

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 19 2020
Department of Water Resources
Eastern Region

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 Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) Cory & Melissa Losee Phone (208) 604-0369
2. MAILING ADDRESS 1619 W Arimo Rd. City Arimo
State ID Zip 83214 Email Cory.Losee@gmail.com

- ☐ 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 applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ 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.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 29-363B and 29-364B

- ☐ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.240.26 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, Water Right Transfers, Online Resources.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			SW	SE	4	10S	36E	BANNOCK	GARDEN CREEK	

6. 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:

Installing a Centrifugal Pump next to the creek to pump from creek through mainline to place of use. Electrical disconnect also Installed

- b. Who owns the property at the point(s) of diversion? Cory & Melissa Losee
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 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)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No
☐ 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 $\frac{1}{4}$ $\frac{1}{4}$ 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.

Cory Losee
Signature of applicant or authorized agent

Cory Losee
Print name and title if applicable

6-29-19
Date

Melissa L. Losee
Signature of applicant or authorized agent

Melissa L. Losee
Print name and title if applicable

Feb, 17, 20
Date

9. **FEE** - ☒ 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 CA HL Date 2/19/2020

Fee paid \$500.00 Date 2/19/2020 Received by CA HL Receipt # E045648

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 Diversion(POD) Change for VOR 29-363B & 29-364B



**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

GARDEN CREEK

Tributary

MARSH CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.11 CFS

Annual Volume

Total Diversion

0.11 CFS

Location of Point(s) of Diversion

GARDEN CREEK

BANNOCK County

SW1/4SW1/4

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

Place of Use

IRRIGATION Within BANNOCK County

T10S R36E S4

SWSE

7.00

Total Acres: 7

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION 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

**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
Origin: Water Right
Status: Active
Basis: Decreed

Source

GARDEN CREEK

Tributary

MARSH CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.15 CFS

Annual Volume

Total Diversion

0.15 CFS

Location of Point(s) of Diversion

GARDEN CREEK
BANNOCK County

SW1/4SW1/4 Sec. 4, Twp 10S, Rge 36E B.M.

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



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

March 11, 2020

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

Nebeker, Jake

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