

02/04/2005

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

RIGHT NUMBER: 37-2411B

NAME AND ADDRESS: BEATRICE T LOWRIE
C/O JAMES LOWRIE
1500 1ST INTERSTATE PLAZA
170 S MAIN
SALT LAKE CITY UT 84101

SOURCE: SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.100 CFS

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/18/1921

POINT OF DIVERSION:

T06S R13E S21 NWNWSE Within GOODING County

T06S R13E S21 SENWSE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.100 CFS
DOMESTIC	01/01 12/31	0.040 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S21 NWSE 3.3

DOMESTIC same as IRRIGATION

STOCKWATER same as IRRIGATION

3.3 ACRES TOTAL

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

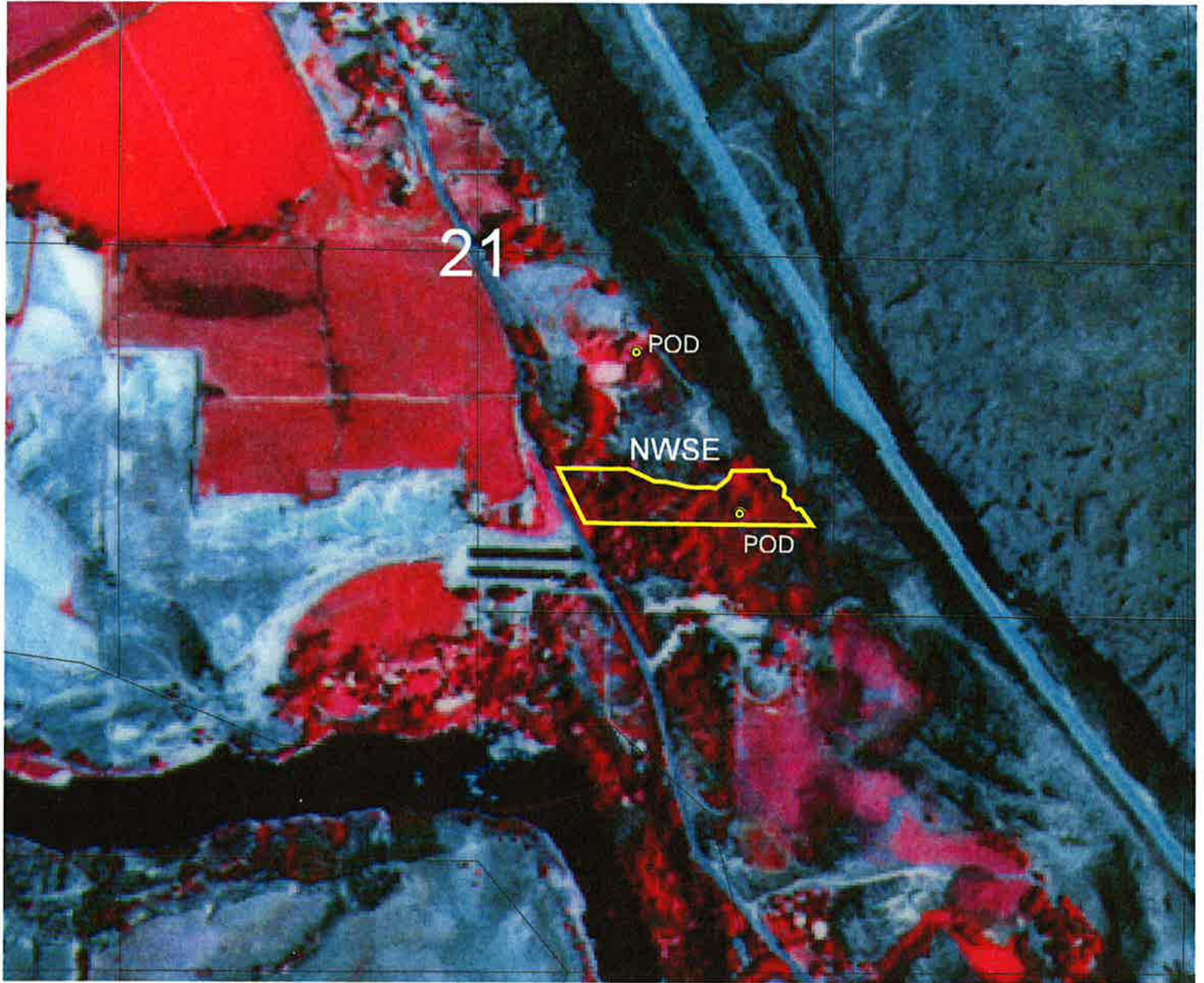
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: License

Sources are also known as Montana Mining Company Ditch Spring No. 3 or Upper Decker Spring and Montana Mining Company Ditch Spring No. 4 or Lower Decker Spring.

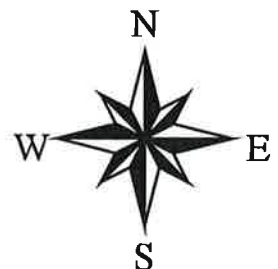
37-2411B



400 0 400 800 1200 Feet

T06S R13E S21

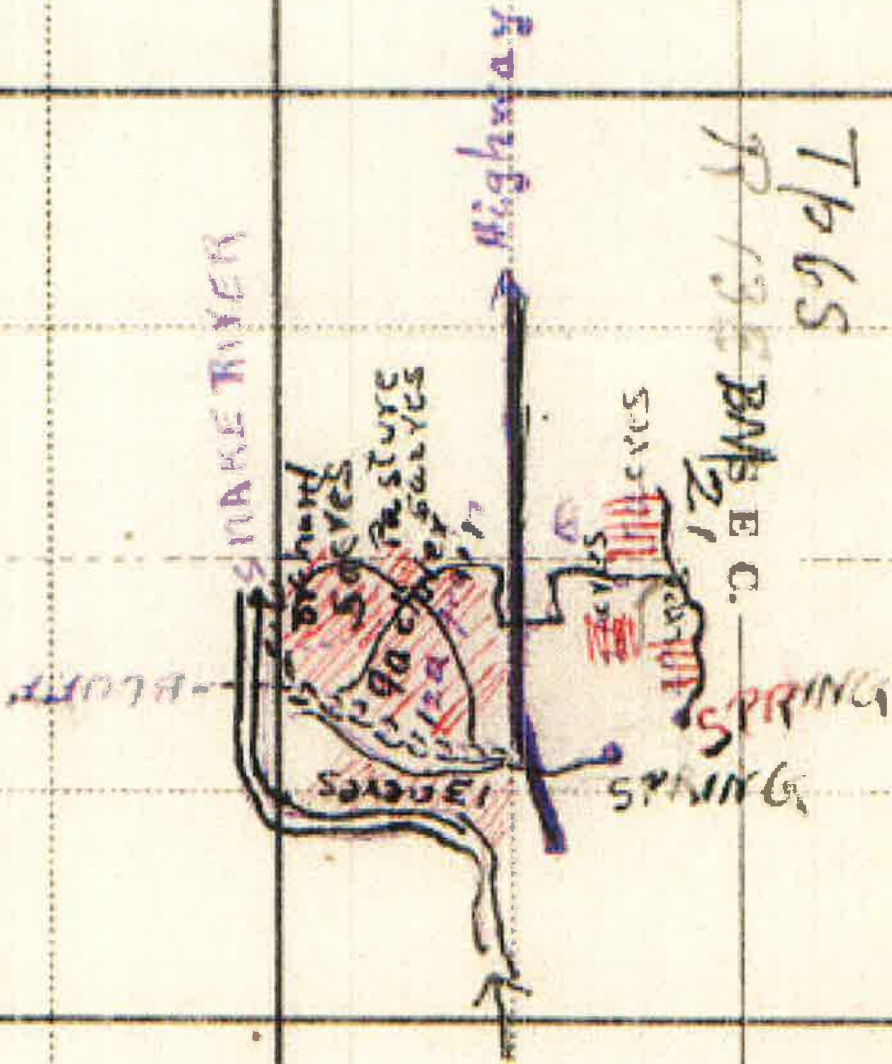
Map prepared by: Carter Fritschle
Date prepared: 02/04/05
1987-1988 NAPP photography
Idaho Department of Water Resources



E.C.

SEC.

15239



E.C.

SEC.

File with ~~A37-02411~~ B
A37-02411 A

V. HANCOCK

9-29-2000

DECREEED RIGHT 37-791

A SHALLOW ANALYSIS DONE IN PREPARATION FOR MEETING WITH CLAIMANT J. TED TALBOT re: CLAIM 37-791A

Mr. Talbot came into the office subsequent to a meeting with Water Measurement Bureau personnel who noted that he was diverting and putting to use much more than was claimed by him in the Adjudication as his portion of decreed right 37-791. Before my meeting with Mr. Talbot on 10-2-2000 I found the following information about this right as claimed this date:

Decreed Water Right 37-791 - Priority 1888 - Decree date May 1913

2 cfs

POU = SWNE, NWSE & NESW (LOT 2), SEC 21, T06S, R13E - 135 ac more or less

Source - Springs tributary to the Montana Mining Company Ditch

Note that the Decree did not indicate if all uses and users from the springs were included in the decree, and all rights were given the same priority date.

Adjudication Claims filed and based upon 37-791:

- 791A 0.34 cfs on 11.0 ac
- 791B 0.36 18.2 ac
- 791C 0.18 6.3 ac
- 791D 0.90 30.0 ac
- 791E 0.11 5.0 ac
- 1.89 cfs 70.5 ac

*this does not include
Any domestic or stock
claims which may exist*

✓ In 1921, a permit to appropriate water for use on 101 acres, in the same location and from the same source, was applied for and protested by other decree holders. A license was subsequently issued for 1.06 cfs for use on 53 acres. A more thorough investigation, using readable copies of documents from the file, will have to be conducted before it can be determined if this was intended to be additional water licensed to the property, if the license superceded the decree, or if it somehow evidences water use on the property circa 1921, etc.

Licensed Water Right 37-2411- Priority date 7-18-1921 - Issued 2-1922

1.06 cfs

POU = SWNW 5ac, NWSE 4ac, NESW (LOT 2) 44ac = 53 acres

Source - Two unnamed springs tributary to Snake River

Adjudication Claims

- 37-02411 1.06 cfs 5.0 ac
- 37-02411A .05 2.5 ac
- 1.11 cfs 7.5 ac



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

October 15, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES S LOWRIE
170 S MAIN SUITE 1500
SALT LAKE CITY UT 84101

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No.(s) A37-02411

Dear Claimant:

We have been advised you may be the current owner of the property with the water right referenced above.

Before we can modify our records to reflect your new ownership of the water right referenced above, we need Form 42-248/42-1409(6) completed. This form is enclosed for your use. Please follow the instructions on the back of the form and return to my attention at your earliest convenience.

Please call this office if you have any questions.

Sincerely,

Cheryl E. Timm
SRBA Records Clerk

Enclosures:

CT: ct

JONES, WALDO, HOLBROOK & McDONOUGH

A PROFESSIONAL CORPORATION

WASHINGTON, D.C. OFFICE
411 CONSTITUTION AVE., N.E.
WASHINGTON, D.C. 20002
TELEPHONE (202) 547-7711
FAX (202) 547-5717

ATTORNEYS AND COUNSELORS
1500 WELLS FARGO PLAZA
170 SOUTH MAIN STREET
SALT LAKE CITY, UTAH 84101-1644
TELEPHONE (801) 521-3200
FAX (801) 328-0537
www.joneswaldo.com

ST. GEORGE OFFICE
THE TABERNACLE TOWER BLDG.
SUITE 200
249 EAST TABERNACLE
ST. GEORGE, UTAH 84770-2978
TELEPHONE (435) 628-1627
FAX (435) 628-5225

IN REPLY REFER TO:

Salt Lake City

June 24, 1999

Mr. Arnold Wetzstein
West ESPA Water Measurement District
c/o IDWR Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: ID# 41758
Water Right Number: A37-02411
Location: 06S 13E 21 NWSE

RECEIVED

JUN 28 1999

Department of Water Resources
Southern Region

Dear Mr. Wetzstein:

Pursuant to your letter of May 21, 1999, I am enclosing my check in the amount of \$61.43 for the 1999 Annual Assessment. I apologize for the delay in getting the enclosed to you.

Please correct your records as previously advised. The new owner is as follows:

James S. Lowrie
170 South Main, Suite 1500
Salt Lake City, Utah 84101

Thank you for your attention to this matter.

Very truly yours,


James S. Lowrie

sh

Enclosure

402457v1

70

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: A37-024118
Date Received: 8/31/1988
Receipt No: C002427
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: BEATRICE T. LOWRIE 801-521-3200
Address: C/O JAMES LOWRIE
1500 1ST INTERSTATE PLAZA
170 S. MAIN
SALT LAKE CITY, UT 84101

2. Date of Priority: JUL 18, 1921

3. Source: UNNAMED SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	13E	21	NW	SE			GOODING

5. Description of diverting works:
CONCRETE HOLDING BOX AT SPRING, PIPED TO POU, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
1.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
1 HOUSEHOLD, 2 HORSES

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06S	13E	21	NW	SE		IRR	5.0
			NW	SE		DOMEST	
			NW	SE		STOCK	

Section Acres 5.0

Total Acres	5.0
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11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

SOURCE DESCRIBED AS TWO UNNAMED SPRINGS. SECOND SPRING IS DIVERSION FOR FARM POND. THIS PROPERTY HAS OLD NOTICE OF WATER RIGHT FILED AND RECORDED JUNE 1899 BOOK 1 WATER RIGHTS PAGE 206 LINCOLN CITY AND BOOK A WATER RIGHTS PAGE 378 GOODING CITY.

*****MEMO TO FILE*****
CONSUMPTIVE USE WAS INCORRECTLY FILED AS 360 AFA JP

15. Basis of Claim: LICENSE
Water Right Number: 15239

MICROFILMED
FEB 23 1993

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
_____ Print Name
acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number 437-02411BDate Received 9/31/88Receipt Number 600 2427

RECEIVED

SEP 19 1988

Department of Water Resources
Southern Region OfficeNOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

AUG 31 1988

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Beatrice ^{To} Lowrie Phone (801) 521-3200
 c/o James Lowrie Salt Lake City, UT
 Mailing Address 1500 1st. Interstate Plaza 170 S. Main Zip 84101

2. Date of Priority (Only one (1) per claim) 7-18-21

3. Source of water supply (a) Two - Unnamed springs
 which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 6S. Range 13 E. Section 21,
S ¹/₄ of NW 1/4 of SE 1/4, Govt. Lot, B.M., County of Gooding

Additional points of diversion if any: N/A

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

 1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
 including the dates of any changes or enlargements in use, the dimensions of the diversion works as
 constructed and as enlarged and the depth of each well. Concrete holding box at spring.

Spring rises on this property. Piped to point of use,
gravity flow. Diversion for farm pond, see plat map.

Spring for this rises on adjoining property but joins other spring at
at subject property.

MICROFILMED

FEB 23 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 1 or 2

For Domestic purposes from 1-1 to 12-31 amount 0.04 or

For Stock water purposes from 1-1 to 12-31 amount 0.02 or

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.06 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 360 ⁽¹⁵⁾ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1 household 2 horses

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6S	13	E 21														D			5
		20														I			
																S			

Total number of acres irrigated 5

11. In which county (ies) are lands listed above as place of use located? Gooding

12. Do you own the property listed above as place of use? Yes x No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
N/A or None ()

14. Remarks:
This property has old notice of Water Right filed
and recorded June 1899 Book 1 Water Rights Page 206 Lincoln
City and Book A Water Rights Page 378 Gooding City.

MICROFILMED

FEB 23 1993

Last Name Rauvie Ident No. A37-02411B

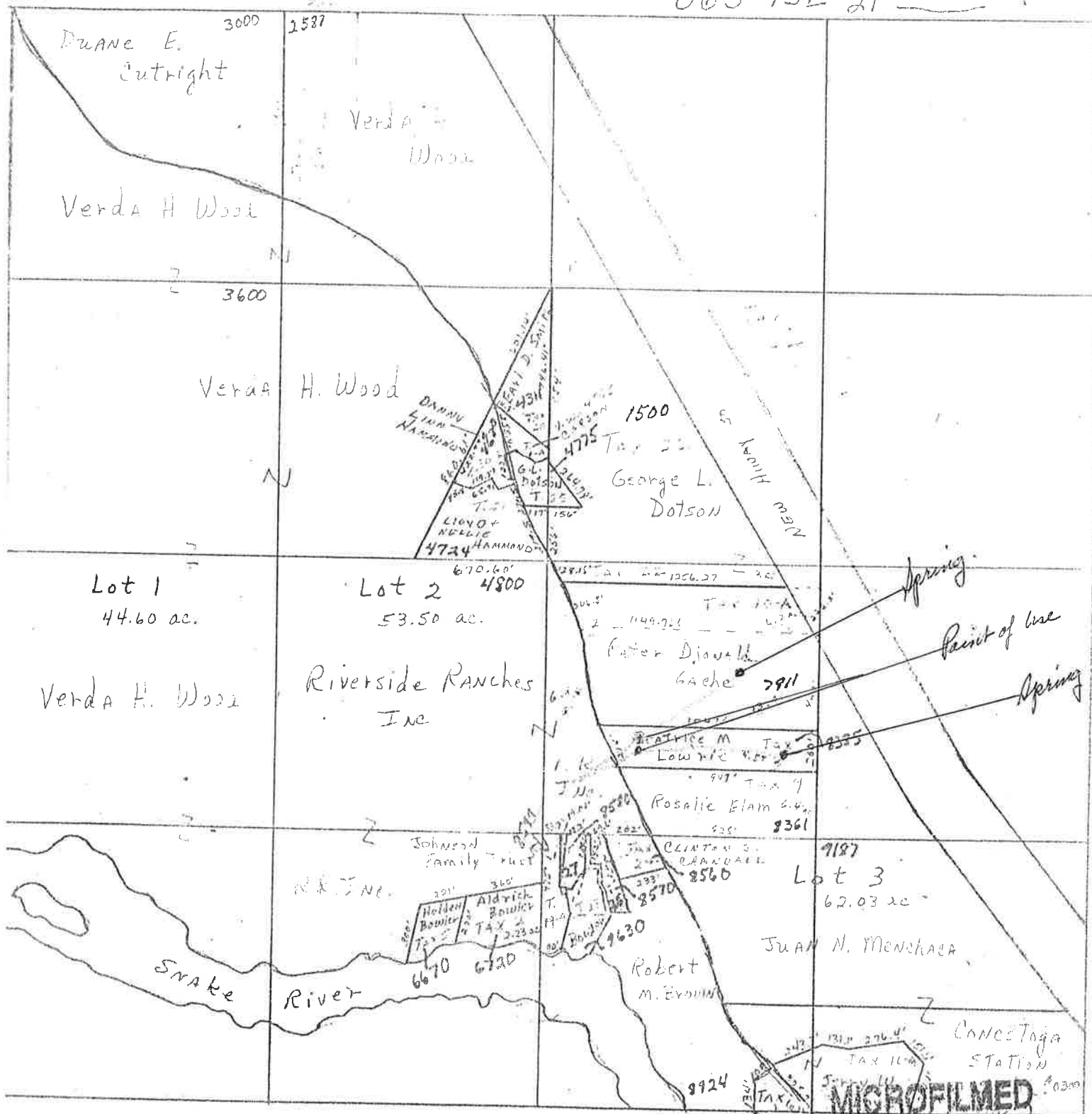
Copies: White -State, Yellow-Claimant

Sec. 21 Twp. 6 Rng. 13

Sec. 21 Twp. 6 Rng. 13

Sec. 21 Twp. 6 Rng. 13

065 13E 21 —



Racine

A37-02411B

Subject Property

9374 23 1993

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____

Decree 111

If applicable provide IDWR Water Right Number 16200 New # 37-2424 15239

Court _____ Case Number _____ Decree Date 4-1-1910

Plaintiff vs Defendant _____

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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) ☒ Beatrice T. Lowrie Date 29 August 1988

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Utah)

County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this 29th day of August 19 88

SEAL

Notary Public James S. Lowrie

Residing at Salt Lake City, Utah

My Commission Expires October 11, 1988

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, James S. Lowrie will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature James S. Lowrie

Jones, Waldo, Holbrook & McDonough

Address 1500 First Interstate Plaza, Salt Lake City, UT 84101

Date August 29, 1988

MICROFILMED

FEB 23 1993

A37-02411B

Last Name Lowrie Ident. Number 2007 (Utah)

Copies White-State, Yellow-Claimant

7/28/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME BEATRICE T. LOWRIECLAIM IDENT. NO. A37-02411DATE RECEIVED 8/31/88CK # 3368AMOUNT \$ 55

YES

NO

1. Is the name and address complete with zip code? ☒2. Is priority date entered? ☒

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). Use care if claim is returned. Refer to Adjudication Memos # 1 (Adj. Claims/Applications) and # 9 (Rejection of Claims). Explain in Comments. ☒

3. (a) Is a source entered? ☒(b) Is a tributary to entered? (if required) ☒4. Is the legal description of the p.d. complete? ☒5. Is there a description of the diverting works? ☒6. Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form. ☒Is the period of use included? ☒Is a quantity claimed for each use? ☒7. Is a total quantity claimed entered? ☒8. Is the consumptive use correct? ☒If required is a consumptive use entered? ☒9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. ☒10. Is (are) the place(s) of use entered? ☒11. Is (are) the county(ies) entered? ☒12. Is the ownership of p.u. checked? ☒13. Are other water rights listed or "none" checked? ☒14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒15. Is the basis of the claim checked? ☒16. Is the claim signed by the claimant? ☒

Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ☒

Has the claim been signed, sealed, and dated by a notary? ☒Is the fee enclosed correct? ☒If this claim is based on an existing water right, has the identification number been entered? ☒

N/A

Should this claim be receipted and data entered? ☒

Claim checked by:

MICROFILMEDComments: #8 SHOULD BE 15 AFA

FEB 23 1993