

10/29/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-170C

NAME AND ADDRESS: CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1868

POINT OF DIVERSION:

T03N R02E S9 SWNE Lot 7 Within ADA County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.020 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within ADA County

T04N R01W S24 SESE 4.90

4.9 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

10/29/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is delivered via the Settlers Irrigation District Canal.

This right is also designated as Right No. 37 in the Boise River Stewart Decree and Boise River Water Distribution Report.

Water Right(s) 63-170C

IDAHO DEPT OF WATER RESOURCES

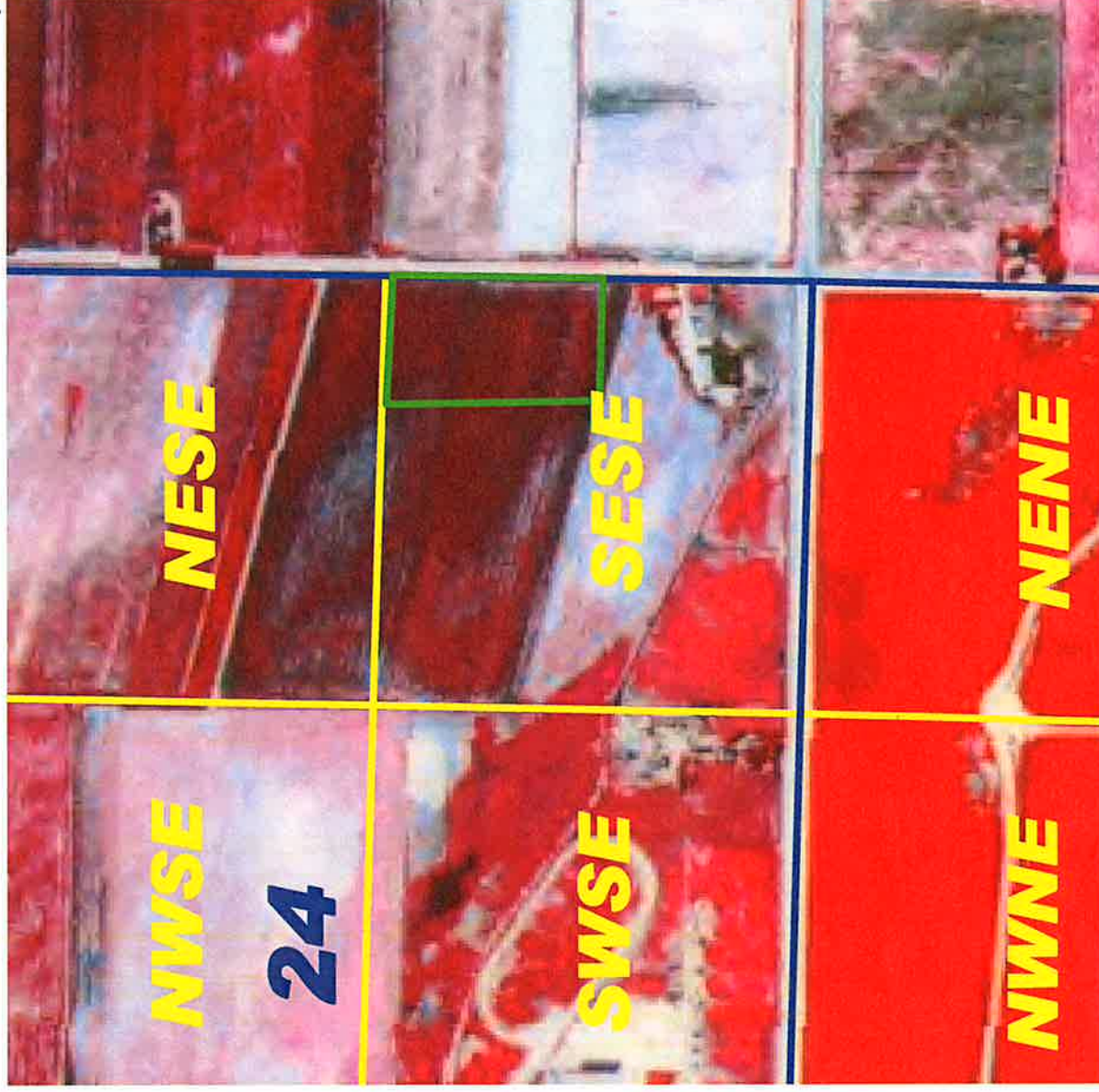
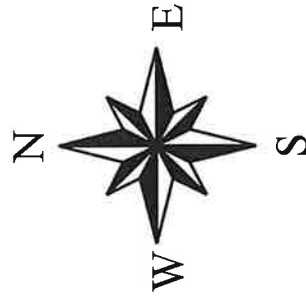
1987/1988 NAPP Photo
Prepared by: J. Shurte
Date: October, 2006

● **Point of Diversion**

 **Place of Use**

 **1/4 1/4 Lines**

 **Section Lines**



Water Right(s)

63-170C

IDAHO DEPT OF WATER RESOURCES

1987/1988 NAPP Photo

Prepared by: J. Shurte

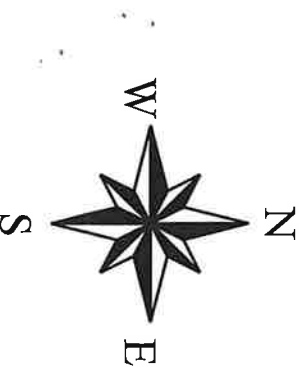
Date: October, 2006

● Point of Diversion

Place of Use

1/41/4 Lines

Section Lines



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-170C V1

WATER RIGHT NUMBER: 63-170C V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CORP OF THE PRESIDING BISHOP CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS 50 E NORTH TEMPLE ST SALT LAKE CITY, UT 84150 (801) 240-4074

Priority Date: 06/01/1868

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01	11/15	0.020 CFS	
	<u>Total Diversion:</u>		0.020 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L7 (SW1/4NE1/4)	Sec. 9,	Twp 03N,	Rge 02E, B.M.
ADA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	24																	4.9

Total Acres: 4.9

Conditions of Approval:

1. This right is delivered via the Settlers Irrigation District Canal.
2. This right is also designated as Right No. 37 in the Boise River Stewart Decree and Boise River Water Distribution Report.
3. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-170C V1

4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

Remarks:Comments:

1. jshurte 10/29/2006 Place of Use
 Comment: See comments in 63-170A

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/29/2006 1:17:20 PM	jshurte			Active
Priority Date	10/29/2006 1:17:58 PM	jshurte			Active
POD	10/29/2006 1:18:37 PM	jshurte			Active
POU	10/29/2006 1:25:27 PM	jshurte			Active
Use	10/29/2006 1:37:35 PM	jshurte			Active
Season	10/29/2006 1:38:13 PM	jshurte			Active
Quantity	10/29/2006 1:38:53 PM	jshurte			Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-170C V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	10/29/2006 1:36:31 PM	jshurte	Updated shape for Active POU
Use	10/29/2006 1:37:36 PM	jshurte	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	10/29/2006 1:38:13 PM	jshurte	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	10/29/2006 1:38:53 PM	jshurte	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
POD	10/29/2006 1:24:47 PM	jshurte	Updated shape
Contacts	10/29/2006 1:17:20 PM	jshurte	(No) 1. Do you want to schedule an appointment?
POD	10/29/2006 1:18:38 PM	jshurte	Comment for 1: Decreed right (Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (Yes) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-170C V1

POU	10/29/2006 1:25:27 PM	jshurte	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
General	10/29/2006 1:17:58 PM	jshurte	(Yes) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 2. Was the owner or the owners predecessor in interest of the place of use joined in the later decree? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

Water Supply Bank:

SPRUIT
TREE

170 - TOTAL - 3.7 CFS

170 A - .58 CFS

170 B - 2.7 CFS (UNDER 63-30130)

170 C - .02 CFS

170 D - .40 CFS

3.7 CFS TOTAL



RECEIVED

JUN 01 2006

WATER RESOURCES
WESTERN REGION

May 31, 2006

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Attention: Jan Shurte

Subject: LDS Church claim to portion of 63-170A

Dear Jan,

Enclosed on behalf of The Church of Jesus Christ of Latter-Day Saints is a notice of claim to a portion of water right 63-170A. During review of the 63-170A right, it appears that the claim neglected about 70 acres of the Lindley portion as approved by the 1949 transfer. The LDS Church has purchased a 4.9-acre parcel to which this right is appurtenant. The parcel is identified as Ada County Parcel S0424449202. Also enclosed is a check for \$54.90 to cover filing fees. Please contact me with any questions or requests for additional information.

Sincerely,

Scott N. King, P.E.
Senior Project Engineer

cc: LDS Church / Grant Cooper

File: 212.0140

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-170C
Date Received: 6/1/2006
Receipt No: W034260
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CORP OF THE PRESIDING BISHOP Phone: (801) 240-4074
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
50 E NORTH TEMPLE ST
SALT LAKE CITY UT USA 84150

2. Date of Priority: 06/01/1868

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
03N	02E	9	SW	NE	7	ADA	

5. Description of diverting works:

Concrete diversion dam, canal, earthen lateral ditch system.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01W	24	SE	SE	IRRIGATION	4.9
					Section Acres	4.9
					Total Acres	4.9

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

The claim to 63-170A was filed in 1989 by Settlers Irrigation District on behalf of Lindley, Brandt, and Gamble. This claim apparently neglected to include the E1/2 SE1/4, Section 24, T4N, R1W, a place of use authorized by IDWR for this right per transfer dated March 9, 1949. This is a claim to a 4.9 acre portion of 63-170A in the SESE Section 24.

15. Basis of Claim: Decreed

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

RECEIVED

JUN 01 2006

WATER RESOURCES
WESTERN REGION

Ident. Number: 63-170A
(portion of)

Date Received: 6-1-06

Receipt No: W034260

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Corporation of the Presiding Bishop of the
Church of Jesus Christ of Latter-Day Saints

Phone: (801) 240-4656

Real Estate Division/NRS
50 E North Temple St
12th Floor
Salt Lake City, UT 84150-6320

2. Date of Priority: June 1, 1868

3. Source: Boise River

Trib. to: Snake River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
3N	2E	09	SW NE 7	Ada	

5. Description of diverting works:

Concrete diversion dam, canal, earthen lateral ditch system.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	3/1	11/15	0.02	

7. Total Quantity Appropriated is:

0.02 cfs

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				total s
			NE¼	NW¼	SW¼	SE¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1W	24																4.9	4.9

Total number of acres irrigated 4.9

11. Place of use in counties: **Ada**

12. Do you own the property listed above as place of use? **Yes**

13. Other Water Rights Used:

Settlers Irrigation District, 63-32044

14. Remarks:

The claim to 63-170A was filed in 1989 by Settlers Irrigation District on behalf of Lindley, Brandt, and Gamble. This claim apparently neglected to include the E ½ SE ¼ Section 24, T4N R1W, a place of use authorized by IDWR for this right per transfer dated March 9, 1949. This is a claim to a 4.9-acre portion of 63-170A in the SESE Section 24.

15. Basis of Claim: **Decree**

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Terry F. Rudd of _____ Title _____

Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole.

Organization _____, that I have signed the foregoing document in the space below as **AUTHORIZED AGENT** of _____

Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole.

Organization _____ Title _____ and that the statements contained in the

Organization _____ foregoing document are true and correct. Terry F. Rudd GSC
Signature of Authorized Agent

Title and Organization

Date

State of UTAH)
~~Idaho~~)
County of SALT LAKE) SS.

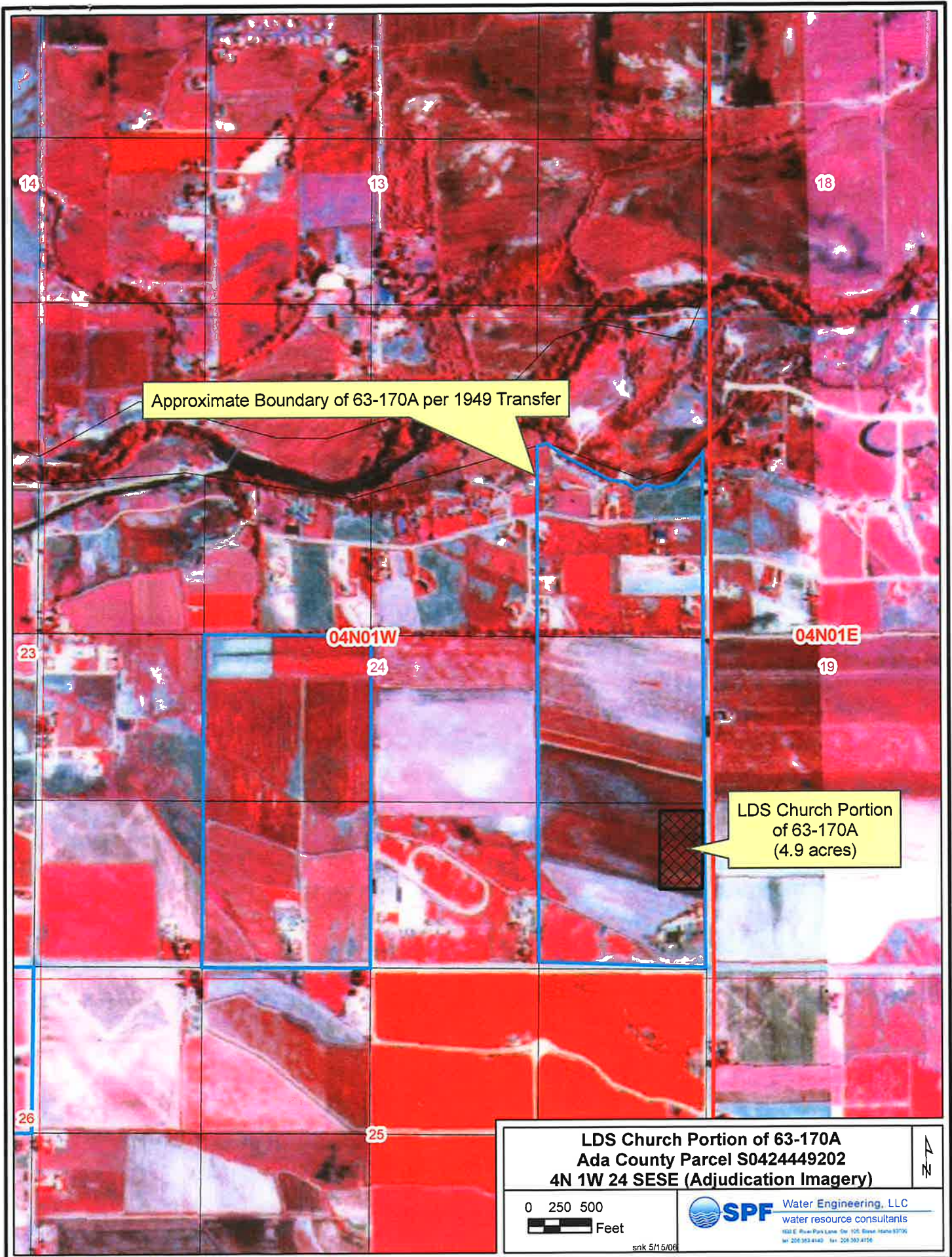
Subscribed and sworn (or affirmed) before me this 19th day
of May 2006 [Signature]

Notary Public

Residing at SALT LAKE COUNTY

My commission Expires 09/25/2008





Approximate Boundary of 63-170A per 1949 Transfer

LDS Church Portion
of 63-170A
(4.9 acres)

LDS Church Portion of 63-170A Ada County Parcel S0424449202 4N 1W 24 SESE (Adjudication Imagery)		AZ
0 250 500 Feet	 Water Engineering, LLC water resource consultants 1622 E. River Park Lane Ste 100, Boise Idaho 83706 tel: 208.363.8140 fax: 208.363.4106	
snk 5/15/06		

63-170A SPLIT ANALYSIS

snk 5/15/2006

CFS	% OF RT	Acres	OWNERSHIP
0.5	50%	130	Lindley (claim is 60, original rt is 130)
0.1	10%	80	Brandt / Lochsa, etc
0.4	40%	80	Gamble / Foxtail
1.0	100%	290	TOTAL

WATER RIGHT ELEMENTS

CFS	1.00	
ACRES	290	Claim is 220 acres; appears 70 acres unclaimed on Lindley Portion
CFS/ACRE	0.0034	

LINDLEY PORTION

CFS	% OF RT	Acres	OWNERSHIP
0.02	4%	4.9	LDS
0.48	96%	125	Remainder
0.5	100%	130	TOTAL

WATER RIGHT ELEMENTS - LINDLEY PORTION

CFS	0.50
ACRES	130
CFS/ACRE	0.0038