

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 22 2021

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Curtis Pope and Annette PopePhone 208-260-2538Mailing address 536 Terrace Drive Burley, ID 83318Email popeann55@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.

Curtis Pope
Signature of Applicant or Authorized Representative

Curtis Pope

Print Name and Title if applicable

Date 2/15/21

Annette Pope
Signature of Applicant or Authorized Representative

Annette Pope

Print Name and Title if applicable

Date 2/15/21

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
 ☐ Add diversion point(s)
 ☒ Change place of use

☐ Change nature of use
 ☐ Change period of use
 ☒ Other Update ownership
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- 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**.
We wish to change our point of diversion and move a 10-acre portion of two irrigation rights to our property. We also seek to update ownership of the split portions based on a water right allocation agreement.

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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 (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	29-11419	0.20 cfs	irrigation	4/15 to 9/15	Unnamed Stream/Yago Cr.
☐ ☒	29-4144	0.20 cfs	irrigation	4/1 to 10/31	Yago Creek/Peck Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.20 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.20 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			SE	NW	4	11S	37E	Bannock	Yago Cr & Unnamed stream	Same point for both sources

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	4							6.4	2.9		0.7							10
Total Acres (for irrigation use)																			10

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:
Both water rights will use the same point of diversion. A bulkhead with three 90' V-notch weirs will be built. The middle notch will serve the discharge of Yago Creek downstream and the two outer notches will serve for diverting irrigation water to either side of creek. The discharge of water will be controlled by metal gates.

- b. Who owns the property at the point(s) of diversion? Curtis Pope and Annette Pope
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:
Will continue to be irrigated with Portneuf Marsh Valley Canal Co. 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:

- 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:

1/26/2021

<u>Owner Type</u>	<u>Name</u>
Current Owner	THOMPSON FAMILY INVESTMENTS LLC
<u>Priority Date:</u> 5/19/1876	
<u>Basis:</u> Deceased	
<u>Status:</u> Active	

Tributary
PECK CREEK

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
04/01	10/31	2.200 CFS
Total Diversion		2.200 CFS

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

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
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

1.	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.
2.	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.
3.	E62	THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-11419, 29-04144, 29-02563 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
4.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425. IDAHO CODE.

Decreed Date: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/26/2021

Water Right 29-11419

Owner Type **Name**
Current Owner THOMPSON FAMILY INVESTMENTS LLC
Priority Date: 5/1/1965
Basis: Decreed
Status: Active

Source **Tributary**
UNNAMED STREAM YAGO CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	09/15	0.300 CFS	
	Total Diversion		0.300 CFS	

Source and Point(s) of Diversion
UNNAMED STREAM NWSWNE 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			8.6				1.2	21.0	33.0	0.7		4.0	13.0	28.0	0.5		110.0

Right Acre Limit: 15.0

POU Total Acres: 110.0

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 15.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. 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.
3. 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
State or Federal: S
Water District Number: 29H

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

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 the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

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 rights(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 is no handwriting or other markings on the paper.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

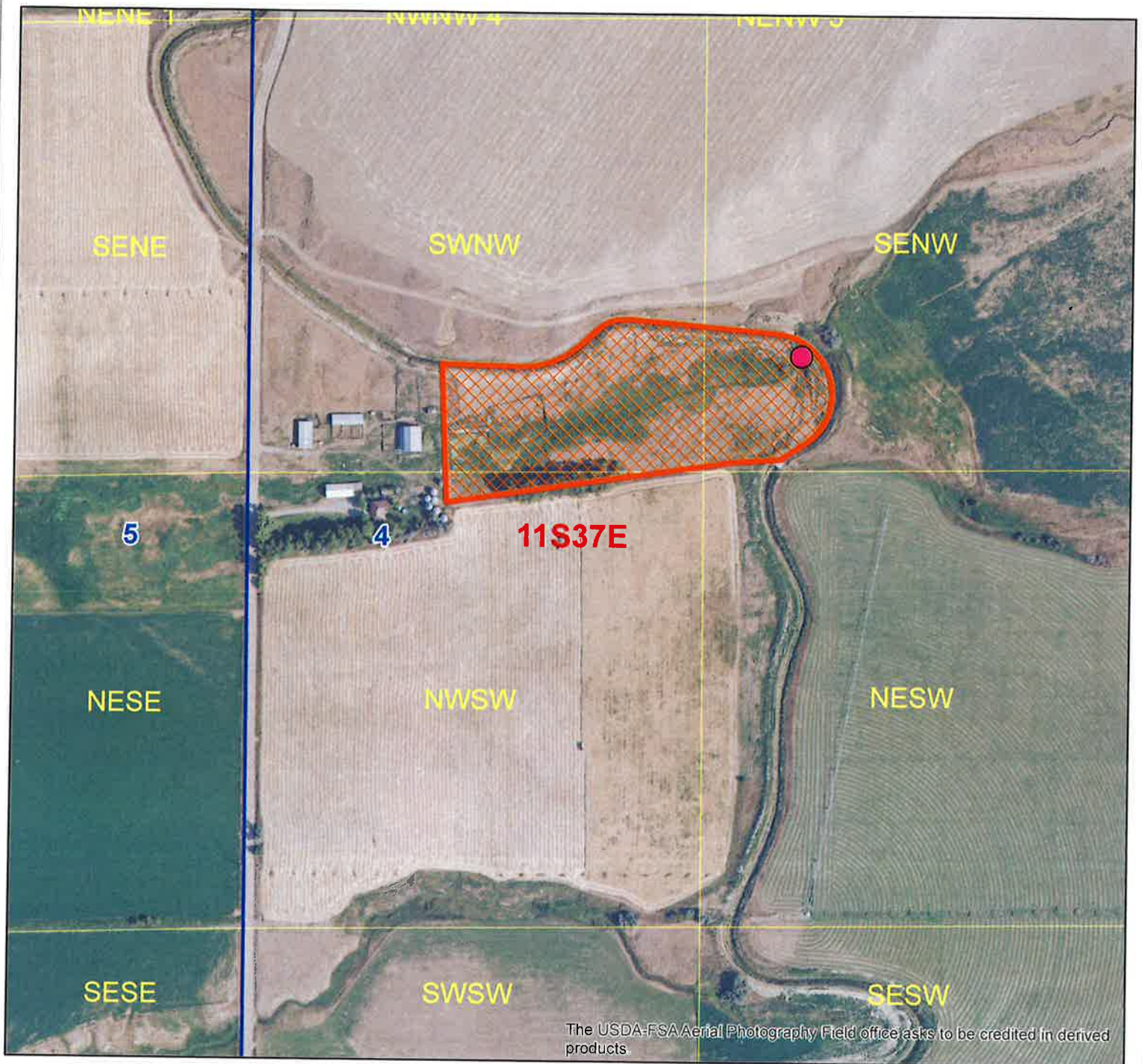
Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 125.00 Date 2-22-21 Received by M. Pettis Receipt # E046646

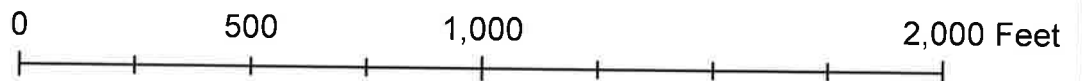
Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

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

Pope Transfer - Water Rights 29-11419 & 29-4144



The USDA-FSAAerial Photography Field office asks to be credited in derived products.



Legend

- Point of Diversion
- ▨ Place of Use
- ▭ Township/Range
- ▭ Sections
- QQ



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JUN 24 2020
Department of Water Resources
Eastern Region

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-11419 <i>OK</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
29-4144 <i>OK</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
29-2563 <i>OK</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Thompson Family Investments LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Curtis Brooks Pope and Annette Thompson Pope
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- | | | | |
|--------------------------|----------------------------|-----------|--------------|
| <u>536 Terrace Drive</u> | <u>Burley</u> | <u>ID</u> | <u>83318</u> |
| Mailing address | City | State | ZIP |
| <u>208-260-2538</u> | <u>popeann55@gmail.com</u> | | |
| Telephone | Email | | |
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
Initial split
5. Date you acquired the water rights and/or claims listed above: March 20, 2014
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document -- warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 ☐ \$25 per *undivided* water right.
 ☐ \$100 per *split* water right.
 ☐ No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.
8. Signature: Curtis Pope Title, if applicable _____ Date 6/12/2020
 Signature of new owner/claimant
- Signature: Annette Pope Title, if applicable _____ Date 6/11/2020
 Signature of new owner/claimant

For IDWR Office Use Only:

Received by JB Date 6/24/20 Receipt No. E046047 Receipt Amt. \$300.-
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by _____ Processed by _____ Date _____

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WARRANTY DEED

FOR VALUE RECEIVED, Thompson Family Investments, LLC, an Idaho limited liability company, whose address is 536 Terrace Drive, Burley, Idaho 83318, hereinafter referred to as the "Grantor", hereby grants, bargains, sells and conveys unto Curtis Pope, also known as Curtis Brooks Pope, and Annette Pope, also known as Annette Thompson Pope, husband and wife, whose address is 536 Terrace Drive, Burley, Idaho 83318, hereinafter referred to as the "Grantees", all the following described property situated in Bannock County, Idaho, to-wit:

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 OF THE SOUTHWEST 1/4 AND THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST 1/4 CORNER OF SECTION 4, TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, MARKED BY A 2 INCH ALUMINUM CAP MONUMENT AS DESCRIBED IN CORNER PERPETUATION INST. NO. 95018925; THENCE NORTH 01°04'51" EAST, ALONG THE WEST BOUNDARY LINE OF SAID SECTION 4, (BASIS OF BEARING PER CENTRAL MERIDIAN OF EAST ZONE OF IDAHO STATE PLANE COORDINATE SYSTEM), A DISTANCE OF 633.26 FEET TO A POINT ON THE CENTERLINE OF AN EXISTING CANAL; THENCE FOLLOWING THE CENTERLINE OF AN EXISTING CANAL FOR THE NEXT TWELVE (12) COURSES;

1. SOUTH 48°01'45" EAST A DISTANCE OF 210.03 FEET;
2. SOUTH 56°28'10" EAST A DISTANCE OF 260.73 FEET, TO A POINT OF CURVATURE OF A 400.00 FOOT RADIUS CURVE WHOSE CENTER BEARS NORTH 33°31'50" EAST;
3. FOLLOWING SAID CURVE IN A COUNTER CLOCKWISE DIRECTION FOR AN ARC DISTANCE OF 214.44 FEET, THROUGH A CENTRAL ANGLE OF 30°42'58", (THE CHORD OF SAID CURVE BEARS SOUTH 71°49'39" EAST A DISTANCE OF 211.88 FEET), TO A POINT OF TANGENCY;
4. SOUTH 87°11'07" EAST A DISTANCE OF 200.18 FEET TO A POINT OF CURVATURE OF A 250.00 FOOT RADIUS CURVE WHOSE CENTER BEARS NORTH 02°48'53" EAST;
5. FOLLOWING SAID CURVE IN A COUNTER CLOCKWISE DIRECTION OF AN ARC DISTANCE OF 191.58 FEET, THROUGH A CENTRAL ANGLE OF 43°54'21", (THE CHORD OF SAID CURVE BEARS NORTH 70°51'42" EAST A DISTANCE OF 186.92 FEET), TO A POINT OF TANGENCY;
6. NORTH 48°54'32" EAST A DISTANCE OF 62.63 FEET, TO A POINT OF CURVATURE OF A 125.00 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 41°05'28" EAST;
7. FOLLOWING SAID CURVE IN A CLOCKWISE DIRECTION FOR AN ARC DISTANCE OF 103.71 FEET, THROUGH A CENTRAL ANGLE OF 47°32'08", (THE CHORD OF SAID CURVE BEARS NORTH 72°40'36" EAST A DISTANCE OF 100.76 FEET), TO A POINT OF TANGENCY;
8. SOUTH 83°33'20" EAST A DISTANCE OF 432.65 FEET TO A POINT OF CURVATURE OF A 175.00 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 06°26'40" WEST
9. FOLLOWING SAID CURVE IN A CLOCKWISE DIRECTION FOR AN ARC DISTANCE

OFFICIAL RECORD SK# 977
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 22 DEPUTY

WARRANTY DEED - 1

A Pope

21403357

2014 MAR 20 A 8:24

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OF 437.02 FEET, THROUGH A CENTRAL ANGLE OF 143°04'52", (THE CHORD OF SAID CURVE BEARS SOUTH 12°00'54" EAST A DISTANCE OF 331.99 FEET), TO A POINT OF TANGENCY;

10. SOUTH 59°31'32" WEST A DISTANCE OF 73.54 FEET;

11. SOUTH 34°52'29" WEST A DISTANCE OF 69.55 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN DEED INST. NO. 21208988, ALSO BEING A POINT OF CURVATURE OF A 100.00 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 55°07'31" EAST;

12. FOLLOWING SAID CURVE IN A COUNTER CLOCKWISE DIRECTION FOR AN ARC DISTANCE OF 59.27 FEET, THROUGH A CENTRAL ANGLE OF 33°57'36", (THE CHORD OF SAID CURVE BEARS SOUTH 17°53'41" WEST A DISTANCE OF 58.41 FEET), TO A POINT OF NON-TANGENCY;

THENCE NORTH 90°00'00" WEST A DISTANCE OF 830.19 FEET; THENCE SOUTH 00°00'04" WEST A DISTANCE OF 184.98 FEET, TO THE SOUTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN DEED INST. NO. 20906400; THENCE FOLLOWING ALONG THE BOUNDARY LINE OF SAID PARCEL OF LAND FOR THE NEXT FOUR (4) COURSES;

1. NORTH 43°00'20" WEST A DISTANCE OF 340.97 FEET;

2. SOUTH 87°38'58" WEST A DISTANCE OF 212.00 FEET;

3. SOUTH 02°23'34" EAST A DISTANCE OF 49.00 FEET;

4. SOUTH 85°49'20" WEST A DISTANCE OF 215.00 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID SECTION 4;

THENCE NORTH 01°04'04" EAST, ALONG THE WEST LINE OF SAID SECTION 4, A DISTANCE OF 127.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.17 ACRES MORE OR LESS.

ALSO EXCEPT: U.S. Patent reservations, restrictions, rights of ways for roadways and/or canals, any other rights of way, covenants, reservations, use restrictions and regulations, easements of record and any easement or other use restrictions visible on the premises.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantees and to the Grantees' heirs, successors and assigns forever. The Grantor do hereby covenant to and with the said Grantees that the Grantor is the owner in fee simple of said premises; that the said premises are free from all encumbrances except as above-described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

WARRANTY DEED - 2

21403357

DATED this 27 day of February, 2014.

THOMPSON FAMILY INVESTMENTS, LLC

Annette Pope
Annette Pope, Member

Beverly Faldmo
Beverly Faldmo, Member

Cynthia Harris
Cynthia Harris, Member

Dorilee Clegg
Dorilee Clegg, Member

WARRANTY DEED - 3

84953

24
STATE OF IDAHO)
County of Cassia) ss.

On this 27th day of February, 2014, before me, the undersigned, a notary public in and for said State, personally appeared Annette Pope, known to me to be the persons whose names are subscribed to the within and foregoing document and who acknowledged to me that she executed the same as a member of Thompson Family Investments, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)



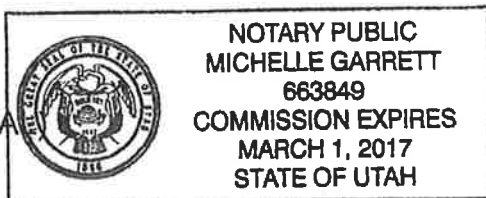
Shanna Farwell
Notary Public for Idaho
Residing at: Declo ID
Commission Expires: 10/27/18

STATE OF UTAH)
County of Davis) ss.

On this 4 day of March, 2014, before me, the undersigned, a notary public in and for said State, personally appeared Beverly Faldmo, known to me to be the persons whose names are subscribed to the within and foregoing document and who acknowledged to me that she executed the same as a member of Thompson Family Investments, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)



Michelle Garrett
Notary Public for Utah
Residing at: Bountiful, UT
Commission Expires: March 1, 2017

WARRANTY DEED - 4

2-5
STATE OF UTAH)

County of Cache) ss.

On this 12 day of March, 2014, before me, the undersigned, a notary public in and for said State, personally appeared Cynthia Harris, known to me to be the persons whose names are subscribed to the within and foregoing document and who acknowledged to me that she executed the same as a member of Thompson Family Investments, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Susan Newmyer-Jeppson
Notary Public for Utah
Residing at: Cache
Commission Expires: Mar. 1, 2016

STATE OF IDAHO)
County of Caribou) ss.

On this 7th day of March, 2014, before me, the undersigned, a notary public in and for said State, personally appeared Dorilee Clegg, known to me to be the persons whose names are subscribed to the within and foregoing document and who acknowledged to me that she executed the same as a member of Thompson Family Investments, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Susan Ridenour
Notary Public for Idaho
Residing at: Grace, ID
Commission Expires: 10-4-2016

WARRANTY DEED - 5

**ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT**

OFFICIAL RECORD BK# 0
BANNOCK COUNTY IDAHO

FEE 34.00 DEPUTY JB
RECORDED AT REQUEST OF

TitleOne - Twin Falls

22019786

2020 Oct 20 AM 08:59

Electronically Recorded by Simplifile

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.



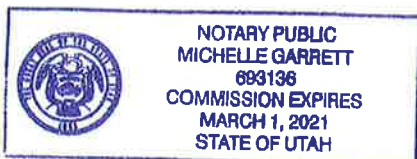
Makenzie Jones
Notary Public for Idaho
Residing at Henrieville, ID
My commission expires on 05/20/25

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 count7
My commission expires on March 1, 2021

COUNTERPART SIGNATURE PAGE

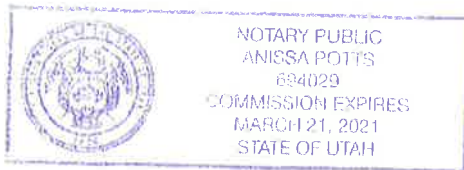
DATED this 2 day of October, 2020.

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 Gracie, 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 9th 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

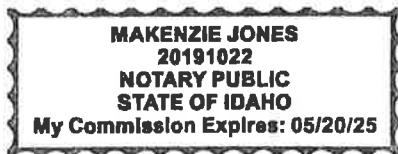
DATED this 14 day of October, 2020.

Curtis Pope
CURTIS POPE

Annette 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.



Makenzie Jones
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.



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

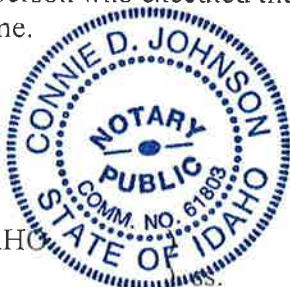
COUNTERPART SIGNATURE PAGE

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)
) 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 **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



Brad Little
Governor

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

Gary Spackman
Director

May 13, 2021

CURTIS BROOKS POPE
ANNETTE POPE
536 TERRACE DR
BURLEY, ID 83318-5421

RE: Transfer No. 84953
Water Right Nos. 29-11419, 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

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