

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 43-86

WATER RIGHT NUMBER: 43-86

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WALTER JEAN LOVINGFOSS HC 61 BOX 1020 MALTA, ID 83342 (208)645-2421
Current Owner	DELIA L LOVINGFOSS HC 61 BOX 1020 MALTA, ID 83342 (208)645-2421

Priority Date: 03/01/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CASSIA CREEK	RAFT RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.340 CFS	
	<u>Total Diversion:</u>	0.340 CFS	

Location of Point(s) of Diversion

CASSIA CREEK	SW1/4SW1/4NW1/4	Sec. 6,	Twp 13S,	Rge 27E, B.M.
CASSIA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	6						51.0	46.0										97.0
								L 4	L 5										

Total Acres: 97

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 43-86

Remarks:

1. General POINT OF DIVERSION IS AS DESCRIBED. IT WILL BE REPLACED BY A PUMPING STATION APPROXIMATELY 15' EAST OF THE CASSIA CREEK CHANNEL- TO PROVIDE PRESSURE FOR A SPRINKLER SYSTEM
***** 6/3/99 TF; OWNERSHIP CHANGED DOUGLAS HARPER TO LIVINGSTON TRUST PER 1409(6) AND DEEDS REC'D 2/3/99.

Comments:

CHANGE OF OWNERSHIP DATA ENTERED 4-25-2002 KKC

Dates and Other Information:

Claim Received Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: 0
Water District Number: 43C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: AND

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
NOV 21 2001

Department of Water Resources
 Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>A43-02362</u>	_____	___	_____	_____	___
<u>~~43-02526~~</u>	_____	___	_____	_____	___
<u>43-00086</u>	_____	___	_____	_____	___
<u>43-00087</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

ELLEN C LIVINGSTON TRUST DTD JUL 2 1987

4. New Owner/Claimant(s)

WALTER SEAN EDelia L. LOVINGFOSS

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

HC 61 BOX 1020

City, State and ZIP Code

MALTA ID 83342

New Telephone Number

208 645-2421

5. Date you acquired the property

NOV 13, 2001

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Walter Dean Lundy, owner

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
FEB 15 2002
Department of Water Resources
Southern Region

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 13 SOUTH Range 27 EAST
Section 16, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot 5485, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) _____
Assigned by IDWR: _____
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): ELLEN C. LIVINGSTON TRUST DATED JUL 2, 1987
- ☐ New Owner/Claimant (Purchaser): WALTER JEAN LOVINGFOSS AND DELIA L. LOVINGFOSS
- ☐ New Mailing Address: HC 61 BOX 1020, MALTA, ID 83342
- ☐ New Telephone Number: (208) 645-2421
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Walter Jean Lovingfoss Date 2-14-02
Delia L. Lovingfoss Date 2-14-02
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed: _____

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any: _____

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

~~278090~~

WARRANTY DEED

278167
RECEIVED
FEB 1 2002

For Value Received

MARCIA A. HALL, Trustee of the ELLEN C. LIVINGSTON REVOCABLE TRUST
dated the 2nd day of July, 1987,the grantor does hereby grant, bargain, sell and convey unto
WALTER JEAN LOVINGFOSS and DELIA L. LOVINGFOSS, husband and wife,

the grantee & the following described premises, to-wit:

TOWNSHIP 13 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO

Section 6: Lots 4 and 5

TOGETHER WITH ALL water and water rights, ditches or ditch rights
used thereon or appurtenant thereto, including but not limited to
rights listed under State of Idaho adjudication No.'s A43-02362,
43-02526, 43-00086, and 43-00087.

278167

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDERFEE \$3.00 DEPUTY *GP*

01 NOV 13 AM 7 29

RECORDED AT THE REQUEST OF

*Walter Jean Lovingfoss*01 NOV 7 PM 3 57
RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACTCASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE \$3.00 DEPUTY *KB*

278090

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee & their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that she is the owner in fee simple of said premises; that said premises are free from all incumbrances except as above described, and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: November 6, 2001

Marcia A. Hall, Trustee

Marcia A. Hall, Trustee

RECEIVED
FEB 15 2002
Department of Water Resources
Southern Region

R27



260326

#31140

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

KEYBANK NATIONAL ASSOCIATION, a national banking institution

a corporation duly organized and existing under the laws of the State of Idaho, GRANTOR, does hereby grant, bargain, sell and convey unto

ELLEN C. LIVINGSTON REVOCABLE TRUST

address: 225 N. 100 W. Malta, ID 83342

GRANTEE, the following described real estate, to-wit:

**TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 6: Lots 4 and 5

TOGETHER WITH ALL water and water rights, ditches or ditch rights used thereon or appurtenant thereto, including but not limited to rights listed under State of Idaho adjudication No's A43-02362, 43-02526, 43-00086, and 43-00087.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1999 and subsequent years.

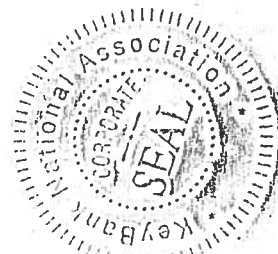
Agreement for Purchase of Power, between Raft River Rural Electric Cooperative, Inc., as Seller, Douglas Harper/Marian F. Harper, as Consumer, dated January 2, 1979 and recorded February 16, 1979 as Instrument No. 114403 on Film No. 123, records of Cassia County, Idaho.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said GRANTEE, and the successors and assigns of the GRANTEE forever, except as aforesaid.

IN WITNESS WHEREOF, The GRANTOR, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 20th day of January, 1999.

KEYBANK NATIONAL ASSOCIATION

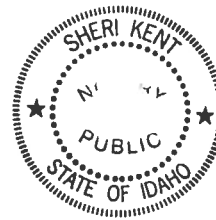
BY: Richard C. Swager
Richard Swager, Assistant Vice President



STATE OF IDAHO)
) ss.
COUNTY OF Ada)

On this 20th day of January, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **Richard Swager**, known or identified to me to be the **Assistant Vice President** of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

[Signature]
Notary Public
Residing at: Boise
My Commission expires: 1-29-03



-278090

WARRANTY DEED

278167

For Value Received

MARCIA A. HALL, Trustee of the ELLEN C. LIVINGSTON REVOCABLE TRUST
dated the 2nd day of July, 1987,

the grantor does hereby grant, bargain, sell and convey unto
WALTER JEAN LOVINGFOSS and DELIA L. LOVINGFOSS, husband and wife,

the grantee & the following described premises, to-wit:

TOWNSHIP 13 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO

Section 6: Lots 4 and 5

TOGETHER WITH ALL water and water rights, ditches or ditch rights
used thereon or appurtenant thereto, including but not limited to
rights listed under State of Idaho adjudication No.'s A43-02362,
43-02526, 43-00086, and 43-00087.

278167

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDERFEE 3.00 DEPUTY *DB*

01 NOV 13 AM 7 29

RECORDED AT THE REQUEST OF

Walter Jean Lovingfoss~~CASSIA COUNTY ABSTRACT~~~~RECORDED AT THE REQUEST OF~~~~01 NOV 7 PM 3 57~~~~FEE 3.00 DEPUTY *DB*~~~~RECORDER~~~~CASSIA COUNTY, IDAHO~~~~DARRELL M. ROSKELLEY~~~~278090~~

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee &
their heirs and assigns forever. And the said Grantor does hereby covenant to
and with the said Grantees, that she is the owner in fee simple of said premises; that
said premises are free from all incumbrances except as above described, and that she will
warrant and defend the same from all lawful claims whatsoever.
Dated: November 6, 2001

Marcia A. Hall, Trustee

Marcia A. Hall, Trustee

STATE OF IDAHO
COUNTY OF CASSIA

On this 7th day of November, 2001, before me, the undersigned,
Notary Public in and for said State, personally appeared
Marcia A. Hall
being first duly sworn on their oath, depose and state:

That she is the Trustee of the
Ellen C. Livingston Trust dated July 2, 1987
that they have read the foregoing document, know the contents thereof, and believe the
same to be true to the best of their knowledge, and are identified to me to be the persons
whose names are subscribed to the foregoing instrument and acknowledged to me that they
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day
and year in this certificate first above written.

Fred C. Bell

Notary Public for the State of
Residing at: Burley, Idaho

FRED C. BELL
NOTARY PUBLIC
STATE OF IDAHO

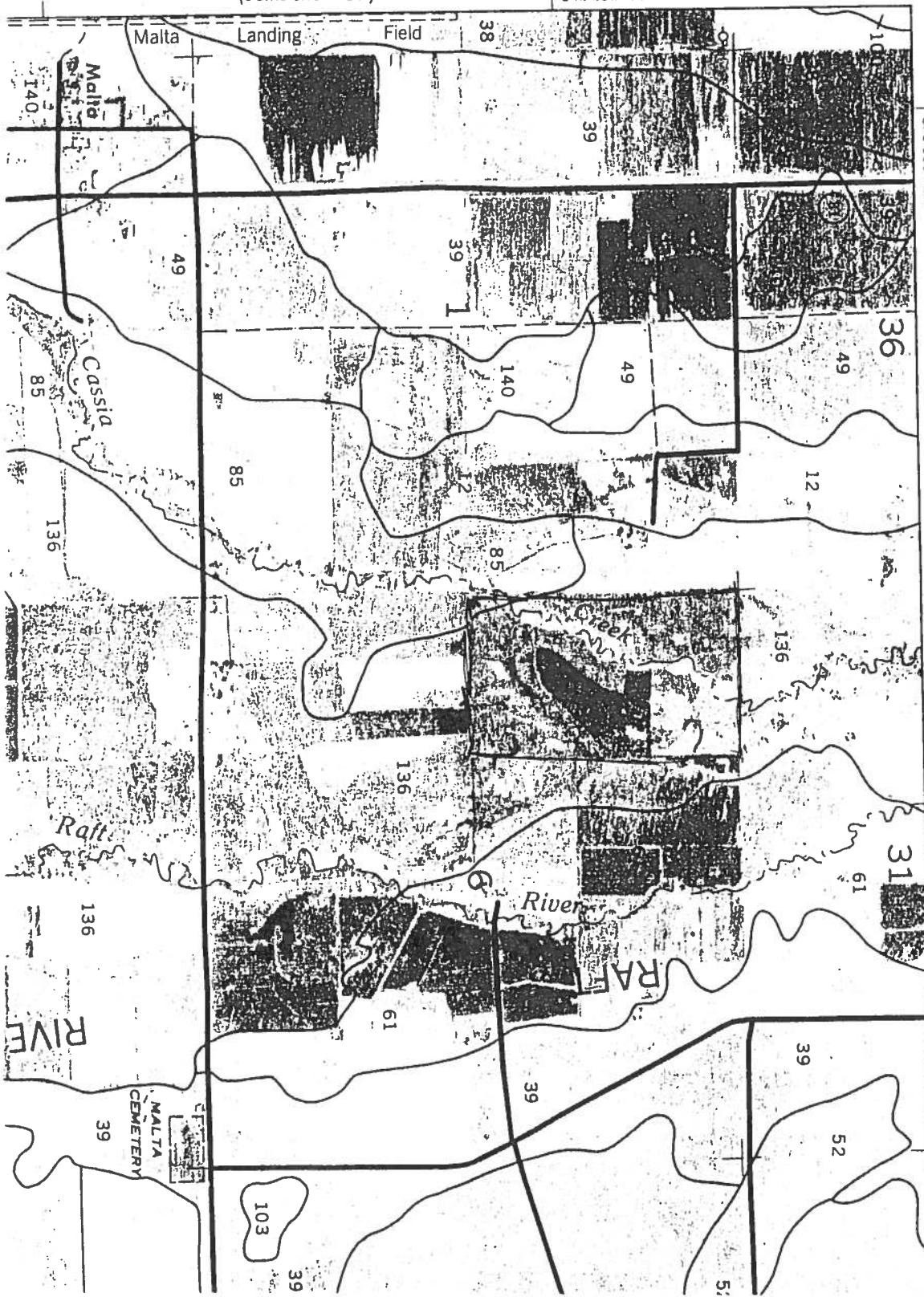


(Joins sheet 37)

240 000 FEET

1 670 000 FEET

R. 26 E. | R. 27 E.
(Joins sheet 34)



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-00086
Date Received: 5/31/1989
Receipt No: M003768
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ELLEN C LIVINGSTON REVOCABLE TRUST
Address: 225 N 100 W
MALTA ID 83342

2. Date of Priority: MAR 1, 1880

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	6	SW	SW	NW		CASSIA

5. Description of diverting works:
HEADGATE AND MEASURING DEVICE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.340		

7. Total Quantity Appropriated is:
0.340 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 291.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	27E	6	NW	NW	4	IRR	51.0
			SW	NW	5	IRR	46.0

Section Acres 97.0

10. Place of Use: Continued

Total Acres 97.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
43-0087, 43-2362

14. Remarks:
POINT OF DIVERSION IS AS DESCRIBED. IT WILL BE REPLACED BY A
PUMPING STATION APPROXIMATELY 15' EAST OF THE CASSIA CREEK
CHANNEL- TO PROVIDE PRESSURE FOR A SPRINKLER SYSTEM

6/3/99 TF; OWNERSHIP CHANGED DOUGLAS HARPER TO LIVINGSTON TRUST
PER 1409(6) AND DEEDS REC'D 2/3/99.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
vs Decree Defendant

RECEIVED 02362-KC
00086-KC
00087-KC
FEB 03 1999 02526-Add
199

Department of Water Resources
Southern Region

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right Number(s) A43-02362, 43-02526, ^RA43-00086, ^RA43-00087.
Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Douglas R. Harper, R.J. Harper,

4. New Owner/Claimant(s) Ellen C. Livingston Revocable Trust

New Mailing Address 225 N. 100 W. Malta, ID 83342
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

City, State and ZIP Code _____

New Telephone Number (____) _____

5. Date you acquired the property 1-21-99

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Ellen C. Livingston Date 1/20/99
X Marcia A. Hall Date Jan. 20, 1999

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

R27

2
23.8

2
20.0

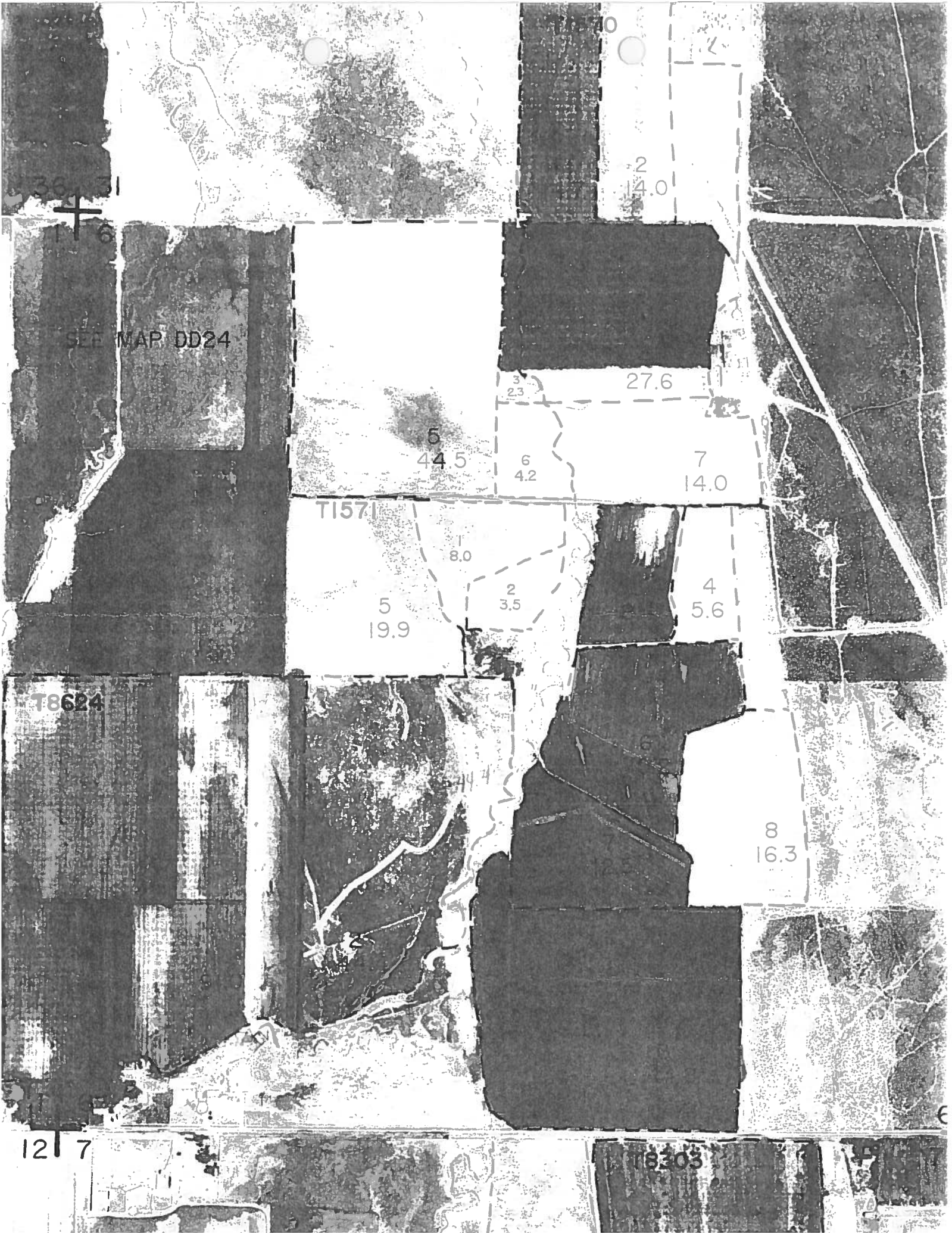
3
9.7

4
30.8

6
93.3

T1578

SEE MAP EE24



36

116

SEE MAP DD24

T8624

127

T8303

11240

2
14.0

27.6

5
44.5

6
4.2

7
14.0

T1571

8.0

5
19.9

2
3.5

4
5.6

8
16.3

258306

QUITCLAIM DEED

* * * * *

FOR VALUE RECEIVED, **RONALD D. HARPER** and **JAYLIN HARPER**, husband and wife, hereby release, remise, grant, bargain, sell, convey and forever quit claim unto **KEYBANK NATIONAL ASSOCIATION**, a national banking institution, formerly Key Bank of Idaho, whose address is P.O. Box 2757, Boise, Idaho 83701-2757, the following described premises located in Cassia County, State of Idaho, to wit:

TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE
BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 6: Lots 4 and 5

together with their appurtenances thereunto belonging or in any way appertaining thereto.

DATED this 5 day of May, 1998.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

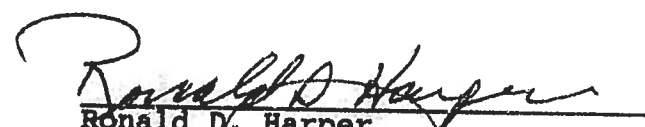
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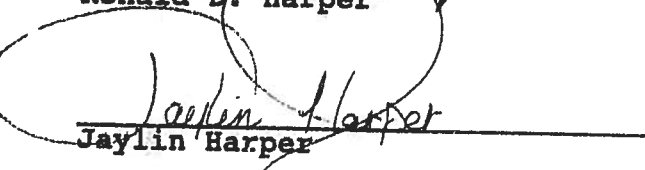
258306

CASSIA COUNTY, IDAHO
DARRELL H. ROSKELLEY
RECORDER

FEE 300 STATE OF IDAHO



Ronald D. Harper

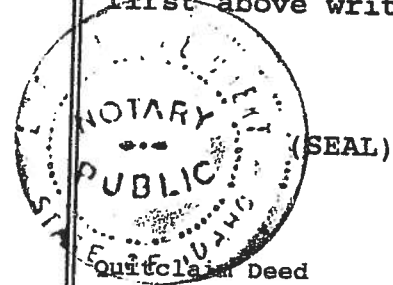


Jaylin Harper

County of Minidoka) ss.

On this 5th day of May, 1998, before me the undersigned Notary Public in and for said State, personally appeared **RONALD D. HARPER** and **JAYLIN HARPER**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.





Notary Public for Idaho
Residing at: Boise
My Commission Expires: 11-24-2000

258305

QUITCLAIM DEED

* * * * *

FOR VALUE RECEIVED, DOUGLAS R. HARPER and MARIAN F. HARPER, husband and wife, hereby release, remise, grant, bargain, sell, convey and forever quit claim unto RONALD D. HARPER and JAYLIN HARPER, husband and wife, whose address is 1300 South 2225 East, Malta, Idaho 83342, the following described premises located in Cassia County, State of Idaho, to wit:

TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE
BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 6: Lots 4 and 5

together with their appurtenances thereunto belonging or in any way appertaining thereto.

DATED this 7th day of May, 1998.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

FILM

304

Douglas R. Harper
Douglas R. Harper

1998 OCT -7 A 9:05

258305

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

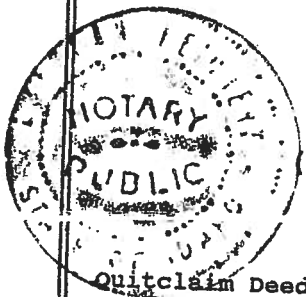
Marian F. Harper
Marian F. Harper

FEE 300 DEPUTY LM
STATE OF IDAHO

County of Minidoka) ss.

On this 7th day of May, 1998, before me the undersigned Notary Public in and for said State, personally appeared DOUGLAS R. HARPER and MARIAN F. HARPER, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



(SEAL)

London Spiebert
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 11-24-2000

SECOND AMENDMENT TO THE
ELLEN C. LIVINGSTON
REVOCABLE TRUST AGREEMENT

This Second Amendment dated this 13th day of ~~November~~^{DECEMBER}, 1995, to the Ellen C. Livingston Revocable Trust Agreement, dated the 2nd day of July, 1987, by Ellen C. Livingston, Grantor, and Ellen C. Livingston, Trustee.

WHEREAS, under Item II of said Trust Agreement, Grantor reserves the right to alter, amend, modify, or revoke the trust in whole or in part at any time and from time to time by an instrument in writing signed by the Grantor and delivered to the Trustee; and

WHEREAS, pursuant to said right to alter or amend, the Trust Agreement was amended on the 14th day of May, 1993, by a First Amendment to the Trust Agreement.

NOW THEREFORE, in exercise of said power, Grantor does hereby amend said Trust Agreement, as amended, as follows:

ONE

The Grantor hereby nominates and appoints the Grantor's daughter, Marcia A. Hall, as a Co-Trustee of the Ellen C. Livingston Revocable Trust Agreement.

TWO

The Grantor hereby deletes paragraph (a) of Item IX in its entirety and substitutes a new paragraph (a) of Item IX as follows:

“(a) Upon the death, resignation or legal disability of Grantor, then Comerica Bank & Trust, FSB, shall become a successor Co-Trustee with Grantor's daughter, Marcia A. Hall. In the event that Grantor's daughter, Marcia A. Hall, shall for any reason be unable or unwilling to act as a Trustee, or resigns as Trustee and the Grantor, Ellen C. Livingston, is not then acting as

E.C.L.

(initials)

#31140

260326**CORPORATE WARRANTY DEED**

FOR VALUE RECEIVED,

KEYBANK NATIONAL ASSOCIATION, a national banking institution

a corporation duly organized and existing under the laws of the State of Idaho, GRANTOR, does hereby grant, bargain, sell and convey unto

ELLEN C. LIVINGSTON REVOCABLE TRUST
address: 225 N. 100 W. Malta, ID 83342

GRANTEE, the following described real estate, to-wit:

**TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 6: Lots 4 and 5

TOGETHER WITH ALL water and water rights, ditches or ditch rights used thereon or appurtenant thereto, including but not limited to rights listed under State of Idaho adjudication No's A43-02362, 43-02526, 43-00086, and 43-00087.

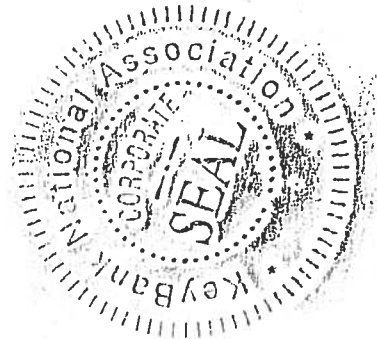
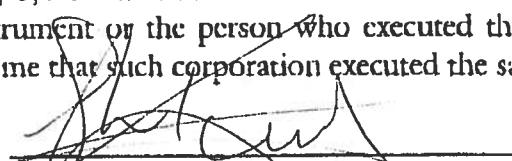
SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1999 and subsequent years.

Agreement for Purchase of Power, between Raft River Rural Electric Cooperative, Inc., as Seller, Douglas Harper/Marian F. Harper, as Consumer, dated January 2, 1979 and recorded February 16, 1979 as Instrument No. 114403 on Film No. 123, records of Cassia County, Idaho.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said GRANTEE, and the successors and assigns of the GRANTEE forever, except as aforesaid.

IN WITNESS WHEREOF, The GRANTOR, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 20th day of January, 1999.**KEYBANK NATIONAL ASSOCIATION**BY: Richard C. Swager
Richard Swager, Assistant Vice PresidentSTATE OF IDAHO)
) ss.
COUNTY OF Ada)On this 20th day of January, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **Richard Swager**, known or identified to me to be the **Assistant Vice President** of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

 Notary Public
 Residing at: Boise
 My Commission expires: 1-29-03


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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-00086
Date Received: 5/31/1989
Receipt No: M003768
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DOUGLAS R. HARPER 208-645-2278
Address: HC 61 BOX 1156
MALTA, ID 83342

2. Date of Priority: MAR 01, 1880

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	6	SW	SW	NW		CASSIA

5. Description of diverting works:
HEADGATE AND MEASURING DEVICE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.340		

7. Total Quantity Appropriated is:
0.340 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 291.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	27E	6	NW	NW	4	IRR	51.0
			SW	NW	5	IRR	46.0

Section Acres 97.0

A43-00086

Page 1

Date: 10/19/89

MICROFILMED

MAR 02 1993

10. Place of Use: Continued

Total Acres 97.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
43-0087, 43-2362

14. Remarks:
POINT OF DIVERSION IS AS DESCRIBED. IT WILL BE REPLACED BY A
PUMPING STATION APPROXIMATELY 15' EAST OF THE CASSIA CREEK
CHANNEL- TO PROVIDE PRESSURE FOR A SPRINKLER SYSTEM

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
MAR 02 1993

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-00086
Date Received: 6/20/1989
Receipt No: M003768
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DOUGLAS R. HARPER
Address: HC 61 BOX 1156
MALTA, ID 83342
208-645-2278

2. Date of Priority: MAR 01, 1880

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	6	SW	SW	NW		BINGHAM

5. Description of diverting works:
HEADGATE AND MEASURING DEVICE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.340		

7. Total Quantity Appropriated is:
0.340 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	27E	6	NW	NW	4	IRR	51.0
			SW	NW	5	IRR	46.0
Section Acres							97.0

A43-00086

Page 1

Date: 06/20/89

MICROFILMED
MAR 02 1993

10. Place of Use: Continued

Total Acres 97.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
43-0087, 43-2362

14. Remarks:

POINT OF DIVERSION IS AS DESCRIBED. IT WILL BE REPLACED BY A
PUMPING STATION APPROXIMATELY 15' EAST OF THE CASSIA CREEK
CHANNEL- TO PROVIDE PRESSURE FOR A SPRINKLER SYSTEM

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ALBION-IDAHO LAND CO.

Decree Plaintiff

vs

JOBE ADAMS ET AL

Decree Defendant

MICROFILMED

MAR 02 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 443-00086Date Received 5-31-89Receipt Number 11003768

RECEIVED
MAY 31 1989

Department of Water Resources

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Douglas Harper Phone (208) 645-2278

Mailing Address HC 61, Box 1156 Malta ID Zip 83342

2. Date of Priority (Only one (1) per claim) 03/01/1880

3. Source of water supply (a) Cassia Creek
which is tributary to (b) Raft River

4. a. Location of existing point of diversion is: Township 13S Range 27E Section 6,
SW 1/4 of SW 1/4 of NW 1/4, Govt. Lot, 5 B.M., County of Cassia

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Headgate + Measuring Flume

MICROFILMED

MAR 02 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 0.34 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.34 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 306 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
135	27E	6						50											51
		LOT 4																	3
		LOT 5						51											51
								46											46

Total number of acres irrigated 97 102

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
43-00087, 43-02362 or None ()

14. Remarks: Point of Diversion is as described. It will be replaced by a pumping station approx. 15' east of the Cassia Creek channel - to provide pressure for a sprinkler system.

MICROFILMED

MAR 02 1993

Last Name _____ Ident No. A43-00086

Copies: White -State, Yellow-Claimant



DD-24
S 6
T-135
R 27E

R 27

MICROFILMED
MAR 02 1993

DD 24

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number 43-00086

Court _____ Case Number _____ Decree Date 10/18/28

Plaintiff vs Defendant Albion Land Idaho Land Co. - Sobe Adams et al

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Douglas R Harper Date 5-31-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____ Organization _____, that I have signed the foregoing

document in the space below as _____ Title _____ of _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 31st day of May 1989

SEAL

Notary Public Robert V. Storslett

Residing at Twin Falls, Idaho

My Commission Expires 1/16/1995

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
MAR 02 1993

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

June 20, 1989

Douglas R. Harper
HC61 Box 1156
Malta, ID 83342

R. KEITH HIGGINSON
Director

KKC

00295
00294
00087
10295
10294

00296B

00086

A43-02362

00249
00250
02388

RE: SRBA Claim

Dear Claimant:

Received

Please find enclosed your claim ~~and your check~~ # M003768 for \$ 280.00 which you submitted to our office. I am returning these pursuant to rule 10,4 of the Department's Adjudication Rules and Regulations. In checking your claim it appears that the following items need clarification:

- (✓) Item #2 Priority date (day/month/year)
- () Item #4 Point of Diversion Legal Description
- () Item #6 Uses descriptions
- () Item #9 Description of Non-irrigation uses
- () Item #10 Place of Use Legal Description
- () Item #16 Signature & Notarization
- () Improper fee (THE CORRECT FEE IS \$ _____)
- () Other or Remarks

If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed an additional late fee of \$ 50.00.

Sincerely,

Steve Clelland
Water Right's Agent

enc:

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A43-00296-BDate Received 4/1/1894Receipt Number MOB 3768

NOTICE OF CLAIM

TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Douglas R Harper Phone () 645-2278Mailing Address HC 61 Box 1156 Zip 832422. Date of Priority (Only one (1) per claim) 43-0023. Source of water supply (a) Cassia Creek
which is tributary to (b) Raft River4. a. Location of existing point of diversion is: Township 13NW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, 13

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 of _____
1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Head gate and measuring device

Water Right Number - 43-00086

File Translation: Standard Water Right Number

Old (D) Number -

*** C - CURRENT OWNER ***
BOULWARE

SARAH

1 -

2 -

3 -

City-

Phone -

State-

Zip-

Priority Date - 03/01/1880

Region - 17

Stage - D - DECREED

Status -

Source - CASSIA CREEK

Tributary - RAFT RIVER

Point of Diversion -

Stream Index (Blank if no Index Code)

Code - Description - Period From - Period To - Water Use - Diversion Rate - Diversion Volume -

01 - IRRIGATION

0.340

Total Div. Rate - 0.340 + Total Div. Volume - + Total Div. Capacity - + Total Consumptive Use - + KW Usage - +

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
13S	27E	6	NW NW	4		01	IRRIGATION	31 CASSIA
13S	27E	6	SW NW	5		01	IRRIGATION	31 CASSIA

Total Acres:

- - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 43-0087

Remarks - No Remarks found.

Conditions of Approval - No Conditions of Approval found.

Decree Plaintiff - - - + Decree Defendant - - - + Decree Date - +

ALBION-IDAHO LAND CO. JOBE ADAMS ET AL 10/18/1928

- - - Microfilm Rolls -

MICROFILMED
MAR 02 1993

WATER RIGHT CLAIMS PROGRAM

Water right number 83-01016

Number of fields 02/11/85

Adj. flag translation: Standard Water Right Number

05/28/88 CONVERT

Water Rights Dates and Flags Area			
Proof Due Date	00/00/0000	Field Exam Made	00/00/0000
Approved/Denied	00/00/0000	Protested Date	00/00/0000
Proof Made Date	00/00/0000	Hearing Date	00/00/0000
Start Work Date	00/00/0000	Verified Date	03/12/1985
Order Show Cause	00/00/0000	Receipt Number	
Licensed Date	00/00/0000	Appl Received	00/00/0000
Decree Date	10/18/1928		

Field Exam Fee	
Swan Falls	
Temporary Right	P
DLE/Carey Act	
Water District	43C
Transfer/Amended	

MICROFILMED

MAR 02 1993

COPY

2002 MAY 24 AM 11: 29

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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. 43-86, 43-87, 43-2362
	)	
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

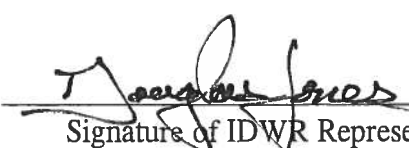
Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: _____

5/23/02

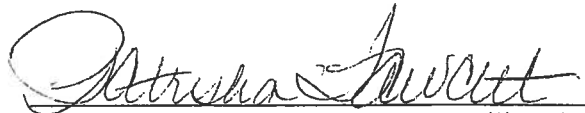


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/24, 2002, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Ellen C Livingston Revocable Trust
225 N 100 W
Malta ID 83342
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Walter Jean Lovingfoss
Delia L Lovingfoss
HC 61 Box 1020
Malta ID 83342
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

05/22/2002

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

RIGHT NUMBER: 43-86

NAME AND ADDRESS: WALTER JEAN LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

DELIA L LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.340 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02
CFS PER ACRE. COMBINED RIGHT NOS. 43-86, 43-87, AND 43-2362.

PRIORITY DATE: 03/01/1880

POINT OF
DIVERSION: T13S R27E S6 SWSWNW Lot 5 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.340 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R27E S06 Lot 4 NWNW	51.0	T13S R27E S06 Lot 5 SWNW	46.0
--------------------------	------	--------------------------	------

97 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 97 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.
43-86, 43-87 and 34-2362

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: BASIS OF CLAIM - Decreed

05/22/2002

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

RIGHT NUMBER: 43-87

NAME AND ADDRESS: WALTER JEAN LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

DELIA L LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 1.600 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02
CFS PER ACRE. COMBINED RIGHT NOS. 43-86, 43-87, AND 43-2362.

PRIORITY DATE: 04/30/1882

POINT OF
DIVERSION: T13S R27E S6 SWSNW Lot 5 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	1.600 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R27E S06 Lot 4 NWNW	51.0	T13S R27E S06 Lot 5 SWNW	46.0
--------------------------	------	--------------------------	------

97 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 97 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.
43-86, 43-87 and 34-2362

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: BASIS OF CLAIM - Decreed

05/22/2002

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

2002 MAY 24 AM 11:29

RIGHT NUMBER: 43-2362
NAME AND ADDRESS: WALTER JEAN LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

DELIA L LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 1.890 CFS
388.00 AFY

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02
CFS PER ACRE. COMBINED RIGHT NOS. 43-86, 43-87, AND 43-2362.

PRIORITY DATE: 02/24/1951

POINT OF
DIVERSION: T13S R27E S6 SWSWNW Lot 5 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.870 CFS 388.00 AFY
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R27E S06 Lot 4 NWNW	51.0	T13S R27E S06 Lot 5 SWNW	46.0
<u>STOCKWATER Within CASSIA County</u>			
T13S R27E S06 Lot 4 NWNW		T13S R27E S06 Lot 5 SWNW	

97 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 97 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.
43-86, 43-8 and 34-2362

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: BASIS OF CLAIM - License



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

May 24, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WALTER JEAN LOVINGFOSS
DELIA L LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

RE: SRBA Claim(s) 43-86, 43-87, 43-2362

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Ellen C. Livingston Revocable Trust

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-86 V1

WATER RIGHT NUMBER: 43-86 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WALTER JEAN LOVINGFOSS HC 61 BOX 1020 MALTA, ID 83342 (208)645-2421
Current Owner	DELIA L LOVINGFOSS HC 61 BOX 1020 MALTA, ID 83342 (208)645-2421
Directors Report Owner	ELLEN C LIVINGSTON REVOCABLE TRUST 225 N 100 W MALTA, ID 83342

Priority Date: 03/01/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CASSIA CREEK	RAFT RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.340 CFS	
	<u>Total Diversion:</u>	0.340 CFS	

Location of Point(s) of Diversion

CASSIA CREEK	L5 SW1/4SW1/4NW1/4	Sec. 6,	Twp 13S,	Rge 27E, B.M.
CASSIA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	6							51.0	46.0									97.0
									L 4	L 5									

Total Acres: 97

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-86 V1

1. 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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 97 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-86, 43-87 and 34-2362
2. Quantity WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-86, 43-87, AND 43-2362.

02/13/2001

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

RIGHT NUMBER: 43-86

NAME AND ADDRESS: ELLEN C LIVINGSTON REVOCABLE TRUST
225 N 100 W
MALTA, ID 83342

VERIFIED BY KKC

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.34 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-86, 43-87, AND
43-2362.

PRIORITY DATE: 03/01/1880

POINT OF DIVERSION: T13S R27E S6 LOT 5 SWSNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	0.34 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R27E S6	LOT 4	NWNW	51
T13S R27E S6	LOT 5	SWNW	46

97 ACRES TOTAL

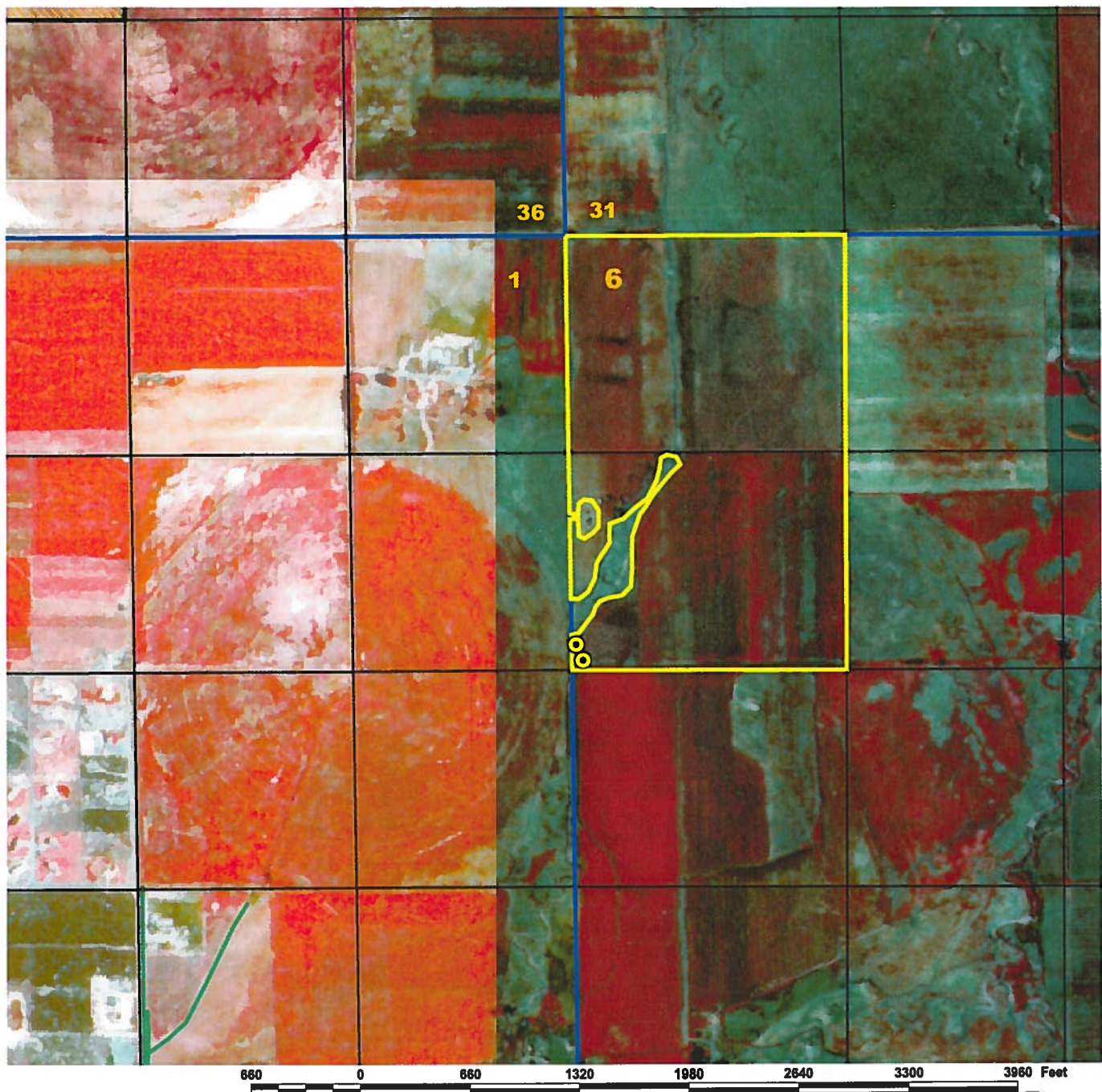
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 97 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-86, 43-87 and 34-2362

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: BASIS OF CLAIM - Decreed

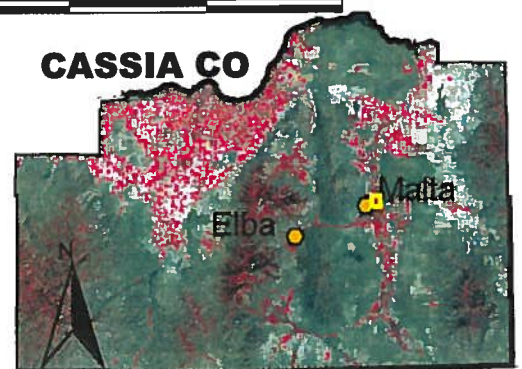
Idaho Department of Water Resources
RECOMMENDED PLACE OF USE FOR
43-86, 43-87, and 43-2362



PLACE OF USE
TWP 13S, RNG 27E, SEC 6
Data entry on February 13, 2001

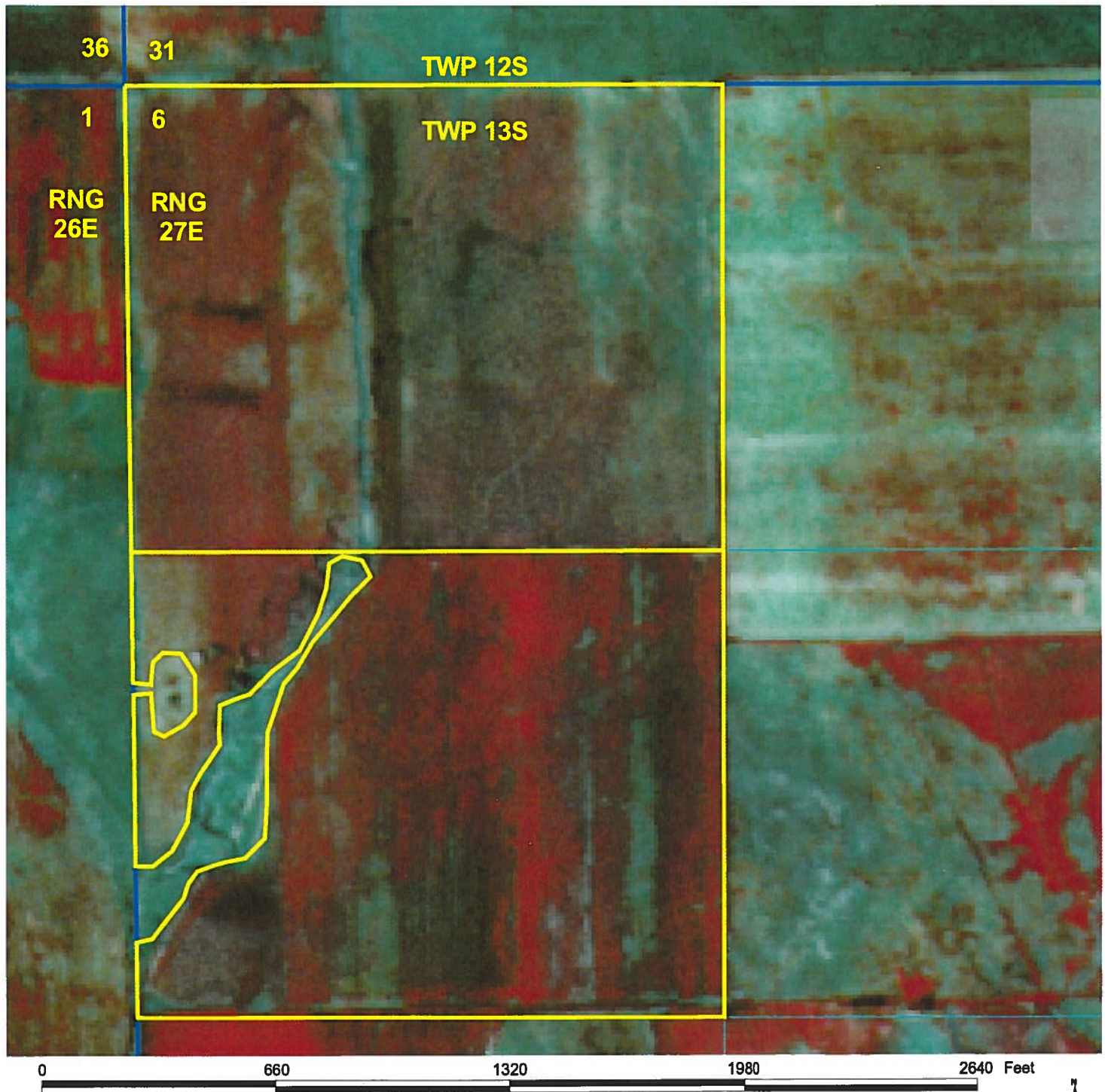
GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**



IDAHO DEPARTMENT OF WATER RESOURCES

CLAIMED PLACE OF USE
43-00086, 43-00087, & 43-02362



TWP 13S; RNG 27E
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED _____

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

-  AREA STREAMS
-  AREA DITCH SYSTEM
-  OUTSIDE CLAIMED P/U
-  CLAIMED POINT OF DIVERSION
-  CLAIMED PLACE OF USE
-  SECTION LINES
-  QUARTER QUARTER LINES

CASSIA Co.



CLAIM NUMBER _____ DATE _____
 _____ AGENT _____

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL _____
 GIS ACRE TOTAL _____

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	135	27E	6					51	46										
GIS			6					50.7	46.4										
RECOM								51	46										97
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-DBPOU.SHP

The claimed P/U matches the decreed P/U.

SHAPE NOS.

43-DBPOD.SHP

NOS. DESCRIPTION

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

April 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ELLEN C LIVINGSTON REVOCABLE TRUST
225 N 100 W
MALTA ID 83342

RE: SRBA Claim(s) A43-00086, A43-00087, A43-02362,
43-02526

Dear Claimant:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you on all the above claims except 43-02526. This particular water right does not have an adjudication filing. The adjudication agent reviewing claims in your area has been notified of the discrepancy and will contact you at a later date. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.