right  
established by diversion and application to beneficial use of 0.8  
cubic feet per second ~~acre foot~~ of water from Warm Springs Creek, tributary  
to Pores Creek, with point of diversion in the SE 1/4, sec.  
28, T. 6 N., R. 5 E., B.M., Boise County; the water is  
claimed to be used from March 15 to November 15 for irrigation and recreational  
uses and from January 1 to December 31 for domestic use  
with a priority of August 23, 1949  
; the place of use is the NW 1/4, sec. 33, T. 6 N., R. 5 E., B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON  
State Reclamation Engineer

Published in the Idaho World, Idaho City  
on July 4 and July 11.

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Salt Lake City, Utah

418 Mobley Drive  
Boise, Idaho 83702

June 21, 1968

State Department of Reclamation  
Statehouse - Annex 2  
Boise, Idaho 83707

RECEIVED  
JUN 25 1968  
Department of Reclamation

Attention: Donald W. McEldowney, Appropriation Examiner

Re: Claim to Water Right No. 63-4016, Boise Stake Corporation  
of the Church of Jesus Christ of Latter-day Saints

Gentlemen:

In reply to your letter of June 11, 1968 regarding additional information under Item 3b of our claim, you are advised that the particular use for domestic purposes is from January 1st to December 31st of each year for the two basic residences on the premises, which are used year round, and approximately three additional such uses in recreational buildings.

Irrigation purposes for lawn, flowers, garden and other uses, including swimming pool, will be for the summer season, running approximately from the 15th day of March through the 15th day of November of each year.

We trust that this information will assist you in processing the application.

Very truly yours,



B. CLAIR JOHNSON  
Boise Stake Corporation of  
the Church of Jesus Christ of  
Latter-day Saints

cer

63 4016

June 11, 1908

Re: Claim to a Water Right No. 63-4016

C  
O  
P  
Y  
Boise State Corporation of the Church of  
Jesus Christ of Latter-day Saints  
418 Molley Drive  
Boise, Idaho

Gentlemen:

We are in receipt of your claim to a water right filed on Warm Springs Creek, tributary of More's Creek, Boise County, Idaho

Please be advised that in order for the department to process your claim we will request some additional information. Under Item 3b of the claim you are requested to supply a particular use and a period during each specific year that the use would be effective. In other words, for domestic purposes it would most probably be a year around use of January 1 to December 31 of each year. Your irrigation purposes would be for whatever the normal irrigation season is in your area. This would be a month and day in the spring to a month and day in the fall.

Your prompt attention and return of this information is appreciated.

Very truly yours,

Donald W. McElldowney  
Appropriation Examiner

DWM:ks