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Department of Water Resources

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

AUG 14 2002

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.: 43-13241

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 43-13242, are split from and constitute the whole right of 43-10233. The original right is now superseded by this right and right 43-13242.

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 AB

IDWR CONCURRENCE:

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

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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
AUG 14 2002
By _____
Clerk
Deputy Clerk

RIGHT NUMBER: 43-13241

NAME AND ADDRESS: DELIA L LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

WALTER JEAN LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.96 CFS

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: 06/30/1985

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	0.960 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	SENW	40.0	T12S R27E S31	NWSE	39.0

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 66.1 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.

THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-13237 & 43-13239
PURSUANT TO SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-10233.

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 *23*
☒ Hand-Delivered
☐ Facsimile

2. Copies to:

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

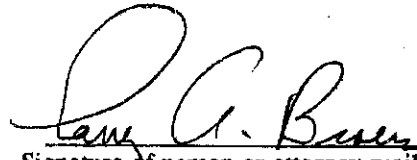
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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