

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 43-87

WATER RIGHT NUMBER: 43-87

<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: 04/30/1882

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	1.600 CFS	
<u>Total Diversion:</u>		1.600 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 43-87

Remarks:

1. General POINT OF DIVERSION IS AS DESCRIBED. IT WILL BE REPLACED BY A PUMP ING
STATION APPROX. 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

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: **A43-00087**
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: APR 30, 1882

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 FLUME

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

7. Total Quantity Appropriated is:
1.600 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

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:
43-0086, 43-02362

14. Remarks:

POINT OF DIVERSION IS AS DESCRIBED. IT WILL BE REPLACED BY A PUMP
ING STATION APPROX. 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

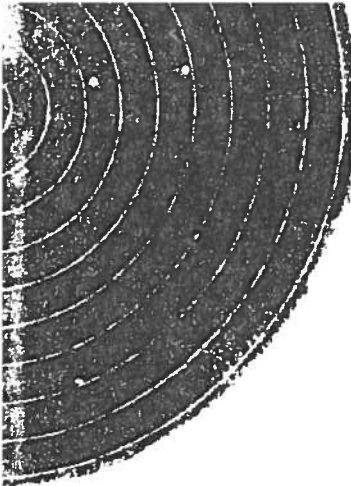
Decree Defendant

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
Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR
New Mailing Address 225 N. 100 W. Malta, ID 83342
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) X Ellen C. Livingston Date 1/20/99
X Marcia A. Hall Date Jan. 20, 1999
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
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

1569
2
20.0

6
29

30.8

3
9.7
6
93.3

P
24

T1578
2
5.0

MAP 3024

T1571

T8624

2
14.0

27.6

6
44.5

6
4.2

7
14.0

1
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

FILM

304

1998 OCT - 1 A 9:07

258306

CASSIA COUNTY, IDAHO
DARRELL H. ROSKELLEY
RECORDER

Ronald D. Harper
Ronald D. Harper

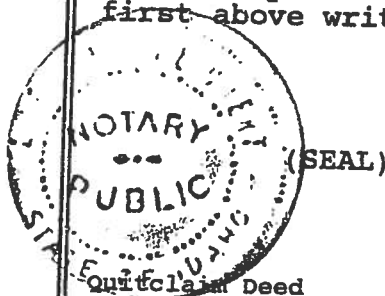
Jaylin Harper
Jaylin Harper

FEE 300 DUTY STATE OF IDAHO

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.



Leona Raichart
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

1998 OCT -7 A 9:05

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

FEE 3.00 DEPUTY
STATE OF IDAHO

258305

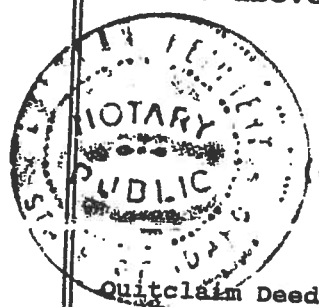
Douglas R. Harper
Douglas R. Harper

Marian F. Harper
Marian F. Harper

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)

Landon Spichhart
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)

260326

#31140

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

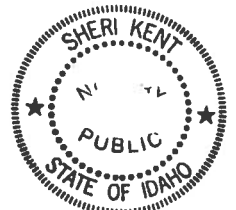
KEYBANK NATIONAL ASSOCIATION, a national banking institution

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. Swagger
Richard Swagger, 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 Swagger, 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



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: A43-00087
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: APR 30, 1882

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 FLUME

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

7. Total Quantity Appropriated is:
1.600 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

A43-00087

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:
43-0086, 43-02362

14. Remarks:
POINT OF DIVERSION IS AS DESCRIBED. IT WILL BE REPLACED BY A PUMP
ING STATION APPROX. 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 _____

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

143-00087

Date Received

5-31-89

Receipt Number

MOO 3768

RECEIVED
MAY 31 1989

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

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Douglas R Harper Phone (208) 645-2278Mailing Address HC 61 Box 1156 Zip 833422. Date of Priority (Only one (1) per claim) 04/30/18823. Source of water supply (a) Cassia Creek
which is tributary to (b) Raft River4. 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 1.60 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.60 (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	
13S	27E	6						51											51
	Lot 4																		
	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.
A43-00086; A43-02362 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. A43-00087

Copies: White -State, Yellow-Claimant

DD 24

P 27

DD-24

S-6
T-13
R-27

36

6 1877

T 1573

295

2

22.3

3

38.2

P/u

P/D

MICROFILMED

MAR 0 2 1993

15. Basis of Claim (check one) ☐ Beneficial Use ☐ Posted Notice ☐ Easement ☐ Permit ☐

Decree ☒

If applicable provide IDWR Water Right Number 43-00087

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

Plaintiff vs Defendant Allison-Idaho Land Co. - John 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) X Douglas R Harper Date X 5-31-89

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

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 J. Horstelt

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

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim ~~and your check #~~ 17003768 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:

R. KEITH HIGGINSON
Director

KKC

00295

00294

00087

10295

10294

A43-02362

00249

00250

02388

00296B

00086

Received

Water Right Number - 43-00087

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

--- Last Name --- + First Name --- +

--- Address --- +

*** C - CURRENT OWNER ***
BOULWARE

SARAH

1 -
2 -
3 -
City-
Phone -

State- Zip-

--- Priority Date --- +
04/30/1882

--- 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

1.600

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

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

Total Acres:

--- Diversion Means ---

--- Non-Irrigation Use ---

--- Other Rights for Same Use --- 43-0086

Remarks
No Remarks found.

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff --- +
IDAHO LAND CO.

Decree Defendant --- +
JOBE ADAMS ET AL

Decree Date --- +
10/18/1928

Microfilm Rolls -

MICROFILMED
MAR 02 1993

MICROFILMED
MAR 02 1993

Water right number - 43-00087

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 02/11/86

05/28/88 CONVERT

Water Rights Dates and Flags Area					
Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 03/12/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 43C
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 10/18/1928				

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**

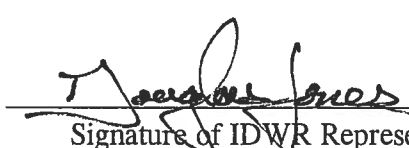
Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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

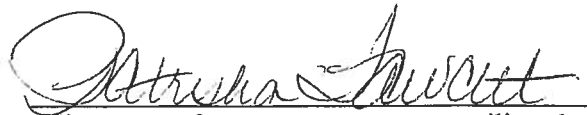


Signature of IDWR Representative

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 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	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 43-87 V1

WATER RIGHT NUMBER: 43-87 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: 04/30/1882

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	1.600 CFS	
	<u>Total Diversion:</u>	1.600 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 43-87 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: 43-87

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: 1.6 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 LOT 5 SWSWNW

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
3-15 11-15

QUANTITY
1.60 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
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