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AUG 16 2002

Department of Water Resources

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| AUG 14 2002                                                                             |
| By _____ Clerk<br>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.: 43-13239

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.

This right, along with right 43-13240, are split from and constitute the whole right of 43-2551. The original right is now superseded by this right and right 43-13240.

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 Brown, US DOJ Date  
Attorney for BLM MB

IDWR CONCURRENCE:

Jeanie Robertson 8/14/02 Candice Meyer 8/14/02  
Sr. Water Resource Agent Date Approved as to form Date  
Attorney for IDWR

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

AUG 4 2002

RIGHT NUMBER: 43-13239  
NAME AND ADDRESS: WALTER JEAN LOVINGFOSS  
HC 61 BOX 1020  
MALTA ID 83342

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

DELIA L LOVINGFOSS  
HC 61 BOX 1020  
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.46 CFS  
222.7 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.67 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 743.1 AF. COMBINED RIGHT NOS.: 43-13237, 43-13239, & 43-13241.

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, 43-13237, 43-13239 & 43-13241.

PRIORITY DATE: 09/17/1962

POINT OF DIVERSION:

T12S R27E S31 SWNE 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   | 0.460 CFS<br>222.70 AFY |
| DOMESTIC       | 01/01 12/31   | 0.040 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 |

DOMESTIC Within CASSIA County

T12S R27E S31 SWNE

249 ACRES TOTAL

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 154.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: License

Water Right 43-13237

07/18/2002

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

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RIGHT NO. 43-13241 IS AN EXPANSION OF THIS RIGHT AND RIGHT NO.  
43-13237 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2551.

*Sm<sup>e</sup> MAB CUL  
DHL  
JL3*

## 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

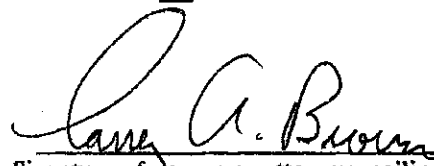
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

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 West Fort St. MSC 033  
Boise, ID 83724

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

  
Signature of person or attorney mailing the form