42-222 POD - 07/18



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the <u>Application for Transfer Instructions</u> for help completing this form and for mailing addresses of Department offices where your application can be submitted.

		"PPIJ.											
			ersion p					ion point(s)	Ownership change	Ownership split			
	Trans	fer is f	or chan	ges pui	suant to	o <u>Idaho</u>	Code §	42-221.0.8. Attach	an explanation and any sup	porting documentation.			
1. A	PPLICA	NT(S)	Cory 8	& Melis	sa Los	see			Phone (208) 604-0369				
2. M	MAILING ADDRESS 1619 W Arimo Rd.								City Arimo				
St	ate ID		Zip 83214 Email cory.losee@gmail.com										
	If the a officer	If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.											
] If the a	pplicar	nt is not	the cu	rrent w	ater righ	ıt(s) owr	ner, attach documen	tation of authority to file the	e application.			
	If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warrar deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property convey or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; s Item 9 for the fee schedule.						on of the property conveyed						
	If the o								did the division occur? Mar				
		The w The w owner	ater rig	hts or c hts or c	elaims v laims v	vere div vere divi	ided as ided pro	specifically identifi- portionately based of	ed in a deed, contract, or oth on the portion of their place(er conveyance document. s) of use acquired by the new			
	If the a for the	pplicati applica	ion is n Int.	ot sign	ed by th	ne applie	cant, atta	ach a Power of Atto	rney or other documentation	n providing authority to sign			
3. LI	ST WAT	ER RI	GHT I	NUMB	ER(S)	29-363	3B and	29-364B					
√	Attach Departi	a copy nent of	of the v fice.	vater ri	ght(s) a	s record	led, avai	lable at <u>idwr.idaho.</u>	gov, Water Right Transfers,	Step 1, or by contacting any			
4. TC	TAL AN	MOUN	TOF	WATE	R trans	ferred is	s <u>0</u> . (diversi	26 cubic feet on rate)	per second and/or				
5. PO	INT OF	DIVE	RSION	I – Des	crihe al	l the no	int(s) of	diversion to be incl	uded on the water right(s) a	,			
	Attach	Eastern	Snake	Plain A	quifer	(ESPA)	analysis	s if this transfer prop		version affecting the FSPA			
New	? Lot	1/4	1/4	1/4	Sec	Тwp	Rge	County	Source	Local name or tag #			
Y			SW	SE	4	10S	36E	BANNOCK	GARDEN CREEK				
										161			
								1					

Transfer No. 83907

42-222 POD ~ 09/14

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

FEB 1 9 2020 Department of Water Resources

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

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	~				oint(s)				on point(s)	Owi	ership chan	ge	□ o	wnership	
1.	APP	LICA	NT(S)	Co	ry 1	LM	elis	sa	Losee Rd.			Phone	208	604-	0369
2.	MAI	LING	ADDI	RESS	16	19 1	NA	rimo	Rd.		City	A	rimo		
	State	I	D	Z:	ip E	332	14	En	nail <u>Cory</u>	·Los	e @ 6	mail	. 60	m	
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		f the a	pplicar	nt is not	t the cu	rrent wa	ater righ	t(s) own	er, attach docum	entation of	authority to	file the	e applica	tion.	
		warrant convey change	ty deed ed or d s; see I	l, court lescript tem 9 f	decree tion of or the <u>f</u>	, contra the war ee sche	et of sal ter right dule.	le, etc. if no la	of water right(s The conveyance and is conveyed.	document Addition	must includ al fee(s) are	e a lega require	d descripted for w	otion of t	he property
	1								s) being split, how						
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i	I I f	f the ap or the	pplicat applica	ion is n Int.	ot sign	ed by th	ne applio	cant, atta	ach a Power of A	ttorney or	other docun	nentatio	n provid	ing autho	ority to sign
3.	LIST	' WAT	ER R	GHT	NUMB	ER(S)	29-363	B and 2	29-364B						
2												i.			
l		Attach	a copy				s) as re	1 . 1							
4. <i>'</i>		contact	ing any	/ of the / Depar	e water tment c	r right(office.	5) us ie		available at <u>ww</u>	w.idwr.ide	ho.gov, Wa	ter Rig	ht Tran.	sfers, Ste	<i>p 1</i> , or by
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6. GENERAL INFORMATION

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

Installing a centrifugal Pump next to the creek to pump from creek through mainline to place of use. Electrical disconnect also Installed Who owns the property at the point(s) of diversion? <u>Cory & Melissa Losec</u>

- b. If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
- To your knowledge, has/is any portion of the water right(s) proposed to be changed: c.

Yes	No

- undergone a period of five or more consecutive years of non-use, X
- X currently used in a mitigation plan limiting the use of water under the right(s), or
- currently enrolled in a Federal set-aside program limiting the use of water under the right(s)? X

If yes, describe:

- Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? **Yes** No No d.
 - If yes and there are multiple owners, attach a Lessor Designation form.
 - If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
 - (Disregard if these items are on file and ownership has not changed.)
- 7. MAP 🗌 Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 1/4 of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.
- 8. SIGNATURE The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Page 2 of 2

licant or authorized agent

re of applicant or authorized agent

<u>Cory</u> <u>Losee</u> Print name and title if applicable

Print name and title if applicable

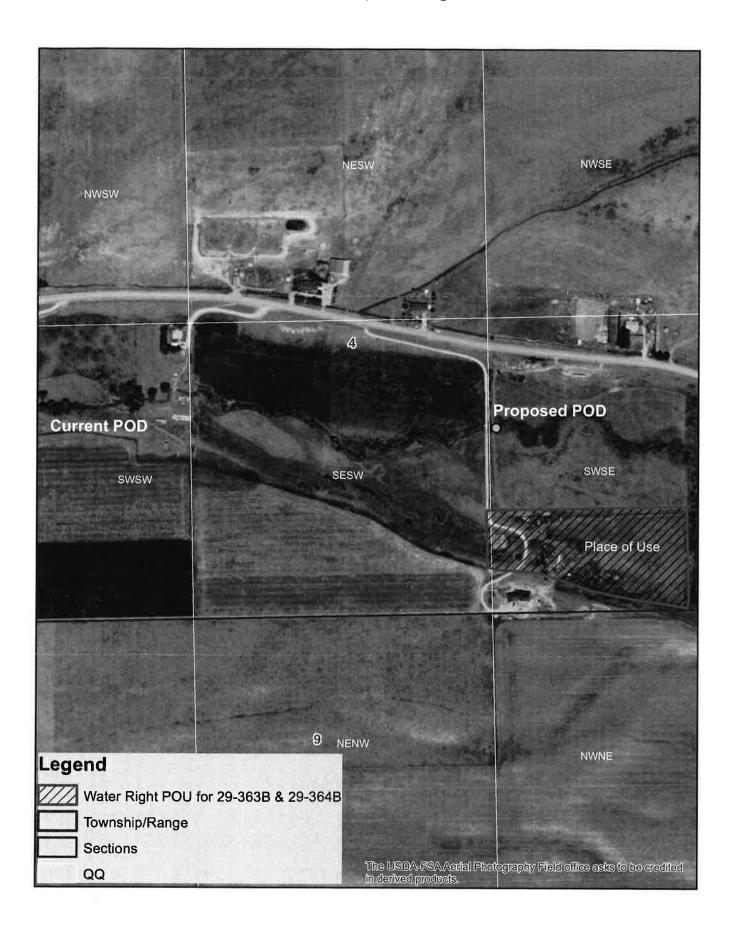
<u>6-29-17</u> Date Feb<u>17</u>20

9. FEE - X The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes pages of attachments.	Received by Con Hu	
Fee paid \$500.00 Date 2/19/2020	Receipted by Ct	Receipt # <u>E045648</u>
Preliminary review by	Date	Active in the Water Supply Bank? Yes 🗌 No 🗌
W-9 received? Yes No Name on W-9		W-9 forwarded to fiscal? Yes 🗌 No 🗌
(Do NOT scan the W-9	- confidential information	is held by fiscal only)

Proposed Point of Dive. Jion(POD) Change for VR 29-363B & 29-364B



Page _____ of ____

IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR TRANSFER OF WATER RIGHT PART 2A

Current Water Right No.: 29-363B Current Owner: CORY LOSEE MELISSA LOSEE Priority Date: 5/1/1886 Origin: Water Right Status: Active Basis: Decreed Source Tributary GARDEN CREEK MARSH CREEK Beneficial Use From To **Diversion Rate** Annual Volume IRRIGATION 04/01 to 10/31 0.11 CFS Total Diversion 0.11 CFS Location of Point(s) of Diversion GARDEN CREEK SW1/4SW1/4 Sec. 4, Twp 10S, Rge 36E B.M. **BANNOCK County** Place of Use IRRIGATION Within BANNOCK County T10S R36E S4 SWSE 7.00 Total Acres: 7 Conditions of Approval: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE 1. C05 PURSUANT TO SECTION 42-1425, IDAHO CODE. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION 2, C03 PURSUANT TO SECTION 42-1425, IDAHO CODE. 3 E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00363B, 29-00364B 4. 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.

Decreed Date: 8/27/2004

Page _____ of ____

IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR TRANSFER OF WATER RIGHT PART 2A

Current Water Right No.: 29-364B Current Owner: CORY LOSEE MELISSA LOSEE Priority Date: 5/1/1904

nonty Date.	5/1/1904
Origin:	Water Right
Status:	Active
Basis:	Decreed

Source

GARDEN CREEK

Tributary

Beneficial Use	<u>From To</u>
IRRIGATION	04/01 to 10/31
	Total Diversion

1	Diversion Rate	
	0.15 CFS	
	0.15 CFS	

SW1/4SW1/4

MARSH CREEK

Annual Volume

Sec. 4, Twp 10S, Rge 36E B.M.

Location of Point(s) of Diversion

GARDEN CREEK

BANNOCK County

Place of Use

IRRIGATION Within BANNOCK County

T10S R36E S4 SWSE 7.00

Conditions of Approval:

1.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2.	E56	USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00363B, 29-00364B
3.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4.	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.

Decreed Date: 3/22/2004



Director

March 11, 2020

Governor

CORY LOSEE MELISSA LOSEE 1619 W ARIMO RD ARIMO, ID 83214-1503

RE: Transfer No. 83907 Water Right No(s). 29-363B, 29-364B

Dear Applicant(s):

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 3/19/2020 and 3/26/2020. 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: Sent: To: Subject: Attachments: Henman, Christina Wednesday, March 11, 2020 12:21 PM STATE JOURNAL (legals@journalnet.com) Legal Ad for Idaho State Journal 83907 Idaho State Journal.rtf

Hello,

Please see attached document regarding a legal ad for your paper.

Thank You,

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

PLEASE NOTE: CAN CONTAINS 2 OR MORE PAGES

March 11, 2020 Legal Notice Department IDAHO STATE JOURNAL PO BOX 431 POCATELLO ID 83204

RE: Transfer No. 83907 Water Right No(s). 29-363B, 29-364B

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 4/6/2020. Your cooperation is appreciated.

Sincerely

Christina Henman Administrative Assistant Idaho Department of Water Resources 900 N Skyline Dr Ste A Idaho Falls ID 83402 208-525-7161 208-525-7177 – Fax

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83907

CORY LOSEE and MELISSA LOSEE, 1619 W ARIMO RD, ARIMO, ID 83214-1503 has filed Application No. 83907 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-363B, 29-364B; 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. The point of diversion will be in SWSE Sec 4 T10S R36E for 0.26 cfs from Garden Creek. The place of use remains the same.

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 4/6/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 3/19/2020 and 3/26/2020



State of Idaho DEPARTMENT OF WATER RESOURCES Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov BRAD LITTLE Governor

GARY SPACKMAN Director

March 11, 2020

Water District 29B Wendell Marley 12839 S Thacker Rd Arimo ID 83214

RE: Application for Transfer 83907

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has passed. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Sincerely,

Christina Henman Administrative Assistant

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From: Sent: To: Subject: Cory <cory.losee@gmail.com> Thursday, February 27, 2020 3:18 PM Nebeker, Jake Re: Application for Transfer.

Ya Jake,

Sorry I didn't even notice that. Scott helped me get this application started and I didn't even check the math. Yes let's move forward with the .26 you have on the new application. Do I need to sign anything for the change?

Thanks,

Cory

On Feb 27, 2020, at 1:31 PM, Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov> wrote:

Hey Cory,

My name is Jake I am the water resource agent over your application for transfer. While I was going through your application I noticed that there is a possible issue with your diversion rate that you specified on page one of the application. The combination of your two water rights should equal 0.26 cfs. I have on file here that water right 29-363B has 0.11 cfs, and your domestic water right 29-364B has 0.15 cfs.

On your application I see that you have written 0.24 cfs. This may be a mistake, but I just wanted that to be up to you. If you would like to adjust your diversion rate to 0.26 cfs, and you can approve the attached document that I have filled out for you, then we can move forward with a total of 0.260 cfs. Otherwise we would need to discuss further alterations to your water rights.

S. Jake Nebeker Water Resource Agent Idaho Department of Water Resources 900 N Skyline Dr # A, Idaho Falls, ID 83402 Phone: (208) 525-7161 Fax: (208) 525-7177

<Losee Page One.pdf>