

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Timothy L. & Marie K. Losee Phone 208-390-6397  
Mailing address 3680 E Neigh & Bray Lane, Downey, ID 83234 Email timlosee@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative \_\_\_\_\_ Phone \_\_\_\_\_  
Mailing address \_\_\_\_\_ Email \_\_\_\_\_

- ☐ Send all correspondence for this application to the representative and not to the applicant.  
**OR**
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.  
**OR**
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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.

Timothy L. Losee  
Signature of Applicant or Authorized Representative

Timothy L. Losee  
Print Name and Title if applicable

4/20/2021  
Date

Marie K. Losee  
Signature of Applicant or Authorized Representative

Marie K. Losee  
Print Name and Title if applicable

4/20/2021  
Date

### A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☒ Other Update ownership

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?  
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**

This is 1 of 4 related transfers filed to update 3 water rights based on a water rights allocation agreement. This transfer seeks to change the points of diversion and place of use of a portion of right 29-4144. Ownership will also be updated.

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1 Continued**

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| All or Part<br><input type="checkbox"/> <input checked="" type="checkbox"/> | 29-4144      | 0.87 cfs              | Irrigation    | 4/1 to 10/31  | Yago Cr / Peck Cr  |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |

Total authorized under rights 0.87 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.87 cubic feet per second and/or \_\_\_\_\_ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.  
Label it **Attachment #5**.

| New ? | Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County  | Source     | Local name or tag # |
|-------|-----|---|----|----|-----|-----|-----|---------|------------|---------------------|
| Y     |     |   | NE | SE | 5   | 11S | 37E | Bannock | Yago Creek |                     |
| Y     |     |   | NW | SE | 5   | 11S | 37E | Bannock | Yago Creek |                     |
|       |     |   |    |    |     |     |     |         |            |                     |
|       |     |   |    |    |     |     |     |         |            |                     |
|       |     |   |    |    |     |     |     |         |            |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp                              | Rge | Sec | NE ¼ |    |     |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |     |    |    | Acre Totals |
|----------------------------------|-----|-----|------|----|-----|----|------|----|----|----|------|----|----|----|------|-----|----|----|-------------|
|                                  |     |     | NE   | NW | SW  | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW  | SW | SE |             |
| 11S                              | 37E | 5   |      |    | 2.4 | 23 |      |    |    |    |      |    |    |    | 12   | 6.1 |    |    | 43.5        |
|                                  |     |     |      |    |     |    |      |    |    |    |      |    |    |    |      |     |    |    |             |
|                                  |     |     |      |    |     |    |      |    |    |    |      |    |    |    |      |     |    |    |             |
|                                  |     |     |      |    |     |    |      |    |    |    |      |    |    |    |      |     |    |    |             |
|                                  |     |     |      |    |     |    |      |    |    |    |      |    |    |    |      |     |    |    |             |
|                                  |     |     |      |    |     |    |      |    |    |    |      |    |    |    |      |     |    |    |             |
|                                  |     |     |      |    |     |    |      |    |    |    |      |    |    |    |      |     |    |    |             |
| Total Acres (for irrigation use) |     |     |      |    |     |    |      |    |    |    |      |    |    |    |      |     |    |    | 43.5        |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Two pumps to sprinkler irrigation. Measuring devices and lockable controlling works will be installed as required by the watermaster.

- b. Who owns the property at the point(s) of diversion? Applicants

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: \_\_\_\_\_

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The land now irrigated will continue to be irrigated with canal shares.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

The 43.5 acres being moved are currently stacked with canal shares and rights 29-2563 and 29-11419.

However, the proposed place of use is also irrigated with canal shares, and rights 29-2563 and 29-11419 are included in related transfers. No other rights at the current or proposed PODs.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

**Yes No**

- ☐ ☒ undergone a period of five or more consecutive years of non-use,  
☐ ☒ currently leased to the Water Supply Bank,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

3/11/2021

Water Right 29-4144

**Owner Type**      **Name**  
Current Owner      THOMPSON FAMILY INVESTMENTS LLC  
**Priority Date:** 5/19/1876  
**Basis:** Decreed  
**Status:** Active

**Source**      **Tributary**  
YAGO CREEK      PECK CREEK

| <b>Beneficial Use</b> | <b>From</b>            | <b>To</b> | <b>Diversion Rate</b> | <b>Volume</b> |
|-----------------------|------------------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01                  | 10/31     | 2.200 CFS             |               |
|                       | <b>Total Diversion</b> |           | 2.200 CFS             |               |

**Source and Point(s) of Diversion**

|            |        |                           |                |
|------------|--------|---------------------------|----------------|
| YAGO CREEK | SWSENW | Sec. 4, Twp 11S, Rge 37E, | BANNOCK County |
| YAGO CREEK | SENESE | Sec. 4, Twp 11S, Rge 37E, | BANNOCK County |
| YAGO CREEK | SENWSE | Sec. 4, Twp 11S, Rge 37E, | BANNOCK County |
| YAGO CREEK | NWNWSE | Sec. 4, Twp 11S, Rge 37E, | BANNOCK County |

**Place Of Use**

IRRIGATION within BANNOCK 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 | 37E | 4   |    |    | 8.7 |    |    |    | 1.2 | 20.6 | 33.5 | 0.7 |    | 4.3 | 12.8 | 27.7 | 0.5 |    | 110.0  |

POU Total Acres: 110.0

**Conditions of Approval:**

1. E62 THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-11419, 29-04144, 29-02563 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 110 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-11419, 29-01444, 29-02563.
5. 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.

**Dates and Other Information**

Decreed Date: 3/22/2004  
Civil Case Number: 39576  
Judicial District: FIFTH  
Water District Number: 29H



**A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)**

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

### B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.

Received by \_\_\_\_\_ Date \_\_\_\_\_ Preliminary check by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid \$500 Date 4/26/21 Received by CH Receipt # E046888

Add'l fee paid \_\_\_\_\_ Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # \_\_\_\_\_

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



**Legend**

-  Proposed PODs
-  Proposed POU
-  Township/Range
-  Sections
-  QQ

0 650 1,300 2,600 Feet



84954

**WATER RIGHT ALLOCATION AGREEMENT**

**THOMPSON FAMILY INVESTMENTS, LLC**, of 536 Terrace Drive, Burley, Idaho 83318, (the "LLC"), **TIMOTHY L. LOSEE and MARIE K. LOSEE**, husband and wife, of 3680 East Neigh and Bray Lane, Downey, Idaho 83234, (the "Losees"), **CURTIS POPE and ANNETTE POPE**, husband and wife, of 536 Terrace Drive, Burley, Idaho 83318, (the "Popes"), and **MARTIN POPE and BEKKI POPE**, husband and wife, of 18526 South Olson Road, Downey, Idaho 83234, ("Martin and Bekki") enter into this Water Right Allocation Agreement ("Agreement") for the purpose of defining their respective interests in Water Right Nos. 29-2563, 29-4144 and 29-11419, as decreed in the Snake River Basin Adjudication ("SRBA") by the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Twin Falls in the Partial Decree entered on or about March 22, 2004, *In Re SRBA Case No. 39576*. The LLC, the Losees, the Popes, and Martin and Bekki are referred to herein individually as a "Party" and collectively as the "Parties."

1. The LLC is the successor in interest to O Thayne Thompson and Betty M. Thompson Trust, who were decreed in the SRBA to Water Right Nos. 29-11419, 29-4144 and 29-2563 on a combined 110-acre place of use within the place of use generally described as T11S R37E S04. The LLC's rights have subsequently been conveyed to Losees and Popes, resulting in several splits of the LLC's rights. Further, Martin and Bekki purchased property once owned by O Thayne Thompson and Betty M. Thompson Trust and it is intended that they be assigned a portion of the water rights set forth below; all of which is the purpose of this Agreement to properly allocate the water rights among the current owners thereof.

2. The Losees own land to which the LLC's rights are appurtenant. The LLC has conveyed all its interest in Water Right No. 29-02563 to Losees. The LLC hereby quitclaims any interest it may have in Water Right No. 29-2563 to Losees, in such quantity as are needed to accomplish the allocation set forth herein.

3. The Popes and Losees own land to which the LLC's rights are appurtenant. The LLC has conveyed its interest in Water Right No. 29-4144 to the Popes and Losees as follows:

- a. SWNW 1.2 acres; SENW 1.2 acres; NWSW .7 acres, and NESW 6.9 acres to Popes;
- b. The remainder of Water Right No. 29-4144 to Losees.

The LLC hereby quitclaims any interest it may have in Water Right No. 29-4144 to the Popes and Losees, in such quantities as are needed to accomplish the proportionate share identified and set forth herein.

4. Popes and Losees own land to which the LLC's rights are appurtenant. Martin & Bekki purchased land from O Thayne Thompson and Betty M. Thompson Trust. The LLC has conveyed its interest in Water Right No. 29-11419 to Popes and Losees. Additionally, Martin & Bekki shall be assigned a portion of Water Right No. 29-11419; all of which shall be conveyed as follows:

- a. NESW 2 acres to Martin & Bekki;
- b. SWNW 1.2 acres; SENW 1.2 acres; NWSW .7 acres; NESW 6.9 acres to Popes;
- c. The remainder of Water Right No. 29-11419 to Losees.

The LLC hereby quitclaims any interest it may have in Water Right No. 29-11419 to Martin & Bekki, Popes and Losees, in such quantities as are needed to accomplish the proportionate share identified and set forth herein.

5. To the extent the foregoing water right allocation requires a conveyance of any interest in the LLC's rights from one Party to another Party, this Agreement shall constitute a quitclaim conveyance of such interest.

6. The Parties acknowledge and agree that Water Right Nos. 29-2563, 29-4144 and 29-11419 have been fully conveyed as set forth above and that the Water Rights shall be associated with the party identified herein.

7. Each of the three Parties identified herein, shall execute and sign a separate Transfer Application for each group of rights with the Idaho Department of Water Resources to effectuate the rights set out herein.

IN WITNESS WHEREOF, the Parties have executed this Water Right Allocation Agreement on the 14 day of October, 2020.

**[End of Agreement; signatures below]**

COUNTERPART SIGNATURE PAGE

DATED this 14 day of October, 2020.

THOMPSON FAMILY INVESTMENTS, LLC

BY: Annette Pope  
ITS: manager

STATE OF IDAHO )  
County of CASSIA ) ss

On this 14 day of October, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Makenzie Jones, known or identified to me to be a Member of **THOMPSON FAMILY INVESTMENTS, LLC**, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.



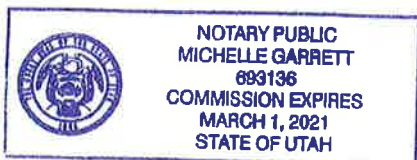
Makenzie Jones  
Notary Public for Idaho  
Residing at Henrieville, ID  
My commission expires on 05/20/25

THOMPSON FAMILY INVESTMENTS, LLC

BY: Beverly T. Faldmo  
ITS: member

STATE OF ~~IDAHO~~ UTAH )  
County of DAVIS ) ss

On this 4 day of October, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Beverly T. Faldmo, known or identified to me to be a Member of **THOMPSON FAMILY INVESTMENTS, LLC**, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.



Michelle Garrett  
Notary Public for Idaho UTAH  
Residing at Davis canty  
My commission expires on March 1, 2021

COUNTERPART SIGNATURE PAGE

DATED this 2 day of October, 2020.

**THOMPSON FAMILY INVESTMENTS, LLC**

BY: Cynthia Harris  
ITS: Member

STATE OF Utah )  
~~IDAHO~~ ) ss  
County of Cache )

On this 2 day of October, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Cynthia Harris, known or identified to me to be a Member of **THOMPSON FAMILY INVESTMENTS, LLC**, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.



Anissa Potts  
Notary Public for ~~Idaho~~ Utah  
Residing at Logan, UT  
My commission expires on March 21, 2021

**THOMPSON FAMILY INVESTMENTS, LLC**

BY: \_\_\_\_\_  
ITS: \_\_\_\_\_

STATE OF IDAHO )  
 ) ss  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, known or identified to me to be a Member of **THOMPSON FAMILY INVESTMENTS, LLC**, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_  
My commission expires on \_\_\_\_\_

THOMPSON FAMILY INVESTMENTS, LLC

BY: Dorilee Clegg  
ITS: Member

STATE OF IDAHO )  
County of Caribou ) ss

On this 2nd day of October, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Dorilee Clegg, known or identified to me to be a Member of **THOMPSON FAMILY INVESTMENTS, LLC**, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.



Susan Ridenour  
Notary Public for Idaho  
Residing at Idaho, Idaho  
My commission expires on 10-04-2022

THOMPSON FAMILY INVESTMENTS, LLC

BY: \_\_\_\_\_  
ITS: \_\_\_\_\_

STATE OF IDAHO )  
County of \_\_\_\_\_ ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, known or identified to me to be a Member of **THOMPSON FAMILY INVESTMENTS, LLC**, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_  
My commission expires on \_\_\_\_\_

COUNTERPART SIGNATURE PAGE

DATED this 9 day of October, 2020.

Timothy L. Losee  
TIMOTHY L. LOSEE

Marie K. Losee  
MARIE K. LOSEE

STATE OF IDAHO           )  
                                          ) ss.  
County of BANNOCK       )

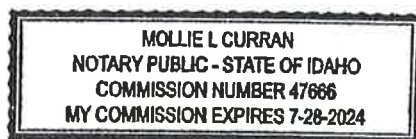
On this 9<sup>th</sup> day of Oct, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared **TIMOTHY L. LOSEE**, known or identified to me to be the person who executed the said instrument, and acknowledged to me that he executed the same.



Mollie J. Curran  
Notary Public for Idaho  
Residing at POCATELLO  
My commission expires on 7-28-2024

STATE OF IDAHO           )  
                                          ) ss.  
County of BANNOCK       )

On this 9 day of Oct, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared **MARIE K. LOSEE**, known or identified to me to be the person who executed the said instrument, and acknowledged to me that she executed the same.



Mollie J. Curran  
Notary Public for Idaho  
Residing at POCATELLO  
My commission expires on 7-28-2024

COUNTERPART SIGNATURE PAGE

DATED this 14 day of October, 2020.



CURTIS POPE



ANNETTE POPE

STATE OF IDAHO )  
 ) ss.  
County of Cassia )

On this 14 day of October, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared **CURTIS POPE**, known or identified to me to be the person who executed the said instrument, and acknowledged to me that he executed the same.



  
Notary Public for Idaho  
Residing at Henrieville, ID  
My commission expires on 05/20/25

STATE OF IDAHO )  
 ) ss.  
County of Cassia )

On this 14 day of October, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared **ANNETTE POPE**, known or identified to me to be the person who executed the said instrument, and acknowledged to me that she executed the same.



  
Notary Public for Idaho  
Residing at Henrieville, ID  
My commission expires on 05/20/25

COUNTERPART SIGNATURE PAGE

DATED this 2nd day of October, 2020.

Martin Pope  
MARTIN POPE

Bekki Pope  
BEKKI POPE

STATE OF IDAHO )  
 ) ss.  
County of Bannock )

On this 2 day of October in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared **MARTIN POPE**, known or identified to me to be the person who executed the said instrument, and acknowledged to me that he executed the same.



Connie D Johnson  
Notary Public for Idaho  
Residing at Downey Id 83234  
My commission expires on June 24, 2025

STATE OF IDAHO )  
County of Bannock )

On this 2 day of October in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared **BEKKI POPE**, known or identified to me to be the person who executed the said instrument, and acknowledged to me that she executed the same.



Connie D Johnson  
Notary Public for Idaho  
Residing at Downey Id 83234  
My commission expires on June 24, 2025



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718  
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

May 13, 2021

TIMOTHY L LOSEE  
MARIE KATHLEEN LOSEE  
3680 E NEIGH AND BRAY DR  
DOWNEY, ID 83234-1549

RE: Transfer No. 84954  
Water Right No. 29-4144

Dear Applicants:

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

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATE JOURNAL on 5/19/2021 and 5/26/2021. 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.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Christina Henman  
Administrative Assistant

**Henman, Christina**

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**From:** Henman, Christina  
**Sent:** Thursday, May 13, 2021 10:56 AM  
**To:** 'legalnotices@postregister.com'  
**Subject:** Legal Notice for Idaho State Journal  
**Attachments:** 84940, 84941, 84942, 84947, 84953, 84954, 84955 Idaho State Journal.docx

LEGAL NOTICE DEPARTMENT  
IDAHO STATE JOURNAL  
PO BOX 431  
POCATELLO, ID 83204-0431

RE: Transfer & Exchange Nos. 84940, 84941, 84942, 84947, 84953, 84954, 84955

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 6/7/2021. Your cooperation is appreciated.

Christina Henman  
Administrative Assistant  
Idaho Dept. of Water Resources, Eastern Region  
900 N Skyline Ste. A  
Idaho Falls, ID 83402  
Phone: (208) 497-3793

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
EXCHANGE NO. 84940**

DENNIS HILL, 3399 S OLD HWY 91, MCCAMMON, ID 83250; MART BORG, 708 N ARTHUR, POCATELLO, ID 83204 has filed Application No. 84940 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-13864; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the exchange is to change a portion of the above rights as follows: change point of diversion and place of use. Water will be exchanged by injecting water from Rapid Creek into the Portneuf River. The proposed point of diversion is in SWNE Sec 23 T08S R36E from Rapid Creek (exchanged through Portneuf River) for 0.08 cfs. The proposed place of use is in SWNE and SENE Sec 23 T08S R36E for 3.5 acres.

**EXCHANGE NO. 84941**

GREG SMEDLEY and ACRES UNLIMITED LLC and JAMIE SMEDLEY, 2472 S OLD HWY 91, INKOM, ID 83245 has filed Application No. 84941 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-13864; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the exchange is to change a portion of the above rights as follows: change point of diversion and place of use. Water will be exchanged by injecting water from Rapid Creek into the Portneuf River. The proposed point of diversion is in SWNE Sec 14 T08S R36E from Rapid Creek (exchanged through Portneuf River) for 0.07 cfs. The proposed place of use is in SWNE and SENE Sec 14 T08S R36E for 3 acres.

**TRANSFER/EXCHANGE NO. 84942**

GREG SMEDLEY and JAMIE SMEDLEY and BROOKE SMEDLEY, 2472 S OLD HWY 91, INKOM, ID 83245; JEFF SMEDLEY, 1074 E LOWER CREEK RD, INKOM, ID 83245 has filed Application No. 84942 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-14162, 29-14163; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer/exchange is to change a portion of the above rights as follows: change point of diversion and place of use. The proposed point of diversion is in NESE Sec 23 T08S R36E for 0.06 cfs from Robbers Roost Creek. Water diverted under right 29-14163 will be exchanged by leaving water in the Portneuf River and diverting the right from Robbers Roost Creek. Proposed place of use is in NESE Sec 23 T08S R36E for 3 acres.

**TRANSFER NO. 84947**

MARTIN POPE and BEKKI POPE, 18526 S OLSON RD, DOWNEY, ID 83234 has filed Application No. 84947 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-11419; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. The proposed point of diversion is in SENW Sec 04 T11S R37E for 0.04 cfs from an Unnamed Stream tributary to Yago Creek. The proposed place of use is in NWSW Sec 04 T11S R37E for 2 acres.

**TRANSFER NO. 84953**

CURTIS BROOKS POPE and ANNETTE POPE, 536 TERRACE DR, BURLEY, ID 83318-5421 has filed Application No. 84953 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-11419, 29-4144; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. The proposed point of diversion is in SENW Sec 04 T11S R37E for 0.20 cfs from an Unnamed Stream and from Yago Creek. The proposed place of use is in SWNW, SENW, and NWSW Sec 04 T11S R37E for 10 acres.

**TRANSFER NO. 84954**

TIMOTHY L LOSEE and MARIE KATHLEEN LOSEE, 3680 E NEIGH AND BRAY DR, DOWNEY, ID 83234-1549 has filed Application No. 84954 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-4144; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change points of diversion and place of use. The proposed points of diversion are in NESE and NWSE Sec 5 T11S R37E for 0.87 cfs from Yago Creek. The proposed place of use is in SWNE, SENE, NESE, and NWSE Sec 5 T11S R37E for 43.5 acres.

**TRANSFER NO. 84955**

TIMOTHY L LOSEE and MARIE KATHLEEN LOSEE, 3680 E NEIGH AND BRAY DR, DOWNEY, ID 83234-1549 has filed Application No. 84955 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-11419, 29-2563, 29-4144; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change points of diversion and place of use. The proposed points of diversion are in SENESE, NWNWSE, NESE, and NWSE Sec 4 T11S R37E for 2.20 cfs from Yago Creek. The point of diversion from Unnamed Stream is in NWSWSE Sec 4 T11S R37E for 0.06 cfs. The proposed place of use is in Sec 4 T11S R37E for 54.5 acres.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 6/7/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/19/2021 and 5/26/2021