

RECEIVED

JAN 13 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No.

22-13996

Department of Water Resources

1. Name of Applicant

Dennis H. Lowe Family Trust

Phone 626-405-2333

Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address c/o Dennis H Lowe, Trustee, PO Box 1185

City Driggs

State Idaho

Zip 83422

Email

c/o Rocky Mountain Environmental Associates, Inc.

Email kmoore@rockymountainenvironmental.com

482 Constitution Way, Ste 303, Idaho Falls ID 83402 (208) 524-2353 Fax 208) 524-1795

2. Source of water supply Ground Water which is a tributary of N/A

3. Location of point of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local Name or tag #
6N	46E	29			NW	NW	Teton	Ground water	

4. Water will be used for the following purposes:

Amount 5.6 ac-ft for Aesthetic Storage purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 5.6 ac-ft for Wildlife Storage purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 5.6 ac-ft for Fire Protection Storage purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) cubic feet per second (cfs) and/or (b) 5.6 Acre-feet per year (af)

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Well to pump to pipeline to pond. A fire hydrant is installed at the pond site.

b. Height of storage dam feet; active reservoir capacity 5.6 acre-feet; total reservoir capacity 5.6 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11 For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No

c. Proposed well diameter is inches; proposed depth of well is feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? ; drilling firm

Well was drilled for (well owner) ; Drilling Permit No.

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW.

b. Stockwatering; list number and kind of livestock.

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider.

d. Domestic; show number of households.

e. Other; describe fully. Storage for a year round aesthetic, wildlife, and fire protection pond

8. 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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	46E	29						JWF											

Total Number of acres to be irrigated _____

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

An portion of water right no. 22-13956 is being purchased and transferred to the pond for pond maintenance. No other water rights are appurtenant to this place of use.

10. a. Who owns the property at the point of diversion? Applicantb. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Applicant seeks a water right for the storage component of a 1.0 acre pond. First-time fill will be supplied by renting water from the Water Supply Bank. A portion of water right no. 22-13956 will supply the required volume to replace evaporated losses of the pond (see companion transfer). The pond should not need refilling except in rare circumstances. To provide for any subsequent refills, an application to rent from the Water Supply Bank will be filed when necessary.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Shelly Holcomb Lowe
Signature of Applicant

Dennis H. Lowe
Signature of Applicant

Shelly Holcomb Lowe Trustee
Print Name (and title, if applicable)

DENNIS H. LOWE, TRUSTEE
Print Name (and title, if applicable)

For Department Use:

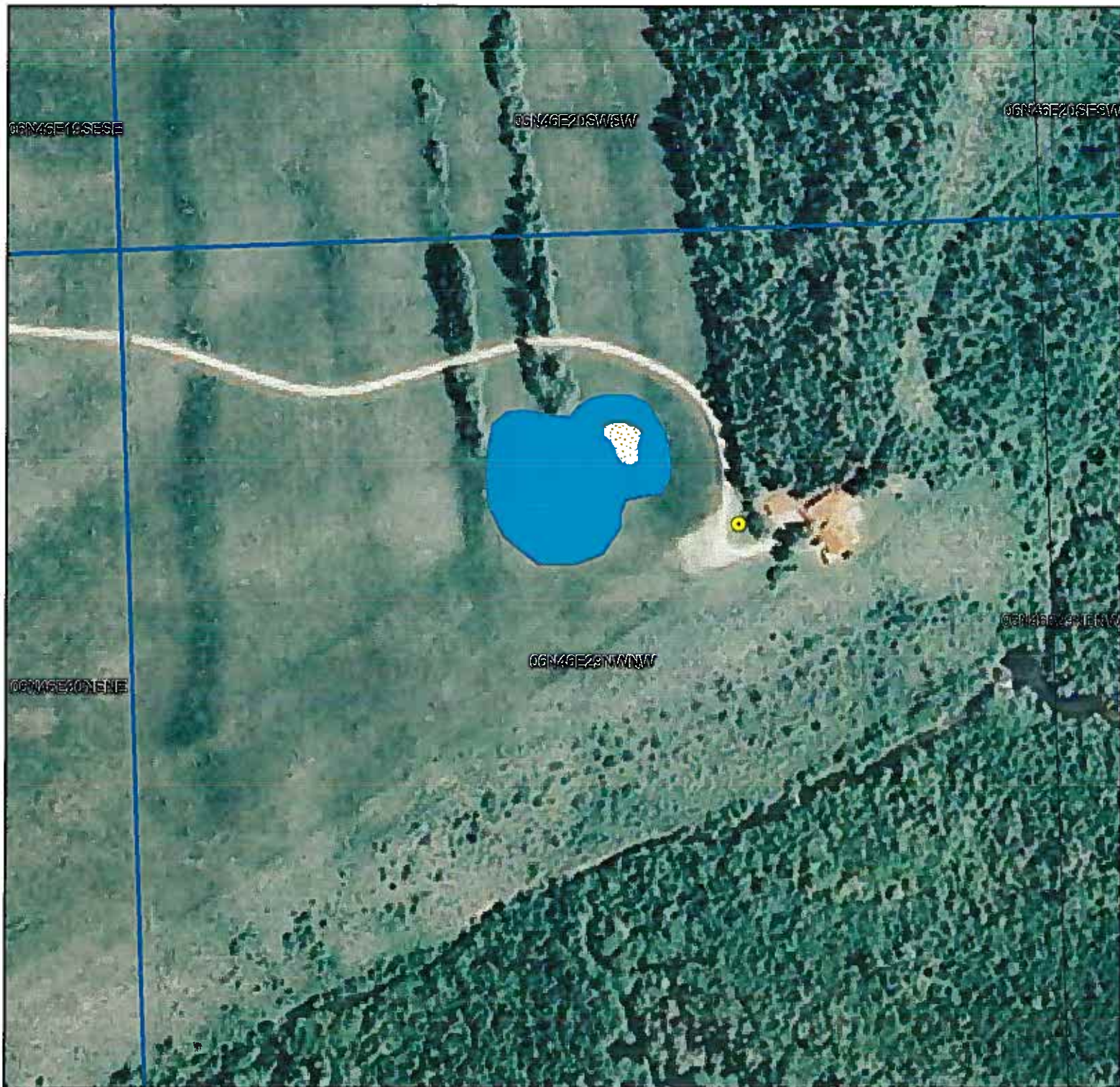
Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 100.00 Receipted by Blue Receipt No. E036364 Date 11/18/2010

Application for Permit

Dennis H Lowe Family Trust

22-13996



- Existing Well
- Island
- Pond
- Twp & Rng
- Section
- QQ

0 125 250 500 Feet



Map created January 2011
By: K Moore



22-13996

Instrument Number

Instrument # 193221 193221 10/9/07 PM 2:10
TETON COUNTY, IDAHO
2007-11-09 02:10:00 No. of Pages: 2
Recorded for : TARGHEE NATIONAL TITLE
MARY LOU HANSEN Fee: 6.00
Ex-Officio Recorder Deputy M. Webster
Index to: DEED, WARRANTY

Escrow No.: 6301-270-S.S.

TNT

TARGHEE NATIONAL TITLE
A MOTHER LODE COMPANY

WARRANTY DEED

FOR VALUE RECEIVED,

VAN E. PRICE, A SINGLE MAN,

Hereinafter called Grantor, does hereby grant, bargain, sell and convey unto

DENNIS H. LOWE AND SHELLY HOLCOMB LOWE, TRUSTEES OF THE DENNIS H. LOWE FAMILY TRUST, DATED JANUARY 19, 2006 AND SAMUEL WEBB HOLCOMB AND EILEEN BELL, HUSBAND AND WIFE

Grantee, whose address is: 262 S SAN RAFAEL AVE, PASADENA, CA 91105, the following described premises, County of TETON to-wit:

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20; THE NORTH HALF OF THE NORTHWEST QUARTER AND LOT 1, SECTION 29 ALL LOCATED IN TOWNSHIP 6 NORTH, RANGE 46 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO, BEING FURTHER DESCRIBED AS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 29;

THENCE NORTH 00 DEGREES 05' 00" EAST, 1319.74 FEET ALONG THE WEST LINE OF SAID SECTION 20 TO A POINT;

THENCE NORTH 89 DEGREES 48' 10" EAST, 1320.00 FEET TO A POINT;

THENCE SOUTH 00 DEGREES 04' 55" WEST, 1321.98 FEET TO A POINT;

THENCE NORTH 89 DEGREES 54' 00" EAST, 2480.28 FEET TO A POINT ON THE EAST LINE OF SECTION 29;

THENCE SOUTH 00 DEGREES 03' 54" EAST, 1328.46 FEET TO A POINT;

THENCE SOUTH 89 DEGREES 59' 30" WEST, 3801.15 FEET TO A POINT;

THENCE NORTH 00 DEGREES 01' 38" WEST, 1322.38 FEET TO THE POINT OF BEGINNING.

LESS AND ACCEPTING THEREFROM THE EASTERN 30 ACRES OF LOT 1, SECTION 29, TOWNSHIP 6 NORTH, RANGE 46 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO, BEING FURTHER DESCRIBED AS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 29;

THENCE SOUTH 00 DEGREES 03' 54" EAST, 1328.46 FEET ALONG THE EASTERN SECTION LINE TO A POINT, THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 09 59' 30" WEST, 984.28 FEET ALONG THE SOUTH LINE OF LOT 1 TO A POINT;

THENCE NORTH 00 DEGREES 03' 54" WEST, 1326.89 FEET TO A POINT ON THE NORTHERN SECTION LINE;

THENCE NORTH 89 DEGREES 54' 00" EAST, 984.28 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A 60 FOOT ROAD AND UTILITY EASEMENT LYING 30 FEET ON EACH SIDE OF A CENTERLINE BEING DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SECTION 30, TOWNSHIP 6 NORTH, RANGE 46 EAST, BOISE MERIDIAN, SOUTH 00 DEGREES 01' 38" EAST, 133.00 FEET ALONG THE SECTION LINE TO THE CENTERLINE OF THE 60.00 FOOT RIGHT OF WAY;

THENCE NORTH 84 DEGREES 30' 00" WEST, 796.20 FEET;

THENCE SOUTH 78 DEGREES 00' 00" WEST, 554.00 FEET;

THENCE SOUTH 89 DEGREES 47' 00" WEST, 688.00 FEET;

THENCE NORTH 74 DEGREES 37' 02" WEST, 639.56 FEET TO THE SOUTH QUARTER CORNER OF SECTION 19;

THENCE NORTH 10.00 FEET;

THENCE WEST, 2250.00 FEET;

THENCE CONTINUING WITH A 30 FOOT ROAD AND UTILITY EASEMENT BEING SOUTH OF THE FOLLOWING DESCRIBED LINE;

THENCE WEST, 281.50 FEET MORE OR LESS TO A POINT THAT LIES 10 FEET NORTH OF THE NORTHWEST CORNER OF SECTION 30 AND IN THE CENTER OF COUNTY ROAD 100 EAST.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever, and the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT CURRENT TAXES AND EASEMENTS OF RECORD OR IN VIEW.

And that he/she/they will warrant and defend the same from all lawful claims whatsoever.

DATED, November 07, 2007

By:

Van E. Price
VAN E. PRICE

State of Idaho
County of Teton

On this 7 day of November, 2007, before me, Samantha L. Schulteis
a Notary Public in and for said State, personally appeared Van E. Price

known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Samantha L. Schulteis
Notary Public in and for County and State

Residing at Victor

My commission expires 2/25/08

SAMANTHA L. SCHULTEIS
Notary Public
State of Idaho

DENNIS H. LOWE FAMILY TRUST

22-13996

DENNIS H. LOWE FAMILY TRUST

Table of Contents

ARTICLE ONE CREATION OF TRUST	1
Declaration	1
Names of Trusts	1
Definition of Trustor	1
Effective Date	1
Identification of Living Children	1
No Deceased Children	1
Definitions of Child, Children, and Issue	2
ARTICLE TWO TRUST ESTATE	2
Definition of Trust Estate.....	2
Character of Trust Assets.....	2
Nonprobate Transfers of Community Property	3
Additions to Trust	3
ARTICLE THREE RIGHTS AND POWERS OF TRUSTORS.....	3
Power of Revocation While Both Trustors Are Living	3
Power of Revocation and Amendment After Death of Deceased Trustor.....	4
Method of Revocation or Amendment	4
Delivery of Property After Revocation.....	4
Trustee's Retention of Assets on Revocation.....	5
Exercise of Rights and Powers of Trustors By Others	5
ARTICLE FOUR DISTRIBUTIONS DURING TRUSTORS' JOINT LIVES	5
Payment of Income During Trustors' Joint Lives	5
Distributions of Principal During Trustors' Joint Lives.....	6
Distributions of Principal at Request of Trustors	6
Trustors' Obligation for Community Property Distributed.....	7
Requests in Behalf of a Trustor Unable to Do So Personally.....	7
Trustee's Power to Make Gifts at Direction of Trustors	8
ARTICLE FIVE DIVISION INTO SHARES AND INITIAL DISTRIBUTIONS AFTER DECEASED TRUSTOR'S DEATH	8
Payment of Death Taxes, Debts, and Expenses on Statement From Personal Representative.....	8
Trustee's Power to Defer Division or Distribution	9
Division of Trust Estate After Death of Deceased Trustor.....	10
Allocation and Valuation of Assets	11
Intention That Marital Deduction Share Qualify for Marital Deduction.....	12
Disclaimer of Property.....	12
ARTICLE SIX DISPOSITIVE PROVISIONS OF TRUSTS CREATED AFTER DECEASED TRUSTOR'S DEATH.....	12
Survivor's Trust.....	12
Qualified Terminable Interest Property Trust.....	14
Disposition of Bypass Trust Until Death of Surviving Trustor	17

Disposition of Bypass Trust on Death of Surviving Trustor: Special Power of Appointment; Default Provisions	17
Disclaimer Trust.....	19
Separate Share Trust	20
Separate Share Trust for Issue	20
Spendthrift Clause.....	21
Administration of Generation-Skipping Trusts	22
ARTICLE SEVEN TRUSTEE	25
Trustors' Power to Designate Successor Trustees.....	25
Remaining Trustor to Act as Sole Trustee on Death or Incapacity of Other Trustor ...	25
Power of Surviving Joint Trustor to Designate Successor Trustees or Cotrustees.....	25
Successor Trustees	26
Trustee for Separate Share Trust for Child	27
Definition of Trustee.....	27
Removal and Replacement of Trustee by Trustors.....	27
Waiver of Bond.....	28
Compensation of Individual Trustees	28
Procedure for Resignation.....	28
General Powers of Trustee.....	28
Power to Retain Trust Property.....	31
Trustee's Power to Invest Property	31
Power Over Unproductive Property.....	31
Power to Operate Business	31
Power to Operate Farm or Ranch.....	32
Powers Regarding Subchapter S Stock.....	33
Retention of Family Residence	35
Power to Combine Trust Assets.....	36
Early Termination of Trusts.....	36
Division or Distribution in Cash or Kind.....	37
Payments to Legally Incapacitated Persons	37
Trustee's Liability	38
Written Notice to Trustee.....	38
Duty to Account.....	38
Time Period For Objecting to Account.....	38
NOTICE TO BENEFICIARIES	39
Cotrustee May Delegate Acts to Other Cotrustee.....	39
ARTICLE EIGHT CONCLUDING PROVISIONS	40
Perpetuities Savings Clause	40
Simultaneous Death	40
Survivorship Requirement	41
No-Contest Clause	41
Definition of Deceased Trustor and Surviving Trustor	41
Definitions of Death Taxes, Debts, and Expenses	42
Intentional Omission of Children Born or Adopted After Execution of Trust.....	42
Definition of Incapacity	42
Definition of Education.....	42

Number and Gender	43
Captions	43
Severability Clause	43
California Law to Apply	43
Distribution to Issue	43
Gifts to Heirs	44
ARTICLE NINE SIGNATURE AND EXECUTION	44
Execution	44

DENNIS H. LOWE FAMILY TRUST

ARTICLE ONE

CREATION OF TRUST

1.1. Declaration. Dennis H. Lowe and Shelly Holcomb Lowe, husband and wife, of Los Angeles County, California, who are herein referred to as "the trustors" or "the trustees," depending on the context, hereby declare that they hold certain property (the "trust estate") in trust, to be held, administered, and distributed according to the terms of this instrument.

1.2. Names of Trusts. The trusts created by this instrument shall be known collectively as the Dennis H. Lowe Family Trust, and each separate trust created under this instrument shall be referred to by adding the name or designation of that separate trust as it appears in the appropriate section of this instrument.

1.3. Definition of Trustor. The terms "trustor" and "trustors" as used in this instrument shall have the same meaning as "grantor" or "grantors" and "settlor" or "settlers", or any other term used to designate person or persons who establish a trust.

1.4. Effective Date. This declaration shall be effective immediately on execution by all the parties.

1.5. Identification of Living Children. The trustors have two living children, as follows:

<u>Name</u>	<u>Date of Birth</u>
Dennis Allen Lowe	4/4/1989
Cara Marie Lowe	9/13/1991

1.6. No Deceased Children. The trustors have no deceased children.

California Probate Code Section 246, the distribution shall be made as described in this section. The individual is referred to in this section as the Designated Ancestor. The first division shall be made at the generation of the Designated Ancestor's children, regardless of whether any of those children survive the Designated Ancestor. The property shall be divided into as many equal shares as there are children of the Designated Ancestor who survive the Designated Ancestor (if any) plus deceased children of the Designated Ancestor who leave issue who survive the Designated Ancestor. Each child of the Designated Ancestor who survives the Designated Ancestor shall receive one such equal share. The equal share of each deceased child of the Designated Ancestor who leaves issue who survive the Designated Ancestor shall in turn be divided among that deceased child's issue who survive the designated ancestor in the manner described in this section as if that deceased child were the Designated Ancestor as to that share.

8.15. Gifts to Heirs. For any gift to "heirs" of either or both trustors that is made in this instrument, those heirs shall be determined as if the trustor or trustors had died intestate at the time for distribution prescribed in this instrument, and the identity and shares of those heirs shall be determined according to the California laws of succession that concern separate property not acquired from a previously deceased spouse and that are in effect at the time the trustor or trustors are deemed to have died.

ARTICLE NINE

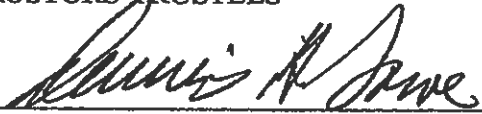
SIGNATURE AND EXECUTION

9.1. Execution. We certify that we have read the foregoing declaration of trust and that it correctly states the terms and conditions under which the trust estate is to be held, administered, and distributed. As trustees of the trusts created by this declaration of

trust, we approve this declaration of trust in all particulars, and agree to be bound by its terms and conditions. As trustors of the trusts created by this declaration of trust, we approve this declaration of trust in all particulars, and agree to be bound by its terms and conditions.

Executed on January 19, 2006 at Long Beach, California.

TRUSTORS-TRUSTEES


Dennis H. Lowe

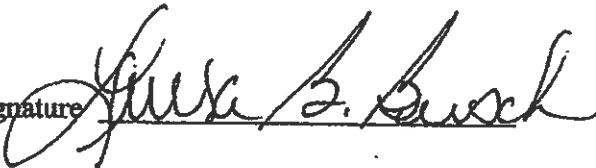

Shelly Holcomb Lowe

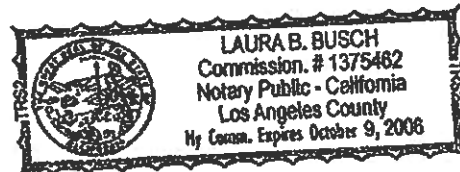
ACKNOWLEDGMENT

State of California)
) ss
County of Los Angeles)

On January 19, 2006 before me, Laura B. Busch, a notary public in and for the State of California, personally appeared Dennis H. Lowe and Shelly Holcomb Lowe, proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument, the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Signature 





State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

January 26, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

DENNIS H LOWE FAMILY TRUST
C/O DENNIS H LOWE
PO BOX 1185
DRIGGS, ID 83422

Application For Permit No. 22-13996

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the TETON VALLEY NEWS on February 3 and 10, 2011. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

22-13996

DENNIS H LOWE FAMILY TRUST
C/O DENNIS H LOWE
PO BOX 1185
DRIGGS, ID 83422

Point of Diversion NWNW S29 T06N R46E TETON County Source GROUND WATER Tributary

Use: WILDLIFE STORAGE	01/01 to 12/31	5.6 AF
-----------------------	----------------	--------

Use: FIRE PROTECTION STORAGE	01/01 to 12/31	5.6 AF
------------------------------	----------------	--------

Use: AESTHETIC STORAGE	01/01 to 12/31	5.6 AF
------------------------	----------------	--------

Total Diversion:	5.6 AF
------------------	--------

Date Filed: 1/13/2011

Place Of Use: AESTHETIC STORAGE, WILDLIFE STORAGE AND FIRE PROTECTION STORAGE
T06N R46E S29 NWNW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before February 22, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on February 3 and 10, 2011