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AUG 16 2002

Department of Water Resources

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

AUG 14 2002

By \_\_\_\_\_ Clerk  
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase No.: 43-10799

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A  
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Delia L. Lovingfoss 8-12-02  
Delia L. Lovingfoss Date

CLAIMANT:

Walter Jean Lovingfoss  
Walter Jean Lovingfoss Date  
8-12-02

OBJECTOR:

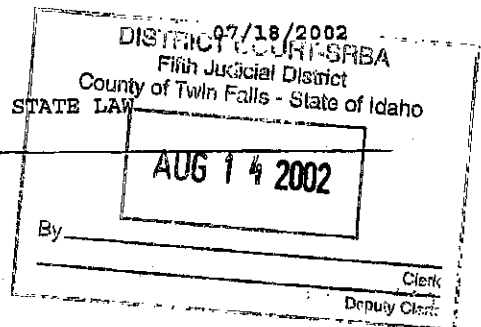
Larry A. Brown 8/14/02  
Larry A. Brown, US DOJ Date  
Attorney for BLM MB

IDWR CONCURRENCE:

Janis Robertson 8/14/02  
Sr. Water Resource Agent Date

Candace McHugh 8/14/02  
Approved as to form Date  
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW



RIGHT NUMBER: 43-10799  
NAME AND ADDRESS: DELIA L LOVINGFOSS  
HC 61 BOX 1020  
MALTA ID 83342  
WALTER JEAN LOVINGFOSS  
HC 61 BOX 1020  
MALTA ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER  
QUANTITY: 3.84 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-2487B 43-13237, 43-2551 43-13239, & 43-10233 43-13241.

PRIORITY DATE: 04/01/1886

POINT OF DIVERSION:  
T12S R27E S31 NWNESW Within CASSIA County  
T12S R27E S31 NWNWSE Within CASSIA County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| IRRIGATION     | 03/15 11/15   | 3.840 CFS |

PLACE OF USE: IRRIGATION Within CASSIA County

|                     |      |      |                     |      |      |
|---------------------|------|------|---------------------|------|------|
| T12S R27E S31       | SWNE | 33.0 | T12S R27E S31       | NENW | 41.0 |
| T12S R27E S31 Lot 1 | NWNW | 47.0 | T12S R27E S31 Lot 2 | SWNW | 49.0 |
| T12S R27E S31       | SENE | 40.0 | T12S R27E S31       | NWSE | 39.0 |
| T12S R27E S31       | NWNE | 20.0 |                     |      |      |

259 249 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 259 249 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-2487B 43-13237, 43-2551 43-13239, & 43-10233 43-13241.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-305, & 43-306.

## CERTIFICATE OF SERVICE

I certify that on Aug. 14, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

☐ Overnight Mail  
☐ Regular Mail  
☒ Hand-Delivered  
☐ Facsimile

2. Copies to:

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

Delia L. Lovingfoss  
Walter Jean Lovingfoss  
HC 61 Box 1020  
Malta, ID 83342

☐ Overnight Mail  
☐ Regular Mail  
☒ Hand-Delivered  
☐ Facsimile

U.S. Dept. of Justice  
Environment & Nat'l Resources Div.  
550 W. Fort St. MSC 033  
Boise, ID 83724

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

  
Signature of person or attorney mailing the form