

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 43-2362

WATER RIGHT NUMBER: 43-2362

<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: 02/24/1951

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.870 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	1.890 CFS	

Location of Point(s) of Diversion

GROUND WATER	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

STOCKWATER same as IRRIGATIONConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 43-2362

Remarks:

1. General AC. IRR.=102.32.
***** 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:
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: A43-02362
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: FEB 24, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	6	SW	SW	NW	5	CASSIA

5. Description of diverting works:
120' WELL W/ 16" CASING AND 60 HP PUMP, 115 TO BOTTOM OF BOWLS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.870		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/

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

10. Place of Use: Continued

Section Acres 97.0

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:

43-00086, 43-00087

14. Remarks:

AC. IRR.=102.32.

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: LICENSE

Water Right Number: 21960

FEB 03 1999

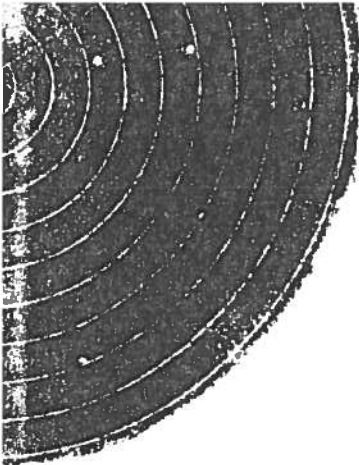
Department of Water Resources
Southern Region

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
 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) *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.



2
23.8

1559

2
20.0

3
9.7

0.8

6
93.3

T157

29

4

2

MAP DD24

T1571

T8624

2
14.0

27.6

6
44.5

3
2.3

7
14.0

5
19.9

8.0

2
3.5

4
5.6

8
16.3

12 | 7

18303

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 - 7 A 9:07

258306

CASSIA COUNTY, IDAHO
DARRELL A. ROSKELLEY
RECORDER

FEE 300 ~~STATE OF IDAHO~~

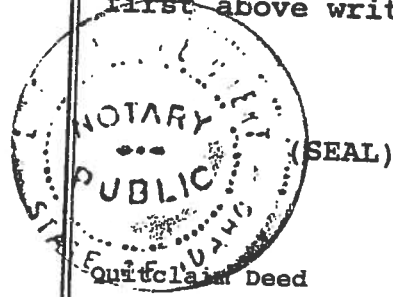
Ronald D. Harper
Ronald D. Harper

Jaylin 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.



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

258305

729145

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

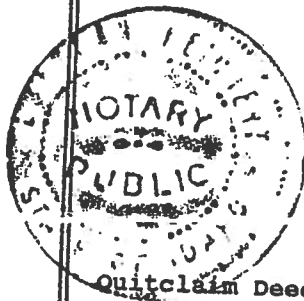
FEE 3.00 DEPUTY LM
STATE OF IDAHO

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)

Quitclaim Deed

Richard 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)

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



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,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.



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

Livingston Rev. Trust JR

R. KEITH HIGGINSON
Director

00295
00294
00087
10295
10294

00296B

A43-02362

00086

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: A43-02362
Date Received: 5/31/1989
Receipt No: MOO3768
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: FEB 24, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	6	SW	SW	NW	5	CASSIA

5. Description of diverting works:
120' WELL W/ 16" CASING AND 60 HP PUMP, 115 TO BOTTOM OF BOWLS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.870		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/

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

A43-02362

Page 1

Date: 06/20/89

MICROFILMED

MAR 03 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:
43-00086, 43-00087

14. Remarks:
AC. IRR.=102.32.

15. Basis of Claim: LICENSE
Water Right Number: 21960

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 43-02362Date Received 5-31-89Receipt Number MOB 3768

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 R. Harper Phone (208) 645-2278Mailing Address HC- 61 Box 1156 Malta Idaho Zip 833422. Date of Priority (Only one (1) per claim) 02/24/19513. Source of water supply (a) Groundwater
which is tributary to (b) _____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.GroundwaterWell is 16' casing 120 ft Deep. Cased all the way
60HP Pump - with 115 ft to bottom of the Bore.

MICROFILMED

MAR 03 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 1.890 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.890 (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 102 97

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.
A 43-00086 A 43-00087 or None ()

14. Remarks:

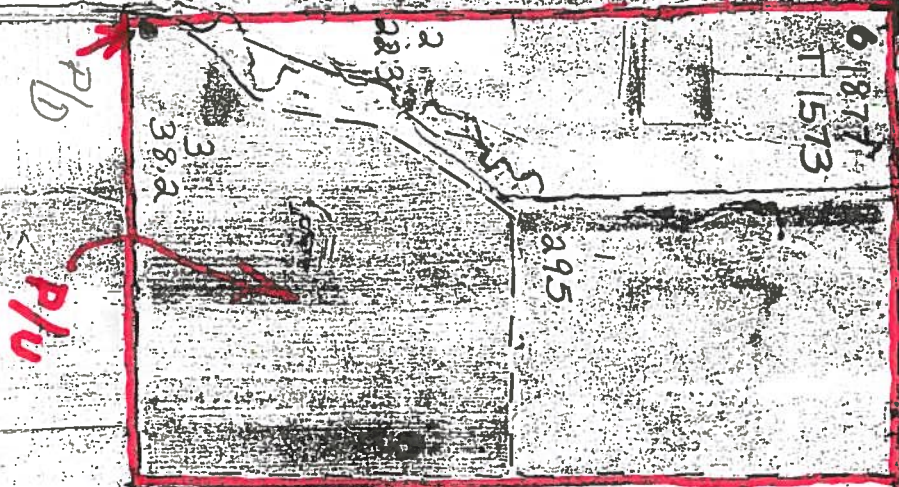
Well is used for Supplementary Water when River
water stops
The well under water right 43-02526 was
drilled nearby to replace this well
1961,

MICROFILMED

MAR 03 1993

Last Name _____ Ident No. 43-02362

Copies: White -State, Yellow-Claimant



DD-24
S-6
T-13
R-20

R 27

MICROFILMED
MAR 03 1993

DD 22

15. Basis of Claim (check one) ☐ Official Use ☐ Posted Notice ☒ License ☐ Permit ☐ Decree ~~Decree~~
If applicable provide IDWR Water Right Number 43-02362
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 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 19 89

SEAL

Notary Public Robert V. Worstell

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 03 1993

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Water Right Number -	43-02362.	Adj. Flag Translation:	Standard Water Right Number	Old (D) Number -	21960
+ - - - - Last Name -	- - - +	+ - First Name -	+ - - - - Address -	- - - - -	- - - - -

*** C - CURRENT OWNER ***
HARDER

R. J.

1 -
2 -
3 -

City- MALTA
Phone -

State- ID Zip- 83342

[illegible]

	+ - - - - Source - - - - +	+ - - - - Tributary - - - - +
	GROUNDWATER	

[illegible]

13S	27E	6	SW NW	5	(31) CASSIA
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Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
------	-------------	-------------	------------------------	----------------	------------------

01 - IRRIGATION	1.890
04 - STOCKWATER	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +	1.890
--	-------

[illegible]

13S	27E	6	NW	NW	4	01	IRRIGATION	(31)	CASSIA
13S	27E	6	NW	NW	4	01	IRRIGATION	(31)	CASSIA

+ - - Diversion Means -

+ - - Non-Irrigation Use -

[illegible]

AC. IRR.=102.32.

No Conditions of Approval found.

0000/00/00
00/00/0000

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

Water right number - 43-02362
+ - - Microfilm Rolls -
+ - - Audit Fields - 02/11/85
+ - - - - - 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	- 02/11/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 06/28/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

MICROFILMED
MAR 03 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

Case No. 39576

Subcase No. 43-86, 43-87, 43-2362

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

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

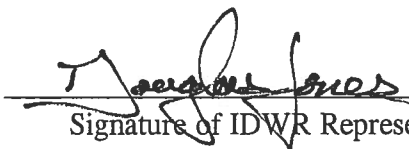
Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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

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 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	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:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

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
STOCKWATER Within CASSIA County
T13S R27E S06 Lot 4 NWNW

T13S R27E S06 Lot 5 SWNW 46.0
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 43-2362 V1

WATER RIGHT NUMBER: 43-2362 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: 02/24/1951

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.870 CFS	388.00 AF
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	1.890 CFS	388.00 AF

Location of Point(s) of Diversion

GROUND WATER 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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2362 V1

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
13S	27E	6						X	X										
								L 4	L 5										

Conditions of Approval:

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, 43-8 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: 43-2362

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

VERIFIED BY KKC

SOURCE: GROUND WATER

QUANTITY: 1.89 CFS
388 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 LOT 5 SWSWNW 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	1.87 CFS
		388.00 AFY
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>							
T13S R27E S6	LOT 4	NWNW	51	T13S R27E S6	LOT 5	SWNW	46
<u>STOCKWATER Within CASSIA County</u>							
T13S R27E S6	LOT 4	NWNW		T13S R27E S6	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, 43-87 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 - License

State of Idaho

License and Certificate of Water Right

Water License No. 21960

Amount 1.89 second feet

Water District No.

Priority February 24, 1951

THIS IS TO CERTIFY that R. J. HARPER of Malta, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 24, 1951; that Permit No. 21960 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2 second feet, was issued thereunder on May 4, 1951, showing that said works were completed on the 28th day of April, 1951; and that on the 12th day of June, 1951.

R. J. HARPER

of Malta, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of (subterranean flow), for the purpose of irrigation and stock watering, under Use Permit No. 21960 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4964, on the 8th day of August, 1952; The right hereby confirmed dates from February 24, 1951;

The Point of Diversion is located in Lot 5 in the 1/4 Sec. 6, Tp. 13 S., R. 27 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.89 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S.	27 E.	6	Lots 4 and 5 NW NW SW NW	102	102.32

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

8th day of August, 1952.

(SEAL)

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 21960

This proof is for: Beneficial use

In Water District No.

1. Name of applicant: R. J. Harper, Malta, Idaho
2. Source of water supply: Subterranean from a well
3. Location of point of diversion: Is in the S W corner Lot 5 of Section 6
T. 13 S. R. 27 E. County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: Open dug well, timbered, 6'x 8' and 30' deep. Casing- 24"x 30". Drawdown- 12', static water level 5'. Depth of pump is 27', one stage, 10" bowl, 8" column. 8" discharge pipe empties to the southeast into ditch. Forms for dividing box are installed.
Hendy pump #PO3994, Westinghouse motor #365503, 7.5 HP., 220V., 60 cycle, 42.5 amp., 1750 rpm. Westinghouse line starter. Square D switch, 100 amp., 125/250 amps. G.E. meter #26541355, 15 amp., 240 V., 3 wire, 60 cycle.
H. = .43' over 2' cip. weir. C. = 1.81 cfs. or 90 miners inches. T. = 50°F.

5. Water is used for: Irrigation and stock water.

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Lots 4 and 5, Section 6, Township 13 South, Range 27 East, B. M.

See Map

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

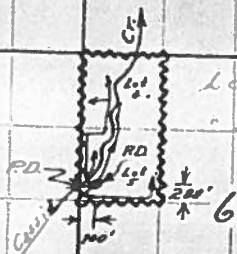
Remarks: The same ditches are used as for existing water right.

Irrigation is the principle crop.

T 135 R 27E



1.5 #30



IDAHO
CASSIA
Report ID: ASCS-156EZ

U.S. Dept. of Agriculture
Agri. Stab. & Conserv. Svc.
Abbreviated 156 Farm Record

FARM 1877

Prepared: 12/27/93

Crop Year: 94

Page: 2

No. of Tracts: 7

Current Year

TRACT NO.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	HEL	027	A027	W	CW	FW	PC	AW	HW	RW	HG	CWTE	CWNA	PCW
1307	160.0	.0	—		N	N	Y	N	N								N
IDENTIFIER			W-28 S-36 T-13 R-24														
OWNER			1 - DOUGLAS R HARPER														
1308	80.0	.0	—	N	N	N	Y	N	N								N
IDENTIFIER			W-28 S-31 T-13 R-25														
OWNER			1 - LAVERE TRACY														
1561	148.0	135.0	135.0	N	N	N	Y	N	N	—							N
IDENTIFIER			DD22 S-25 T-12 R-26														
OWNER			1 - RON HARPER														
1562	110.0	100.1	100.1	N	N	N	Y	N	N	—							N
IDENTIFIER			DD22 S-25.30 T-12 R-27														
OWNER			1 - LAVERE TRACY														
1564	80.0	75.1	75.1	Y	Y	Y	Y	N	N	—							N
IDENTIFIER			DD22 S-36 T-12 R-26														
OWNER			1 - RON HARPER														
1565	240.0	216.1	216.1	Y	Y	Y	Y	N	N	—							N
IDENTIFIER			DD22 S-36 T-12 R-26														
OWNER			1 - DOUGLAS R HARPER														
1573	102.0	90.0	90.0	N	N	N	Y	N	N	—							N
IDENTIFIER			DD24 S-6 T-13 R-27														
OWNER			1 - DOUGLAS R HARPER														

Ron Harper farms

IDAHO
CASSIA
Report ID: ASCS-156EZ

U.S. Dept. of Agriculture
Agri. Stab. & Consv. Svc.
Abbreviated 156 Farm Record

FARM 935
Prepared: 12/27/93
Crop Year: 94
Page: 1

OPERATOR: Name, Address & I D No.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	EFFECTIVE CROPLAND	FARM IDENTIFIER	STATUS
518-40-1503 S DOUGLAS R HARPER MALTA	642.0	.0		.0		ACTIVE
ID 83342 0000						

CRP: .0
IFM: N
RECON. REF. NO.: 000000
OFAV NORMAL PLANTED ACRES: .0

No. of Tracts: 1

Current Year

TRACT NO.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	HEL	027	A027	W	CW	FW	PC	AW	MW	RW	MG	CWTE	CWNA	PCW
2000	642.0	.0		N	N		N										N
IDENTIFIER																	
OWNER																	

BB20 S-16 T-12 R-26
1 - DOUGLAS R HARPER

farmed under Ron Harper