

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 05 2021

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Martin & Bekki PopePhone 208-520-3462Mailing address 18526 S. Olson Rd., Downey, ID 83234Email mpope@mvdsd21.org

- ☐ 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.

Martin Pope
Signature of Applicant or Authorized Representative

Martin Pope

Print Name and Title if applicable

2/1/2021

Date

Bekki Pope
Signature of Applicant or Authorized Representative

Bekki Pope

Print Name and Title if applicable

2/1/2021

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☒ Other Update ownership
- 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**.
- 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**.
Update ownership of 2-acre portion of right 29-11419 based on water right allocation agreement. Change POD to pipeline location currently used to convey water from the stream, and change POU to applicant's property.

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	0.04 cfs	Irrigation	4/15 to 9/15	Unnamed Stream/Yago Cr
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.04 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.04 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	Unnamed Stream	

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										2							2
Total Acres (for irrigation use)																			2

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:

Underground piping collects and carries water from unnamed stream. An underground pipe will 'T' off of existing pipes to carry water to place of use.

- b. Who owns the property at the point(s) of diversion? Tim and Marie Losee

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Easement to access point of diversion. See attached.

- 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 shares from Portneuf Marsh Valley Canal Co.

- 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 current POU is also irrigated with shares from Portneuf Marsh Valley Canal Co. The proposed pipeline also conveys right 29-14341.

- 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

1/22/2021

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

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			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. 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. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 15.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates and Other Information

Decreed Date: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 29H
Mitigation Plan: False

Pope Transfer - Water Right 29-11419



Legend

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

0 500 1,000 2,000 Feet



84947

Attachment #7a

Red **X** = Point of Diversion - same POD as stock water right 29-11420

Yellow line = Underground pipe (shared with 29-11420)

Blue **X** - Spigot at end of underground pipe

Yellow Highlighted area - Place of use



20906400

WARRANTY DEED

For good consideration, we (I) O. Thayne and Betty Thompson Trust of 2351 N. 400 E. #219, North Logan, County of Cache, State of Utah, hereby bargain, deed and convey to Martin Pope and Bekki Pope of 18526 S. Olson Road, Downey, County of Bannock, State of Idaho, the following described land in Bannock County, free and clear with WARRANTY COVENANTS; to wit:

A portion of land described in deed inst. No. 99020792 (Parcel 10), located in the northwest quarter of the southwest quarter of section 4, township 11 south, range 37 east, Boise meridian, Bannock County, Idaho, described as follows:

Commencing at the west quarter corner of section 4, township 11 south, range 37 east, Boise Meridian, being marked by a 5/8 inch rebar, (see corner perpetuation inst. No. 95018925); thence south 01°04'04" west, (basis of bearing per central meridian of east zone of the Idaho state plane coordinate system) along the west line of said section 4, a distance of 127.00 feet, to the true point of beginning.

Thence north 85°49'20" east a distance of 215.00 feet; Thence north 02°23'34" west a distance of 49.00 feet; Thence north 87°38'58" east a distance of 212.00 feet; thence south 43°00'20" east a distance of 340.97 feet, to point on the south line of parcel of land described in deed inst. No. 99020792 (parcel 10); thence north 89°44'04" west, along the south line of said deed, a distance of 660.00 feet to a point on the west line of said section 4; Thence north 01°04'04" east, along the west line of said section 4, a distance of 173.00 feet to the true point of beginning

Recorded as such in record of surveys in book 910. Instrument no. 20818668

Grantor, for itself and its heirs, hereby covenants with Grantee, its heirs, and assigns, that Grantor is lawfully seized in fee simple of the above-described premises; that it has a good right to convey; that the premises are free from all encumbrances; that Grantor and its heirs, and all persons acquiring any interest in the property granted, through or for Grantor, will, on demand of Grantee, or its heirs or assigns, and at the expense of Grantee, its heirs or assigns, execute and instrument necessary for the further assurance of the title to the premises that may be reasonably required; and that Grantor and its heirs will forever warrant and defend all of the property so granted to Grantee, its heirs, against every person lawfully claiming the same or any part thereof.

Martin Pope
Grantee

Bekki Pope
Grantee

WITNESS the hands and seal of said Grantors this _____ day of _____, 20____

Betty M. Thompson
Grantor

STATE OF Idaho

COUNTY OF Cassia

On 3-20-2009 before me, Betty M. Thompson, personally appeared before me Shanna Farwell, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Shanna Farwell

Affiant Known ☒ Unknown

ID Produced _____



**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.



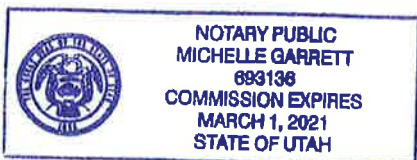
Makenzie Jones
Notary Public for Idaho
Residing at Henrieville, ID
My commission expires on 05/20/25

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 canty
My commission expires on March 1, 2021

COUNTERPART SIGNATURE PAGE

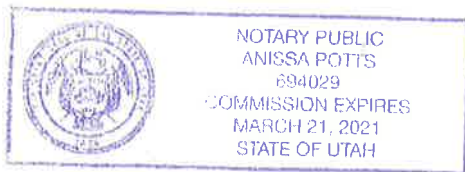
DATED this 2 day of October, 2020.

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.

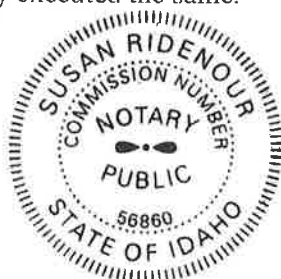
Notary Public for Idaho
Residing at _____
My commission expires on _____

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 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)

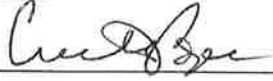
On this 9 day of Oct, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared **MARIE K. LOSEE**, known or identified to me to be the person who executed the said instrument, and acknowledged to me that she executed the same.



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.



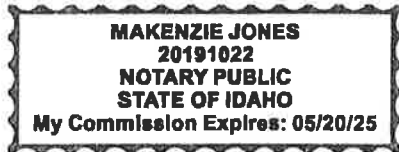
CURTIS POPE

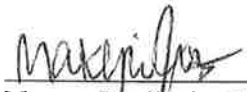


ANNETTE POPE

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.





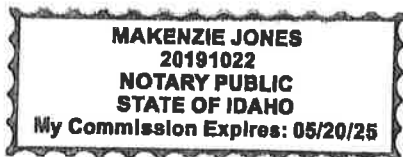
Notary Public for Idaho

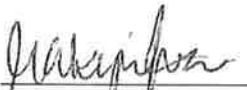
Residing at Heppburn, Id

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 Heppburn, 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.



STATE OF IDAHO)
) ss.
County of Bannock)

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

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

In conjunction with Idaho Water Right 29-11419, Timothy Losee and Marie Losee herein grant unto Martin Pope and Bekki Pope permission for a water diversion system to begin on Losee property located in the NENE ¼, Section 4, Township 115, Range 37E in Bannock County, Idaho. We also grant unto Martin and Bekki Pope an easement beginning on S. Olson Rd. hence East across Bannock County Parcel RPR4433001410 to said water diversion system.

<u>Timothy Losee</u>	<u>2/2/2021</u>	<u>Marie Losee</u>	<u>2/2/2021</u>
Timothy Losee	Date	Marie Losee	Date



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

Brad Little
Governor

Gary Spackman
Director

May 13, 2021

MARTIN POPE
BEKKI POPE
18526 S OLSON RD
DOWNEY, ID 83234

RE: Transfer No. 84947
Water Right No. 29-11419

Dear Applicant:

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