

MEMO

TO: Water Right Files

FROM: James Cefalo

DATE: June 4, 2019

RE: Revised Split of Water Rights 13-781, 13-782, 13-783

The 1920 Bear River Decree listed three water rights in the name of W. H. Mecham. These three rights were eventually assigned water right numbers 13-781, 13-782 and 13-783 and, in combination, authorized the irrigation of 240 acres. IDWR processed a couple of ownership changes over the years and the water rights were split multiple times. In 2018, IDWR received another ownership change. I conducted a review of all of the deeds for the Mecham property and all of the previous ownership changes, and discovered a number of errors in the way the rights were previously split. I prepared corrected/revised splits for the three water rights.

On February 28, 2018, I sent a letter to the current property owners describing how the water rights were divided based on the historical conveyance documents. There are currently four property owners within the 240-acre property described in the 1920 Bear River Decree. In April 2019, two of the current property owners, Flagg and Lowder, executed quit claim deeds conveying portions of their respective water rights. The conveyances change how the three water rights should be apportioned between the Lowder and Flagg properties.

Because the three water rights described above were originally appurtenant to the same 240 acres and because these rights were only recently divided between the various properties, and because the number of irrigated acres for the water right owners will not change, and because the recent conveyances maintain the same rate per acre as the original water rights, the conveyances between Flagg and Lowder can be completed through an ownership change rather than a transfer application.

The following table shows how the rights were split between the property owners in February 2018:

	Hansen	Lowder	E&H Land	Flagg
Acres	6	12	154	68
1871 Right No.	13-8011	13-7714	13-7713	13-8008
1871 Rate (cfs)	0.07	0.16	2.16	0.41
1871 Rate (in.)	3.5	8	108	20.5
1884 Right No.	13-8012	13-7716	13-7715	13-8009
1884 Rate (cfs)	0.02	None	None	0.78
1884 Rate (in.)	1	None	None	39
1901 Right No.	13-8013	13-7718	13-7717	13-8010
1901 Rate (cfs)	0.03	0.08	0.92	0.17
1901 Rate (in.)	1.5	4	46	8.5
Total Rate (cfs)	0.12	0.24	3.08	1.36
Total Rate (in.)	6	12	154	68

Based on the quit claim deeds between Lowder and Flagg, the table of water right ownership should be adjusted as follows:

	Hansen	Lowder	E&H Land	Flagg
Acres	6	12	154	68
1871 Right No.	13-8011	13-7714	13-7713	13-8008
1871 Rate (cfs)	0.07	None	2.16	0.57
1871 Rate (in.)	3.5	None	108	28.5
1884 Right No.	13-8012	13-7716	13-7715	13-8009
1884 Rate (cfs)	0.02	None	None	0.78
1884 Rate (in.)	1	None	None	39
1901 Right No.	13-8013	13-7718	13-7717	13-8010
1901 Rate (cfs)	0.03	0.25	0.92	None
1901 Rate (in.)	1.5	12.5	46	None
Total Rate (cfs)	0.12	0.25	3.08	1.35
Total Rate (in.)	6	12.5	154	67.5

The records for water rights 13-7714, 13-7718, 13-8008 and 13-8010 were adjusted to reflect the amount shown in the second table. The record for water right 13-7714 was eliminated because all of the right was conveyed by Lowder to Flagg and is now reflected in water right 13-8008. The record for water right 13-8010 was also eliminated because all of the right was conveyed by Flagg to Lowder and is reflected in water right 13-7718.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/4/2019

Water Right 13-7718

Owner Type **Name and Address**
 Current Owner BRENT SMITH LOWDER
 4475 VISTA DR
 OGDEN, UT 84403-3044

Current Owner JANICE A LOWDER
 4475 VISTA DR
 OGDEN, UT 84403-3044

Priority Date: 6/1/1901

Basis: Decreed

Status: Active

Source
 MIDDLE FORK TROUT CREEK

Tributary
 TROUT CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	09/30	0.250 CFS	
	<u>Total Diversion</u>		0.250 CFS	

Source and Point(s) of Diversion

MIDDLE FORK TROUT CREEK		Sec. 16, Twp 11S, Rge 41E, CARIBOU County
MIDDLE FORK TROUT CREEK	SESE	Sec. 17, Twp 11S, Rge 41E, CARIBOU County
MIDDLE FORK TROUT CREEK		Sec. 17, Twp 11S, Rge 41E, CARIBOU County
MIDDLE FORK TROUT CREEK	NESE	Sec. 17, Twp 11S, Rge 41E, CARIBOU County
MIDDLE FORK TROUT CREEK		Sec. 21, Twp 11S, Rge 41E, CARIBOU County

Place Of Use

IRRIGATION within CARIBOU County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	41E	17													2.0	10.0			12.0

POU Total Acres: 12.0

Conditions of Approval:

1. P/D NUMEROUS DITCHES SEC. 16, 17 & 21 T. 11S, R.41E.
 P/D THREE SPRINGS E1/2SE1/4 17, T. 11S. R. 41E.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/4/2019

Water Right 13-8008

Owner Type **Name and Address**
Current Owner DOUGLAS E FLAGG
2253 LAGO LIBERTY RD
GRACE, ID 83241-5330

Current Owner SHERIE ANN FLAGG
2253 LAGO LIBERTY RD
GRACE, ID 83241

Priority Date: 5/1/1871

Basis: Decreed

Status: Active

Source
MIDDLE FORK TROUT CREEK

Tributary
TROUT CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	09/30	0.570 CFS	
	<u>Total Diversion</u>		0.570 CFS	

Source and Point(s) of Diversion

MIDDLE FORK TROUT CREEK	SESE	Sec. 17, Twp 11S, Rge 41E,	CARIBOU County
MIDDLE FORK TROUT CREEK		Sec. 21, Twp 11S, Rge 41E,	CARIBOU County
MIDDLE FORK TROUT CREEK		Sec. 16, Twp 11S, Rge 41E,	CARIBOU County
MIDDLE FORK TROUT CREEK	NESE	Sec. 17, Twp 11S, Rge 41E,	CARIBOU County
MIDDLE FORK TROUT CREEK		Sec. 17, Twp 11S, Rge 41E,	CARIBOU County

Place Of Use

IRRIGATION within CARIBOU County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	41E	17																1.0	1.0
11S	41E	20	37.0	30.0															67.0

POU Total Acres: 68.0

Conditions of Approval:

1. X35 Rights 13-8008 and 13-8009 when combined shall not exceed the irrigation of 68 acres.
2. P/D NUMEROUS DITCHES SEC. 16, 17 & 21 T. 11S, R.41E.
P/D THREE SPRINGS E1/2SE1/4 17, T. 11S. R. 41E.

6/4/2019

Brent Smith Lowder

Feb. 21, 1951 - Jun. 25, 2017

Date of Service: Jul. 1, 2017

Brent Smith Lowder, 66, of Grace, Idaho, passed away on Sunday, June 25, 2017, surrounded by his family in Soda Springs, Idaho.

Brent was a loving husband, father, grandfather, and friend to all. Brent was preceded in death by his son, Jared Lowder; and parents, Robert and Nelda Lowder. Brent is survived by his wife, Janice of 38 years; son, Bradley (Wendy) Lowder; daughters, Brittany Lowder and Jami Morris; siblings, Robert Jr (Kay) Lowder, Dennis (Sharon) Lowder, Rodney (Marsha) Lowder, Judy (George) Allen, Karla (Brent) Wilson, Cindy (Loren) Smith, DelRay (Wendy) Lowder; six grandchildren, T'Kiya Cheever, D'Karri Cheever, Kristian Morris, Brok Morris, Robert Morris, and Tobias Morris; and many loving nieces, nephews, and extended family.



Brent grew up in Acequia, Idaho and graduated in 1969 from Minico High School before going to Ricks College. He served two years in the Australia Melbourne Mission for The Church of Jesus Christ of Latter-day Saints. Brent received a bachelor's degree from Brigham Young University and a master's degree in Special Education from Idaho State University. As an educator, Brent taught elementary special education for 26 years in both Utah and Idaho until his health forced him to retire in 2015. Brent loved the outdoors, gardening and horticulture, snowmobiling, and was an avid supporter of the Boy Scouts of America. He also enjoyed being with his family and extended family and looked forward to the time they spent together. Brent was a sincere and genuine individual, always willing to help others.

The family would like to extend a special thank you to the Huntsman Cancer Center, Access Homecare & Hospice, and the many people who have prayed, visited or expressed loving concern, service, and support to Brent.

Visitation will be from 6 until 8 pm at the Rasmussen Funeral Home, 1350 E. 16th St., in Burley, Idaho on Friday, June 30, and Saturday, July 1 from 9:30 until 10:45 a.m. at the Emerson LDS ward building. Funeral services for Brent will be at 11 a.m. Saturday, July 1, at The Church of Jesus Christ of Latter-day Saints Emerson chapel, located at 127 S. 950 W., Paul, Idaho. Brent will be laid to rest at the Paul Cemetery.