

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: **A43-10363**

Date Received: 6/ 6/1989

Receipt No: S007584

Received By: ownership change *

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

1. Name: WALTER JEAN LOVINGFOSS 208-645-2421
Address: HC 61 BOX 1020
MALTA ID 83342

AND

Name: DELIA L LOVINGFOSS 208-645-2421
Address: HC 61 BOX 1020
MALTA ID 83342

2. Date of Priority: APR 1, 1882

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	27E	31	NW	NE	SW		CASSIA
			NW	NW	SE		CASSIA

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.400		

7. Total Quantity Appropriated is:
1.400 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	Lot	Use	Acres
12S	27E	31	SW		NE		IRR	27.0
			NE		NW	3	IRR	47.0
			NW		NW	4	IRR	53.0
			SW		NW		IRR	53.0
			SE		NW		IRR	40.0
			NW		SE		IRR	40.0
Section Acres								260.0
Total Acres								260.0

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:

A4302551, 10233, 02487B, 00307, 00306A

14. Remarks:

CLAIM REPRESENTS 70 INCHES FROM 1882 JOBE ADAMS DECREE. SEE ATTACHED.

OWNERSHIP CHANGE 7/18/96, NELSON TO LOVINGFOSS. jr

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/18/1928

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS, ET AL
vs 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: _____

RECEIVED



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

JUL 17 1996

Please print or type

(see instructions on back of page)

Department of Water Resources
Southern RegionDATE OF CLOSING: 5 JULY 95

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, 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) A43-00307, A43-02487B, A43-02551
 Assigned by IDWR: A43-10233, A43-10363, A43-10364, A43-10799
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): LYLE & LOA NELSON
23946 STATE LINE RD.
PARMA, ID. 83660
- ☐ New Owner/Claimant (Purchaser): WALTER JEAN & DELIA W. 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: WARRANTY DEED
 (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 7-17-96
Delia L. Lovingfoss Date 7-17-96
- ☐ 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: 7/18/96 By: [Signature]

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

237489

RECEIVED

JUL 17 1996

WARRANTY DEED

Department of Water Resources
Southern Region

FOR VALUE RECEIVED, ^{EDWIN} E. Nelson and Loa Nelson, Trustees of the Lyle E. Nelson Family Living Trust dated March 14, 1992, whose address is H.C. 61, Box 1020, (dated March 14, 1992) Malta, Idaho 83342, the Grantor, does hereby grant, bargain, sell and convey unto Walter Jearf, 1992) Lovingfoss and Delia L. Lovingfoss, husband and wife, whose address is P.O. Box 943, Buellton, California 93427, the Grantees, the following described premises, located in Cassia County, Idaho, to wit:

The SW $\frac{1}{4}$ NE $\frac{1}{4}$; the NW $\frac{1}{4}$ SE $\frac{1}{4}$; the E $\frac{1}{2}$ NW $\frac{1}{4}$: Lots 1 and 2 all in Section 31, Township 12 South, Range 27 East Boise Meridian. Subject to an easement recorded as Instrument No. 141701 in the office of the County Recorder of the County of Cassia, State of Idaho.

Lot 2; the SE $\frac{1}{4}$ the E $\frac{1}{2}$ SW $\frac{1}{4}$; the S $\frac{1}{2}$ NE $\frac{1}{4}$; all in Section 2, Township 13 South, Range 29 East Boise Meridian. The E $\frac{1}{2}$ NE $\frac{1}{4}$; the NW $\frac{1}{4}$ NE $\frac{1}{4}$; the NE $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 11, Township 13 South, Range 29 East Boise Meridian. Subject to a deed recorded as Instrument No. 136298 in the office of the County Recorder of the County of Cassia, State of Idaho.

Lot 3 and the S $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$ all in Section 2; the N $\frac{1}{2}$ SE $\frac{1}{4}$; the SE $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 3; the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10; and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, all in Township 13 South, Range 29 East Boise Meridian.

Pro-rata interest of the Sublett Allotment Grazing Association in and to a 40 acre tract described as Lot 1, Section 2, Township 13 South, Range 29 East Boise Meridian. Right for stock water in Butler Springs located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15 and Easements on part of Section 15 and 14, Township 12 South, Range 28 East Boise Meridian.

Together with all water rights, irrigation rights, and the like which belong to or appertain in any way to the real property described above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. And the said Grantor does hereby covenant to and with the Grantees that they are the owners in fee of said premises, that said premises are free

WARRANTY DEED - 1

C:\REALEST\NELSONLY.WD

from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 3rd day of July 1995.

THE LYLE E. NELSON FAMILY ~~LIVING~~ TRUST

Lyle Edwin Nelson, Trustee
Lyle E. Nelson, Trustee

Loa Nelson, Trustee
Loa Nelson, Trustee

STATE OF IDAHO)
)ss
County of Cassia)

On this 5th day of July, 1995, before me, a Notary Public in and for said State, personally appeared Lyle E. Nelson and Loa Nelson, Trustees of the Lyle E. Nelson Family Living Trust, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same on behalf of said trust.

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

(SEAL)

Richard S. Harper
Notary Public for Idaho
Residing at: Burley, Idaho
Commission Expires: 2/20/98

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

268

NOV 15 1915

237489

600

bm

Lyle & LOA NELSON
208 E 722-6027

23 946 State Line Rd.

Parma 83660



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

July 18, 1996

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

Re: Ownership Change for Adjudication Claims #A43-00307, -02487B,
-02551, -10233,
-10363, -10364,
-10799
NELSON/LOVINGFOSS

Dear Claimant(s):

Pursuant to notification that you presently own the property in which the above referenced Adjudication Claims are appurtenant, the Department has changed the records of the current owner as you requested. Please find enclosed copies of the computer record of the claims noting the change in claimant.

Please review the records and if you have any corrections or questions, please feel free to call this office.

Sincerely,

Jeanie Robertson
Sr. Water Right Agent,
Adjudication Bureau

/jr
Enclosures

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: A43-10363
Date Received: 6/06/1989
Receipt No: S007584
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOA NELSON 208-645-2410
Address: HC. 61 BOX 1020
MALTA, ID 83342
AND/OR
Name: LYLE E. NELSON 208-645-2410
Address: HC. 61 BOX 1020
MALTA, ID 83342

2. Date of Priority: APR 01, 1882

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	27E	31	NW	NE	SW		CASSIA
			NW	NW	SE		CASSIA

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-10363

Page 1

Date: 06/06/89

COPY

MICROFILMED

MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	27E	31	SW		NE		IRR	27.0
			NE		NW	3	IRR	47.0
			NW		NW	4	IRR	53.0
			SW		NW		IRR	53.0
			SE		NW		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	260.0
							Total Acres	260.0

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:
A4302551, 10233, 02487B, 00307, 00306A

14. Remarks:
CLAIM REPRESENTS 70 INCHES FROM 1882 JOBE ADAMS DECREE. SEE ATTACHED.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 10/18/1928

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS, ET AL
Decree Defendant

vs

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): Lyle E Nelson Date: 6/6/89

Date: _____

State of Idaho)
County of OF) SS.

Subscribed and sworn (or affirmed) before me this 6 day
of June 19 89 Don White
Notary Public

Seal

Residing at TF
My Commission Expires 5/94

RECEIVED

AUG - 6 2003

Department of Water Resources

2003 AUG - 4 PM 3: 49

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

) Subcases 43-10363 and 43-13318 (late
) claims 43-00303 and 43-00304)
) (Lovingfoss)
)
) AMENDED SPECIAL MASTER
) REPORT AND RECOMMENDATION

Findings of Fact

Loa and Lyle Nelson filed a *Notice of Claim to a Water Right* under 43-10363 on June 6, 1989, claiming 1.4 cfs from the Raft River to irrigate 260 acres in Cassia County from March 15 to November 15 with a priority date of April 1, 1882, based on a decree. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43* on September 28, 2001. The Director recommended claim 43-10363 to Walter and Delia Lovingfoss, HC 61, Box 1020, Malta, Idaho 83342 as filed, but for irrigation of 249 acres within a 259 acre place of use with a priority date of April 1, 1886. The Director also noted: "This right is a combination of old right nos. 43-00303, & 43-00304."

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to place of use. The Lovingfosses and the United States filed a *Standard Form 5* on August 14, 2002, agreeing to .46 cfs and on August 15, 2002, the Special Master entered a *Special Master Report and Recommendation* recommending that claim 43-10363 be adjudicated as agreed.

However, on August 19, 2002, the Lovingfosses filed a *Motion to Alter or Amend* because they agreed to the wrong amount (cfs) which should have been 1.4 cfs instead of .46 cfs. They also filed *Motions to File Late Notices of Claims* in subcases 43-00303 and 43-00304 which were granted by Presiding Judge Roger Burdick on November 21, 2002.

IDWR filed its *Amended Director's Report, Subcase 43-10363* on May 30, 2003, recommending 43-10363 for 1.4 cfs from the Raft River to irrigate 249 acres from March 15 to November 15 with a priority date of October 19, 1928, based on beneficial use. The same date, IDWR filed its *Director's Report, Subcase Nos. 43-00303 & 43-304 (Recommended as 43-13318)* recommending that late claims 43-00303 and 43-00304 be disallowed and combined into 43-13318 for .46 cfs from Cassia Creek to irrigate 249 acres from March 15 to November 15 with a priority date of October 19, 1928, based on beneficial use.

Conclusions of Law

Walter and Delia Lovingfoss are entitled to partial decrees adjudicating water rights for claims 43-10363 and 43-13318 as recommended by IDWR and as described in the attached *Amended Special Master Recommendation for Partial Decree for Water Right 43-10363* and *Special Master Recommendation for Partial Decree for Water Right 43-13318*.

Recommendation

THEREFORE, IT IS RECOMMENDED that 43-00303 and 43-00304 **not** be decreed as water rights because they were combined and recommended as 43-13318.

DATED August 4, 2003.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-13318

2003 AUG -4 PM 3:49
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 0.46 CFS

THE RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN .02 CFS PER
ACRE. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-13237,
43-13239, 43-13241, AND 43-13318.

PRIORITY DATE: 10/19/1928

POINT OF DIVERSION: T12S R27E S31 SWSNW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.46 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T12S R27E S31	NENW 41.0
	LOT 1 (NWNW) 47.0	LOT 2 (SWNW) 49.0
	SENW 40.0	NWSE 39.0
	249.0 Acres Total	

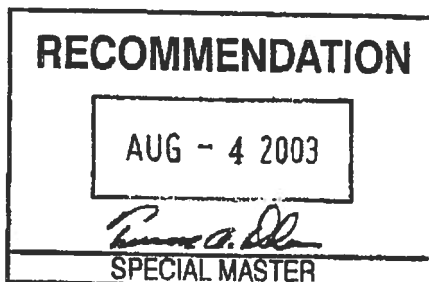
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 249 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-13237,
43-13239, 43-13241 AND 43-13318.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

AMENDED

In Re SRBA)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 43-10363

2003 AUG -4 PM 3:49

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.40 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.:
43-00307, 43-10363, 43-10799, 43-13237, 43-13239, & 43-13241 AND
43-13318.

PRIORITY DATE: 10/19/1928

POINT OF DIVERSION: T12S R27E S31 NWNESW Within Cassia County
NWNWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.40 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T12S R27E S31	SWNE 33.0 NENW 41.0
	LOT 1 (NWNW) 47.0	LOT 2 (SWNW) 49.0
	SENW 40.0	NWSE 39.0
	249.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 249 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-00307, 43-10363, 43-10799, 43-13237,
43-13239, & 43-13241 AND 43-13318.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which no motion may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

AUG - 4 2003

Roger A. Burdick
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2003 AUG -4 PM 3:49

RECEIVED
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)
_____)

CERTIFICATE OF MAILING

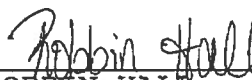
Water Right(s): 43-00303
43-00304 43-10363 43-13318

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 04, 2003, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DELIA L LOVINGFOSS
WALTER JEAN LOVINGFOSS
HC 61 BOX 1020
MALTA, ID 83342
Phone: 208-645-2421



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
08/04/03

2003 AUG -4 PM 3: 49

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

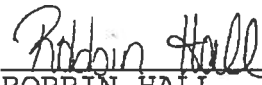
Water Right(s): 43-00303
43-00304 43-10363 43-13318

On August 04, 2003, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 04, 2003.



ROBBIN HALL
Deputy Clerk

Robertson, Jean

From: McHugh, Candice
Sent: Wednesday, July 30, 2003 11:34 AM
To: Robertson, Jean
Subject: RE: 43-10363

great. Thanks

-----Original Message-----

From: Robertson, Jean
Sent: Wednesday, July 30, 2003 11:22 AM
To: McHugh, Candice
Subject: 43-10363

Candace,

This is the deal on this one...I originally recommended it as a combination of 43-303 & 43-304 for 0.46 cfs with a 4/1/1882 priority date from Raft River, through accomplished transfer. It was claimed as 1.4 cfs from Raft River and he found some quit claim deeds in the Cassia County Courthouse that referred to 70" of Raft River water with the priority date of 1882 that started showing up on the deeds sometime in the sixties. (43-303 and -304 had not been claimed but were actually decreed to his property from Cassia Creek. There were no decrees from Raft River appurtenant to the Lovingfoss property with the 4/1/1882 claimed priority date.)

The Preliminary Director's Report showed the diversion rate of 0.46 cfs but somehow the Director's Report came out with the 1.4 cfs and a 4/1/1886 priority date, don't know how that happened?

The BLM objected to the Place of Use and we resolved that but also changed the diversion rate back to 0.46 cfs and corrected the priority date on the SF5's, so Lovingfoss refused to sign off.

Then Lovingfoss filed the late claims 43-303 and 43-304 on Cassia Creek. I recommended them from Cassia Creek for the 0.46 cfs as combined under 43-13318, but essentially made them high water beneficial use rights with a priority date of 10/19/1928, one day after the Jobe Adams decree was signed.

Then we also recognized 43-10363 for the 1.4 cfs as originally claimed from Raft River as another high water beneficial use right with the same 10/19/1928 priority date. I made a new recommendation to reflect this.

So, he now actually gets them both (43-13318 and 43-10363), but with the later priority dates.

Jeanie

7/30/2003

2003 JUN 17 PM 2:32

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 43-10363

Case No. 39576

)

) ORDER GRANTING MOTION TO

) DISMISS OBJECTION

On June 11, 2003, the United States of America filed a *Motion to Dismiss Objection* in Subcase Number 43-10363. The *Motion* states:

The United States, by and through the BLM, objected to Water Right Number 43-10363 filed by the Claimants Walter and Delia Lovingfoss. On August 19, 2002, the parties filed a Standard form 5 that resolved BLM's objection. However, the Claimants filed a Motion to Alter or Amend the Special Master's Report and Recommendation. On May 30, 2003, the Idaho Department of Water Resources field and served an Amended Director's Report for Water Right Number 43-10363 that resolved BLM's objection. Based upon the Amended Director's Report, the BLM's objection should be dismissed with prejudice.

Based upon the *Motion* of the United States, the *Amended Director's Report* filed in the above-captioned Subcase, and the record herein, and there appearing to be good cause, it is

ORDERED that the United States Department of Interior, Bureau of Land Management's objection in Subcase 43-10363 is dismissed with prejudice, and the United States is dismissed as a party.

DATED June 17, 2003



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO DISMISS OBJECTION was mailed on June 17, 2003, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DELIA L LOVINGFOSS
WALTER JEAN LOVINGFOSS
HC 61 BOX 1020
MALTA, ID 83342
Phone: 208-645-2421

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

05/30/2003

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

RIGHT NUMBER: 43-10363

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

DELIA L LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.400 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.: 43-307,
43-10363, 43-10799, 43-13237, 43-13239, 43-13241, & 43-13318.

PRIORITY DATE: 10/19/1928

POINT OF DIVERSION:

T12S R27E S31 NWNESW Within CASSIA County Source: RAFT RIVER

T12S R27E S31 NWNWSE Within CASSIA County Source: RAFT RIVER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.400 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R27E S31	SWNE	33.0	T12S R27E S31	NENW	41.0
T12S R27E S31 Lot 1	NWNW	47.0	T12S R27E S31 Lot 2	SWNW	49.0
T12S R27E S31	SENW	40.0	T12S R27E S31	NWSE	39.0

249 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 249 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-13237, 43-13239,
43-13241, & 43-13318.

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: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10363 V2

WATER RIGHT NUMBER: 43-10363 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WALTER JEAN LOVINGFOSS HC 61 BOX 1020 MALTA, ID 83342 (208)645-2421
Original Owner	LOA NELSON HC 61 BOX 1020 MALTA, ID 83342 (208)645-2410
Original Owner	LYLE E NELSON HC 61 BOX 1020 MALTA, ID 83342 (208)645-2410
Current Owner	DELIA L LOVINGFOSS HC 61 BOX 1020 MALTA, ID 83342 (208)645-2421
Original Owner	WILBER F SCHANER , ID

Priority Date: 10/19/1928

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
RAFT RIVER	SNAKE 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	1.400 CFS	
	<u>Total Diversion:</u>	1.400 CFS	

Location of Point(s) of Diversion

RAFT RIVER	NW1/4NW1/4SE1/4	Sec. 31, Twp 12S, Rge 27E, B.M.
CASSIA County		
RAFT RIVER	NW1/4NE1/4SW1/4	Sec. 31, Twp 12S, 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	
12S	27E	31			33.0		41.0	47.0	49.0	40.0							39.0		249.0
								L 1	L 2										

Total Acres: 249

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 43-10363 V2

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 249 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-13237, 43-13239, 43-13241, & 43-13318.
2. Quantity THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-13237, 43-13239, 43-13241, & 43-13318.

Comments:

1. jroberts 7/18/2002 Version 2

Comment: A new recommendation was made to resolve a BLM Objection, dropping the 10 acres in the NWNE of Section 31. 5/30/2003 - Also changes were made to the basis of claim, changing from a decreed right, which could not be proven, to a beneficial use right with the priority date of 10/19/1928, one day junior to the signing of the Jobe Adams decree. I recognized the original claimed diversion rate of 1.4 cfs with Raft River as the source.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 43B
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Memorandum

To: Candace McHugh
CC: Files 43-303, 43-304, 43-10363, *43,133/8*
From: Jeanie Robertson
Date: 5/30/2003
Re: Recommendations

I visited the Lovingfoss property yesterday and GPS'd the points where Raft River (two locations) and Cassia Creek water enter the property. The area is very braided and the channels are not well defined. They enter the ditch (or what may be considered the Raft River channel) and can flow either west, which eventually leaves the Lovingfoss property and serves other users as Raft River water, or east to a pond where it can be co-mingled and pumped on the Lovingfoss place. Water only *very occasionally* makes it to the property and the upstream users of Cassia Creek water in this area divert at a point well above this property. According to Watermaster records and conversations, this property has not been delivered Cassia Creek water in over 30 years and neither Mr. Lovingfoss, nor his predecessors, is a dues paying member of the Cassia Creek Water Users. The rights as decreed have probably been forfeited for non-use and it seems that any water in this ditch or channel may be considered return flows or wastewater from upstream users that then makes it back into the channel.

43-133/8
43-303 was decreed in the Jobe Adams Decree to this property as 0.06 cfs with a 4/1/1880 priority date and 43-304 was decreed as 0.4 cfs with a 4/1/1881 priority date. Since the rights on Cassia Creek have already been determined and allowing these rights would likely cause injury to others, I propose disallowing these two rights and recommending them as one beneficial use right for 0.46 cfs from Cassia Creek with a priority date of 10/19/1928, one day after the decree was signed. This will prevent injury yet allow water to be used if and when it makes to the Lovingfoss property.

As far as 43-10363, which claims 1.4 cfs of Raft River water with a 4/1/1882 priority date, there was no 1882 Raft River water decreed to this property. Mr. Lovingfoss obtained copies of the deeds clear back to when the place was homesteaded. In 1968 the 70 inches of 1882 Raft River water first appeared on the deeds through a quitclaim deed from Wilbur and Bernice Schaner to Floyd and Laura Bonge. I propose recommending this right as a beneficial use right from Raft River with a priority date of ~~4/5/1968~~, when the quitclaim was recorded.

*(10/19/1928)
- essentially high water claims*



Loving Foss Cassia Creek Div.
43-13318 Lat 553441
Long 137480

5/29/03



Loving Foss Ratt River Div. (West)
43-10363 Lat. 553792
Long. 137483

5/29/03



Loving Foss Ratt River Div. (East)
43-10363 Lat. 553876
137479

5/29/03

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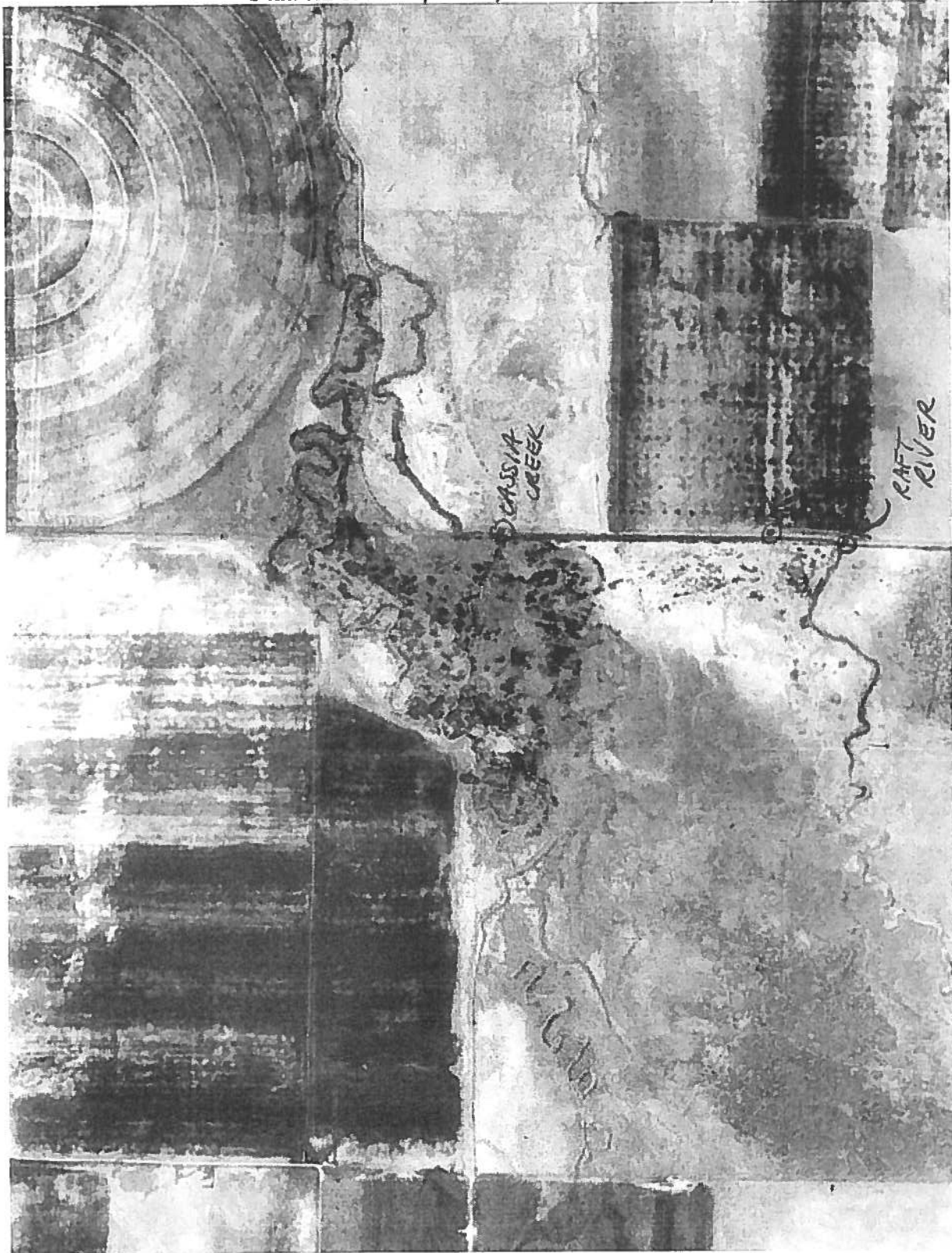
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USGS 3 km NE of Malta, Idaho, United States 24 May 1992



0 200M

0 200yd

Image courtesy of the U.S. Geological Survey
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Basin Num	Seq	Bas	Priority	Date	Divers	Source	List	Water Use	List	Owner	List
43	22	Dec	1882-05-31		3.2	RAFT RIVER		DOMESTIC, IR	CASSIA CREEK	IRRIG CO (Current)	
43	23	Dec	1882-05-31		1	RAFT RIVER		DOMESTIC, IR	CASSIA CREEK	IRRIG CO (Current)	
43	24	Dec	1882-05-31		5	RAFT RIVER		DOMESTIC, IR	CASSIA CREEK	IRRIG CO (Current)	
43	45	Dec	1882-06-01		1.7	CLEAR CREEK		IRRIGATION	ALBION IDAHO LAND CO	(Current)	
43	59	Dec	1882-04-30		0.02	CASSIA CREEK		IRRIGATION	BEECHER, CECIL	(Current)	
43	87	Dec	1882-04-30		1.6	CASSIA CREEK		IRRIGATION			
43	96	Dec	1882-04-30			QUAKING ASP SPF					
43	113	Dec	1882-04-01		0.3	CASSIA CREEK					
43	116	Dec	1882-01-02		2	CLEAR CREEK					
43	138	Dec	1882-04-30		0.36	CASSIA CREEK					
43	146	Dec	1882-04-30		0.4	CASSIA CREEK					
43	148	Dec	1882-04-30		0.8	RAFT RIVER					
43	158	Dec	1882-04-30		0.6	CASSIA CREEK					
43	161	Dec	1882-05-30		1.2	RAFT RIVER					
43	173	Dec	1882-04-01		6.4	RAFT RIVER					
43	184	Dec	1882-05-01		1.6	RAFT RIVER					
43	188	Dec	1882-03-01		1.4	RAFT RIVER					
43	189	Dec	1882-03-01		1.4	RAFT RIVER					
43	205	Dec	1882-04-30		0.4	COTTONWOOD CF					
43	218	Dec	1882-04-30		0.8	CASSIA CREEK					
43	232	Dec	1882-04-30		0.8	CASSIA CREEK					
43	237	Dec	1882-04-30		0.3	CASSIA CREEK					
43	244	Dec	1882-09-30		0.6	CASSIA CREEK					
43	247	Dec	1882-04-30		0.3	CASSIA CREEK					
43	290	Dec	1882-04-30		1.2	CASSIA CREEK					
43	327	Dec	1882-04-30		2.5	RAFT RIVER					
43	335	Dec	1882-04-30		0.78	CASSIA CREEK					
43	337	Dec	1882-04-30		0.8	RAFT RIVER					
43	342	Dec	1882-06-01		1.3	GREEN CANYON CREEK					
43	368	Dec	1882-04-15		1	CONNOR CREEK					
43	397	Dec	1882-04-30		2	ALMO CREEK					
43	398	Dec	1882-04-30		1	ALMO CREEK					
43	417	Dec	1882-04-15			SPRINGS					
43	474	Dec	1882-04-30			SPRINGS					
43	477	Dec	1882-07-31		1.5	ALMO CREEK					

Gene Ward -
 he does not have a Cession St.
 you've never del. in 13 yrs.
 he doesn't it's been del. in 30 yrs

1862
 futile call for 23"
 hasn't been used

41 dia. Gardner
 1885? Gardner m. 1881
 11? Gardner m. 1881

Deaf
 c. Knight
 ginal) .78
 ce. Jones
 - Justice
 ac. Knudsen

Spencer
 rec. Deaf

WR 43-173 = 6.4 cfs
 - 5.62
 .78 or 39" (claimed 70")

13094
 -13095

Basin	Sequence	Suffix	Basis	Status	Right ID	Priority	Dat	Rate(cfs)	Source	Water Use	Owner(s)	Version	Source Table
43	173	A	Decreed	Active	266615	1882-04-01		0.76	RAFT RIVER	IRRIGATIC	ELISON, LANO (C		wrAdjJudicationCia
43	173	A	Decreed	Active	544763	1882-04-01		0.76	RAFT RIVER	IRRIGATIC	ELISON, L	1	wrAdjJudicationRef
43	173	B	Decreed	Parent	270575	1882-04-01		0.46	RAFT RIVER	IRRIGATIC	HARPER, ALAN J		wrAdjJudicationCia
43	173	B	Decreed	Parent	544622	1882-04-01		0.38	RAFT RIVER	IRRIGATIC	HARPER, J	1	wrAdjJudicationRef
43	173	C	Decreed	Active	271858	1882-04-01		0.91	RAFT RIVER	IRRIGATIC	WARR BROTHER		wrAdjJudicationCia
43	173	C	Decreed	Active	550934	1882-04-01		0.91	RAFT RIVER	IRRIGATIC	WARR BR	1	wrAdjJudicationRef
43	173	D	Decreed	Active	273894	1882-04-01		6.4	RAFT RIVER	IRRIGATIC	HARPER, D JAY (		wrAdjJudicationCia
43	173	D	Decreed	Active	544501	1882-04-01		0.61	RAFT RIVER	IRRIGATIC	HARPER, J	1	wrAdjJudicationRef
43	173	D	Decreed	Active	271656	1882-04-01		1.4	RAFT RIVER	IRRIGATIC	LOVINGFOSS, DE		wrAdjJudicationCia
43	10363		Decreed	Active	561212	1882-04-01		0.46	RAFT RIVER	IRRIGATIC	LOVINGFOSS, DE	2	wrAdjJudicationRef
43	10380		Decreed	Active	271898	1882-04-01		0.68	RAFT RIVER	IRRIGATIC	HARPER, ALAN J		wrAdjJudicationCia
43	10380		Decreed	Active	543889	1882-04-01		0.53	RAFT RIVER	IRRIGATIC	HARPER, J	1	wrAdjJudicationRef
43	12959		Decreed	Active	550866	1882-04-01		0.91	RAFT RIVER	IRRIGATIC	WHITAKER, CLET		wrAdjJudicationCia
43	12959		Decreed	Closed	551105	1882-04-01		0.91	RAFT RIVER	IRRIGATIC	WHITAKEI	1	wrAdjJudicationRef
43	12959		Decreed	Active	562061	1882-04-01		0.91	RAFT RIVER	IRRIGATIC	WHITAKEI	2	wrAdjJudicationRef
43	13014		Decreed	Active	551723	1882-04-01		1.52	RAFT RIVER	IRRIGATIC	CHURCH OF JES		wrAdjJudicationCia
43	13014		Decreed	Active	552351	1882-04-01		1.52	RAFT RIVER	IRRIGATIC	CHURCH OF JES	1	wrAdjJudicationRef
43	13094		Decreed	Active	553555	1882-04-01		0.37	RAFT RIVER	IRRIGATIC	HARPER, ALAN J		wrAdjJudicationCia
43	13094		Decreed	Active	553553	1882-04-01		0.37	RAFT RIVER	IRRIGATIC	HARPER, J	1	wrAdjJudicationRef
43	13095		Decreed	Active	553556	1882-04-01		0.01	RAFT RIVER	IRRIGATIC	ELISON, ELMO (C		wrAdjJudicationCia
43	13095		Decreed	Active	553554	1882-04-01		0.01	RAFT RIVER	IRRIGATIC	ELISON, E	1	wrAdjJudicationRef

from 173
 from 173
 from 173
 from 173
 from 173
 from 173

5.62 cfs

1883- Mar.1

10 s.f.

To be diverted from Raft River April 1 to Oct.1 each year, for the irrigation of $SW\frac{1}{4}, W\frac{1}{2}NW\frac{1}{4}, Sec.31, S\frac{1}{2}SW\frac{1}{4}, Sec.30, Twp.13 S.R.27 E.B.M., SE\frac{1}{4}SE\frac{1}{4}, Sec.25 Twp.13 S.R.26 E.B.M., and E\frac{1}{2}NW\frac{1}{4}, Sec.6, Twp.14 S.R.27 E.B.M.$

1879- Apr.1

3.2 s.f.

To be diverted from Raft River, April 1 to Oct.1 each year, for the irrigation of $SW\frac{1}{4}SW\frac{1}{4}, Sec.29, W\frac{1}{2}NW\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}, Sec.32, Twp.14 S.R.27 E.B.M.$

International Mortgage Bank

1882-Apr.1

6.4 s.f.

To be diverted from Raft River, April 1 to Oct.1 each year, for the irrigation of $NW\frac{1}{4}$ and $N\frac{1}{2}SW\frac{1}{4}, Sec.29, S\frac{1}{2}SW\frac{1}{4}, Sec.20 Twp.14 S.R.27 E.B.M.$

1884- Apr.30

3.2 s.f.

To be diverted from Raft River, Oct.1 to Oct.15, each year, for the irrigation of $SW\frac{1}{4}SE\frac{1}{4}, SE\frac{1}{4}SW\frac{1}{4}, Sec.7, E\frac{1}{2}NW\frac{1}{4}, Sec.18, Twp.15 S.R.27 E.B.M.$

1871- Apr.1

.5 s.f.

To be diverted from Raft River, continuous flow, for the irrigation of $SE\frac{1}{4}$ and $E\frac{1}{2}NE\frac{1}{4}, Sec.31, Twp.13 S.R.27 E.B.M.$

1871- Apr.1

4.21 s.f.

To be diverted from Raft River, April 1 to July 1 each year, for the irrigation of $SE\frac{1}{4}$ and $E\frac{1}{2}NE\frac{1}{4}, Sec.31, Twp.13 S.R.27 E.B.M.$

1909-May 24

21.6 s.f.

To be diverted from Raft River for the irrigation of $N\frac{1}{2}SW\frac{1}{4}, E\frac{1}{2}NW\frac{1}{4}, Sec.20, E\frac{1}{2}SW\frac{1}{4}, E\frac{1}{2}NW\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}, Sec.17, E\frac{1}{2}SE\frac{1}{4}, Sec.18, S\frac{1}{2}SE\frac{1}{4}, NE\frac{1}{4}SE\frac{1}{4}, NE\frac{1}{4}NE\frac{1}{4}, Sec.7, SW\frac{1}{4}SE\frac{1}{4}, Sec.8, E\frac{1}{2}SW\frac{1}{4}, Sec.6 Twp.14 S.R.27 E.B.M., and $E\frac{1}{2}NW\frac{1}{4}, NE\frac{1}{4}, Sec.31, SW\frac{1}{4}NW\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}, Sec.32, Twp.13 S.R.27 E.B.M.$$

1911- Dec.12

52 s.f.

Flood waters to be diverted from Raft River and Tributaries for the irrigation of $E\frac{1}{2}NW\frac{1}{4}, Sec.18, SW\frac{1}{4}SE\frac{1}{4}, SE\frac{1}{4}SW\frac{1}{4}, Sec.7, Twp.15 S.R.27 E.B.M., NW\frac{1}{4}SW\frac{1}{4}, W\frac{1}{2}NW\frac{1}{4}, Sec.3 SW\frac{1}{4}SW\frac{1}{4} and $N\frac{1}{2}SW\frac{1}{4} and the $NW\frac{1}{4}, Sec.29, SW\frac{1}{4} and $W\frac{1}{2}NW\frac{1}{4}, Sec.20, W\frac{1}{2}SW\frac{1}{4}, W\frac{1}{2}NW\frac{1}{4}, Sec.1 W\frac{1}{2}, Sec.8, NW\frac{1}{4}SE\frac{1}{4}, S\frac{1}{2}NE\frac{1}{4}, NW\frac{1}{4}NE\frac{1}{4}, Sec.7, E\frac{1}{2} and the $E\frac{1}{2}SW\frac{1}{4}, E\frac{1}{2}NW\frac{1}{4}, Sec.6, W\frac{1}{2}, Sec.5, Twp.14 S.R.27 E.B.M., and $SW\frac{1}{4} and $W\frac{1}{2}NW\frac{1}{4}, Sec.31, S\frac{1}{2}SW\frac{1}{4}, Sec.30, Twp.13 S.R.27 E.B.M., SE\frac{1}{4}SE\frac{1}{4}, Sec.25, Twp.13 S.R.26 E.B.M.$$$$$$$

1883- Apr.29

10.1 s.f.

To be diverted from Raft River for the irrigation of $W\frac{1}{2}SE\frac{1}{4}, E\frac{1}{2}SW\frac{1}{4}, Sec.7, Twp.10 S.R.28, W\frac{1}{2}NE\frac{1}{4}, NE\frac{1}{4}SW\frac{1}{4}, NE\frac{1}{4}NW\frac{1}{4}, and Lots 3 and 4, Sec.18, Twp.10 S.R.28 E.B.M., and $S\frac{1}{2}SE\frac{1}{4}, Sec.13, Twp.10 S.R.27 E.B.M., N\frac{1}{2} and $N\frac{1}{2}NW\frac{1}{4}, Sec.24 Twp.10 S.R.27 E.B.M.$$$

Water Right Report 43-173

Loringfoss in Sec. 31
125, 27E

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 43-173

Conditions of Approval:

Remarks:

1. General SEE TRANSFERS #665 & 2505

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date: 10/18/1928
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 43B
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Jobe Adams, et al
Decree Plaintiff: Albion Idaho Land Co
Civil Case Number:
Judicial District: District Court, Southern Division
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

237489

RECEIVED

JUL 17 1996

1995

WARRANTY DEED

Department of Water Resources
Southern Region

EDWIN

FOR VALUE RECEIVED, ~~E. Nelson~~ ^{E. Nelson} and Loa Nelson, Trustees of the Lyle E. Nelson Family Living Trust dated March 14, 1992, whose address is H.C. 61, Box 1020, (dated March 14, 1992) Malta, Idaho 83342, the Grantor, does hereby grant, bargain, sell and convey unto Walter Jearp, 1992) Lovingfoss and Delia L. Lovingfoss, husband and wife, whose address is P.O. Box 943, Buellton, California 93427, the Grantees, the following described premises, located in Cassia County, Idaho, to wit:

The SW $\frac{1}{4}$ NE $\frac{1}{4}$; the NW $\frac{1}{4}$ SE $\frac{1}{4}$; the E $\frac{1}{2}$ NW $\frac{1}{4}$: Lots 1 and 2 all in Section 31, Township 12 South, Range 27 East Boise Meridian. Subject to an easement recorded as Instrument No. 141701 in the office of the County Recorder of the County of Cassia, State of Idaho.

Lot 2; the SE $\frac{1}{4}$ the E $\frac{1}{2}$ SW $\frac{1}{4}$; the S $\frac{1}{2}$ NE $\frac{1}{4}$; all in Section 2, Township 13 South, Range 29 East Boise Meridian. The E $\frac{1}{2}$ NE $\frac{1}{4}$; the NW $\frac{1}{4}$ NE $\frac{1}{4}$; the NE $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 11, Township 13 South, Range 29 East Boise Meridian. Subject to a deed recorded as Instrument No. 136298 in the office of the County Recorder of the County of Cassia, State of Idaho.

Lot 3 and the S $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$ all in Section 2; the N $\frac{1}{2}$ SE $\frac{1}{4}$; the SE $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 3; the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10; and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, all in Township 13 South, Range 29 East Boise Meridian.

Pro-rata interest of the Sublett Allotment Grazing Association in and to a 40 acre tract described as Lot 1, Section 2, Township 13 South, Range 29 East Boise Meridian. Right for stock water in Butler Springs located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15 and Easements on part of Section 15 and 14, Township 12 South, Range 28 East Boise Meridian.

Together with all water rights, irrigation rights, and the like which belong to or appertain in any way to the real property described above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. And the said Grantor does hereby covenant to and with the Grantees that they are the owners in fee of said premises, that said premises are free

WARRANTY DEED - 1

C:\REALEST\NELSONLY.WD

from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 3rd day of July 1995.

THE LYLE E. NELSON FAMILY-LIVING TRUST

Lyle Edwin Nelson, Trustee
Lyle E. Nelson, Trustee

Loa Nelson, Trustee
Loa Nelson, Trustee

STATE OF IDAHO)
)ss
County of Cassia)

On this 5th day of July, 1995, before me, a Notary Public in and for said State, personally appeared Lyle E. Nelson and Loa Nelson, Trustees of the Lyle E. Nelson Family Living Trust, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same on behalf of said trust.

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

Richard S. Harper
Notary Public for Idaho
Residing at: Burley, Idaho
Commission Expires: 2/20/98

(SEAL)

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

268

NOV 14 1915

237489

600

bm

LOVINGFOSS, Walter Jean
& LOVINGFOSS, Delia L h/w
HC 61 Box 1020
Malta, ID 83342

3434-

12527E31/200

W. Ed 83342

SWNE, NWSE, E2NW, Lots 1,2
S 31 T 12 R 27

QC

85965 from John D Matthews to Richard Blei, Vern Roberts, Larry Robert
9-26-75

117-108059 * Floyd Bonge to John D Matthews 4-4-68

117-108060 John D Matthews to Lyle Nelson 2-28-73

117-108064 R Blei, V Roberts, Larry Roberts to Lyle Nelson 9-26-75

218002 QC Lyle Nelson etux (Loa) to The Nelson Family Trust with
Lyle Edwin Nelson trustee and Loa Nelson trustee 3/06/92

237489 WD Lyle E Nelson Family Trust with Lyle E or Lyle Edwin Nelson
and Loa Nelson trustees to Walter Jean Lovingfoss, etux (Delia L)
7/03/95

A-96

~~241 476~~
~~57 442~~
~~56-370~~
1929

~~24 17674~~
~~14 9445~~
~~10 4284~~
~~Sh 59 268-69~~
~~60 642~~
~~58 3~~
~~51 51718~~

~~Sh 559~~
~~47-263~~
~~41-2342~~
~~72-2342~~
~~37-470~~

~~281 148~~
~~49 406~~
~~49 461~~

115783

This Blank Furnished by Twin Falls Title Company

CORRECTED

WARRANTY DEED

1979

For Value Received \$10.00 and other valuable consideration

JOHN D. MATTHEWS and NELDA H. MATTHEWS, Husband and Wife,

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
 LYLE NELSON and LOA NELSON, Husband and Wife,
 Sublett Route
 Malta, Idaho 83342

Hereinafter called the Grantee, the following described premises situated in Twin Falls County, Idaho,
 to-wit:

The SW $\frac{1}{4}$ NE $\frac{1}{4}$; the NW $\frac{1}{4}$ SE $\frac{1}{4}$; the E $\frac{1}{2}$ NW $\frac{1}{4}$; Lots 1 and 2 all in Section 31, Township 12 South, Range 27 East Boise Meridian. Subject to an easement recorded as Instrument No. 141701 in the office of the County Recorder of the County of Cassia, State of Idaho.

Lot 2; the SE $\frac{1}{4}$; the E $\frac{1}{2}$ SW $\frac{1}{4}$; the S $\frac{1}{2}$ NE $\frac{1}{4}$; all in Section 2, Township 13 South, Range 29 East Boise Meridian. The E $\frac{1}{2}$ NE $\frac{1}{4}$; the NW $\frac{1}{4}$ NE $\frac{1}{4}$; the NE $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 11, Township 13 South, Range 29 East Boise Meridian. Subject to a deed recorded as Instrument No. 136298 in the office of the County Recorder of the County of Cassia, State of Idaho.

Lot 3 and the S $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$ all in Section 2; the N $\frac{1}{2}$ SE $\frac{1}{4}$; the SE $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 3; the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10; and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, all in Township 13 South, Range 29 East Boise Meridian.

Pro-rata interest of the Sublett Allotment Grazing Association in and to a 40 acre tract described as Lot 1, Section 2, Township 13 South, Range 29 East Boise Meridian. Right for stock water in Butler Springs located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15 and easements on part of Section 15 and 14, Township 12 South, Range 28 East Boise Meridian.

All well permits appurtenant to the above described Tract #1 together with:

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

Dated:

John D. Matthews

Lyle Nelson

Nelda H. Matthews

Loa Nelson

STATE OF IDAHO, COUNTY OF TWIN FALLS

On this 12 day of April, 1979,
 before me, a notary public in and for said State, personally appeared

John Matthews
 Nelda Matthews
 Lyle Nelson
 Loa Nelson

known to me to be the person whose name
 subscribed to the within instrument, and acknowledged
 to me that executed the same.

Phyllis W. Kubesmith

Notary Public

Residing at Bunday

Idaho.

STATE OF IDAHO, COUNTY OF TWIN FALLS

I hereby certify that this instrument was filed for record
 at the request of

at _____ minutes past _____ o'clock m.,
 this _____ day of _____,
 1979, in my office, and duly recorded in Book _____
 of Deeds at page _____

Ex-Officio Recorder

By,

Deputy.

Fees \$

Mail to:

INSTRUMENT NO.

1341 FILMORE
 SUITE 200
 TWIN FALLS, IDAHO 83301
 83380

John Matthews *Loa Nelson*

STATE OF IDAHO, COUNTY OF TWIN FALLS On this <u>12</u> day of <u>Apr. 1</u>, 19<u>79</u>, before me, a notary public in and for said State, personally appeared <i>John Matthews</i> <i>Nelda Matthews</i> <i>Lyle Nelson</i> <i>Loa Nelson</i> known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that executed the same. <i>Sheldon W. Hulseville</i> Notary Public Residing at <i>Bunley</i>, Idaho.	STATE OF IDAHO, COUNTY OF TWIN FALLS I hereby certify that this instrument was filed for record at the request of at _____ minutes past _____ o'clock m., this _____ day of _____, 19 _____, in my office, and duly recorded in Book of Deeds at page _____ _____ Ex-Officio Recorder By _____ Deputy. Fees \$ _____ Mail to: _____
---	--

70 inches from Raft River under 1882 priority
240 inches from Raft River under 1894 priority

a subscription for 80 shares of stock in Cassia Creek Reservoir
Company.

This deed is given by the Grantors to the Grantees to correct the
description of the property received by the Grantees previously
set forth by a Warranty Deed between the same parties dated
February 28, 1973, and recorded May 26, 1978.

115783

RECORDED AT THE CLERK'S OFFICE OF
Lyle Nelson
FILM 125

APR 12 1 50 PM 1979
CASSIA COUNTY, IDAHO
CLERK'S OFFICE
PER 200-111-111-111

Lyle Nelson
Sheldon W. Hulseville
Loa Nelson

83342

1975

QUITCLAIM DEED

For Value Received

JOHN D. MATTHEWS and NELDA H. MATTHEWS, husband and wife

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

RICHARD L. BLEI and LOIS BLEI, husband and wife; VERN ROBERTS and
 VEETA ROBERTS, husband and wife; and LARRY ROBERTS, a single man,
 1751 Overland Ave., Burley, Idaho, 83318
 Hereinafter called the grantees, the following described premises, in Cassia County, Idaho
 to-wit:

PARCEL NO. 1:

TOWNSHIP 12 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
 CASSIA COUNTY, IDAHO

Section 31: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$ and Lots 1 and 2.

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 29 EAST OF THE BOISE MERIDIAN,
 CASSIA COUNTY, IDAHO

Section 2: Lot 2, SE $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{4}$ NE $\frac{1}{4}$.Section 11: E $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

PARCEL NO. 3:

TOWNSHIP 13 SOUTH, RANGE 29 EAST OF THE BOISE MERIDIAN,
 CASSIA COUNTY, IDAHO

Section 2: Lot 3, S $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{4}$ SW $\frac{1}{4}$.Section 3: N $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$.Section 10: NE $\frac{1}{4}$ NE $\frac{1}{4}$.Section 11: NW $\frac{1}{4}$ NW $\frac{1}{4}$.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the gran-
 tee's heirs and assigns forever.

Dated: September 26, 1975

John D. Matthews
 John D. Matthews

Nelda H. Matthews
 Nelda H. Matthews

STATE OF IDAHO, COUNTY OF Cassia
 On this 29 day of September 1975,
 before me, a notary public in and for said State, per-
 sonally appeared

John D. Matthews
 and
 Nelda H. Matthews

known to me to be the person s whose name s are
 subscribed to the within instrument, and acknowledged
 to me that they executed the same.

Betty Vinton
 Notary Public

Residing at

Burley

Idaho.

STATE OF IDAHO, COUNTY OF CASSIA

I hereby certify that this instrument was filed for record
 at the request of Larry Roberts

at 48 minutes past 9 o'clock P.M.,
 this 29 day of Sep.
 1975, in my office, and duly recorded in Book
 of Deeds at page 97 - 85965

FRANK B. KEARNS

Ex-Officio Recorder

By *Lena Darrell*

Deputy.

Fees \$ 1.00

Mail to: Land Title - Escrow

Instrument No.

85965

1968

Revenue Stamps

39904

QUITCLAIM DEED

FOR VALUE RECEIVED, to-wit: \$1.00 and other valuable consideration
WILBUR F. SCHANER and BERNICE R. SCHANER, husband and wife
the grantor s , do hereby remise, release and forever Quitclaim unto
FLOYD BONGE and LAURA RUTH BONGE, husband and wife,
the grantee s , the following described premises, in ...Cassia... County, Idaho, to-wit:

See Attached Exhibit "A"

the grantor s, hereby remise, release and forever Quitclaim unto the grantee s, the following described premises, to-wit: Lots 1 and 2 all in Section 31, Township 12 South, Range 27 East Boise Meridian. Subject to an easement recorded as Instrument No. 141781 in the office of the County Recorder of the County of Cassia, State of Idaho.

Lot 2; the SE $\frac{1}{4}$; the E $\frac{1}{2}$ SW $\frac{1}{4}$; the S $\frac{1}{2}$ SE $\frac{1}{4}$; all in Section 2, Township 13 South, Range 29 East Boise Meridian. The E $\frac{1}{2}$ NE $\frac{1}{4}$; the NW $\frac{1}{4}$ NE $\frac{1}{4}$; the NE $\frac{1}{4}$ NW $\frac{1}{4}$; all in Section 11, Township 13 South, Range 29 East Boise Meridian. Subject to a deed recorded as Instrument No. 136298 in the office of the County Recorder of the County of Cassia, State of Idaho.

Lot 3 and the S $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 2; the SE $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 3; the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10; and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, all in Township 13 South, Range 29 East Boise Meridian.

Pro-rata interest of the Sublette Allotment Grazing Association in and to a 40 acre tract described as Lot 1, Section 2, Township 13 South, Range 29 East Boise Meridian. Right for stock water in the ponds located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 13 South, Range 29 East Boise Meridian.

All well permits appurtenant to the Tract #1 together with:

70 inches from Raft River water right
240 inches from Raft River water right

a subscription for 80 shares of the Cassia Creek Reservoir Company

EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee S ,
hels and assigns forever.

Witness our hands this 5th of April, 1968.

Wilbur F. Schaner
Bernice K. Schaner

STATE OF IDAHO, COUNTY OF Cassia: ss.

On this 5th day of April, 1968,
before me, a notary public in and for said State, personally
appeared WILBUR F. SCHANER and BERNICE

R. SCHANER, husband and wife,

known to me to be the person S whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Kerry W. Stone
Notary Public

Residing at Burley, Idaho
Comm. Expires Sept 14- 1968

By Deanne L. Goodhead
Fees \$ 1.60
Mail to: K.S.C.
Deputy

FRANK J. KEARNS
Ex-Officio Recorder

STATE OF IDAHO, COUNTY OF Cassia
I hereby certify that this instrument was filed for
LAND TITLE AND ESCROW INC
at 5:15 minutes past 12 o'clock P. m.,
on April 8, 1968
in my office, and duly recorded in Book Line 3
of Deeds at page 243904

INSTRUMENT No. 33904

Revenue Stamps

108059

11534 (1)

1968

WARRANTY DEED

FOR VALUE RECEIVED, to-wit: \$10,000 and other valuable consideration.

FLOYD BONGE and LAURA RUTH BONGE, husband and wife,

the grantor s do hereby grant, bargain, sell and convey unto

JOHN D. MATTHEWS and NELDA MATTHEWS, husband and wife,

the grantee s, the following described premises, in Cassia County, Idaho, to-wit:

See Attached Exhibit "A".

FEB 20 1968 DEPUTY

CASSIA COUNTY IDAHO
FRANK B. KLEANS
RECORDER

MAY 26 3 50 PM '78

FILM 117

RECORDED & INDEXED

108059

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that they are the owner s in fee simple of said premises; that they are free from all incumbrances, excepting as set out above, and that they will warrant and defend the same from all lawful claims whatsoever.

Witness our hands this 4th of April 1968

Floyd Bonge
Laura Ruth Bonge

STATE OF IDAHO, COUNTY OF Cassia: ss.

On this 4th day of April 4th, 1968, before me, a notary public in and for said State, personally appeared FLOYD BONGE and LAURA RUTH BONGE, husband and wife, and JOHN D. MATTHEWS and NELDA MATTHEWS, husband and wife,

known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

Residing at
Comm. Expires

Burley

Idaho

Notary Public

Sept 14-1968

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of _____ at _____ minutes past _____ o'clock m., this _____ day of _____ 19 _____ in my office, and duly recorded in Book _____ of Deeds at page _____

Ex-Officio Recorder

Deputy.

By _____
Fee \$ _____
Mail to: _____

INSTRUMENT No.

The SW $\frac{1}{4}$ NE $\frac{1}{4}$; the NW $\frac{1}{4}$ SE $\frac{1}{4}$; the E $\frac{1}{4}$ NW $\frac{1}{4}$; Lots 1 and 2 all in Section 31, Township 12 South, Range 27 East Boise Meridian. Subject to an easement recorded as Instrument No. 141701 in the office of the County Recorder of the County of Cassia, State of Idaho.

Lot 2; the SE $\frac{1}{4}$; the E $\frac{1}{4}$ SW $\frac{1}{4}$; the S $\frac{1}{4}$ NE $\frac{1}{4}$; all in Section 2, Township 13 South, Range 29 East Boise Meridian. The E $\frac{1}{4}$ NE $\frac{1}{4}$; the NW $\frac{1}{4}$ NE $\frac{1}{4}$; the NE $\frac{1}{4}$ NW $\frac{1}{4}$; all in Section 11, Township 13 South, Range 29 East Boise Meridian. Subject to a deed recorded as Instrument No. 136298 in the office of the County Recorder of the County of Cassia, State of Idaho.

Lot 3 and the S $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 2; the N $\frac{1}{4}$ SE $\frac{1}{4}$; the SE $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 3; the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10; and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, all in Township 13 South, Range 29 East Boise Meridian.

Pro-rata interest of the Sublett Allotment Grazing Association in and to a 40 acre tract described as Lot 1, Section 2, Township 13 South, Range 29 East Boise Meridian. Right for stock water in Butler Springs located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15 and easements on part of Section 15 and 14, Township 12 South, Township 12 South, Range 28 East Boise Meridian.

All well permits appurtenant to the above described Tract #1 together with:

70 inches from Raft River under 1882 priority
240 inches from Raft River under 1894 priority

a subscription for 80 shares of stock in Cassia Creek Reservoir Company

EXHIBIT "A"

1965

SPECIAL DEED

FOR VALUE RECEIVED, to-wit: \$10.00 and other valuable consideration,

WILBUR F. SCHANER and BERNICE R. SCHANER, husband and wife,

The Grantors, do hereby grant, bargain, sell and convey unto

FLOYD BONGE and LAURA RUTH BONGE, husband and wife,

the Grantees, the following described premises in Cassia County, State of Idaho, to-wit:

The Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$); the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$); the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$); Lots One (1) and Two (2) ALL in Section Thirty-one (31), Township Twelve (12) South, Range Twenty-seven (27) East of the Boise Meridian.

Lot Two (2); the Southeast Quarter (SE $\frac{1}{4}$); the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$); the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$); ALL in Section Two (2), Township Thirteen (13) South, Range Twenty-nine (29) East of the Boise Meridian. The East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$); the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$); the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$); ALL in Section Eleven (11), Township Thirteen (13) South, Range Twenty-nine (29) East of the Boise Meridian.

Lot Three (3), the South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$), the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$), all in Section Two (2); the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), all in Section Three (3); the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) in Section Ten (10); the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) in Section Eleven (11); ALL in Township Thirteen (13) South, Range Twenty-nine (29) East of the Boise Meridian. SUBJECT TO: Mutual Life Insurance Company of New York Loan in the sum of \$52,510.00.

Pro-rata interest of the Sublett Allotment Grazing Association in and to a 40 acre tract described as Lot One (1), Section Two (2), Township Thirteen (13) South, Range Twenty-nine (29) East of the Boise Meridian.

TOGETHER WITH all our right, title and interest in and to the water of Butler Springs in Cassia County, Idaho, described as the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Fifteen (15), Township Twelve (12) South, Range Twenty-eight (29) East Boise Meridian, and a right-of-way for a stock drive way in conjunction thereto as was reserved by the Grantors, R. C. Wake and Margie E. Wake, in a Contract for Real Estate with Jess Hess, dated December 26, 1956, which said rights consist of the right to the use of the water of Butler Springs, located in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Said Section 15, for the watering of livestock owned by the said Grantors together with an easement and right-of-way from the said springs, Eastward across the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 15 and the N $\frac{1}{2}$ of the N $\frac{1}{4}$ of said Section 14, generally along the line near the bottom of Butler Spring Hollow. The said right-of-way and watering place to consist of approximately

40 acres and the Sellers to construct and maintain adequate fences along the right-of-way and surrounding the watering trough. It is agreed that all water not necessary for the watering of the Sellers livestock will be permitted to overflow the water trough and to be used by the Purchaser.

EXCEPTING and reserving unto the Grantors herein, all their right, title and interest accrued and accruing under a certain Contract for Real Estate dated the 10th day of March, 1965, by and between Mylo L. Peterson and Marjorie W. Peterson, husband and wife, as Sellers, and the Grantors herein as one of the Purchasers, with full rights to perform said Contract for Real Estate as one of the Purchasers and also EXCEPTING and reserving all rights accruing under a Joint Venture Agreement dated the 29th day of March, 1965, by and between the parties to this Deed.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises, that they are free from all incumbrances, excepting as set out above, and that they will warrant and defend the same from all lawful claims whatsoever.

WITNESS our hands this 15th day of December, 1965.

Wilbur F. Schaner
WILBUR F. SCHANER

Bernice R. Schaner
BERNICE R. SCHANER

STATE OF IDAHO)
 : ss
County of Cassia)

On this 15th day of December, 1965, before me a Notary Public in and for said State, personally appeared WILBUR F. SCHANER and BERNICE R. SCHANER, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Herman E. Bedke
HERMAN E. BEDKE, Notary Public
Residing at Burley, Idaho
Commission Expires: 6/13/69

(SEAL)

State of Idaho)
County of Cassia ss.

I hereby certify that this instrument was filed for record at the office of
LAND TITLE AND ESCROW, INC.

at 4:49 o'clock
P.M. on the 16th day of December
A.D. 1965 in my office duly
recorded on Film No. 27312
as Inst. No. 27312

FRANK B. KEARNS

Fees:

27311
27311

1965 4

WARRANTY DEED

FOR VALUE RECEIVED, to-wit: \$10.00 and other valuable consideration,
MYLO L. PETERSON and MARJORIE W. PETERSON, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto

FLOYD BONGE and LAURA RUTH BONGE, husband and wife, and WILBUR F. SCHANER and BERNICE R. SCHANER, husband and wife,

the grantees, the following described premises, in Cassia County, State of Idaho, to-wit:

The Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$); the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$); the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$); Lots One (1) and Two (2) ALL in Section Thirty-one (31), Township Twelve (12) South, Range Twenty-seven (27) East of the Boise Meridian.

Lot Two (2); the Southeast Quarter (SE $\frac{1}{4}$); the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$); the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$); ALL in Section Two (2), Township Thirteen (13) South, Range Twenty-nine (29) East of the Boise Meridian. The East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$); the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$); the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$); ALL in Section Eleven (11), Township Thirteen (13) South, Range Twenty-nine (29) East of the Boise Meridian.

Lot Three (3), the South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$), the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$), all in Section Two (2); the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), all in Section Three (3); the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) in Section Ten (10); the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) in Section Eleven (11); ALL in Township Thirteen (13) South, Range Twenty-nine (29) East of the Boise Meridian. SUB. To Mutual Life Ins. Co of N.Y. Loan \$52,510.00.

Pro-rata interest of the Sublett Allotment Grazing Association in and to a 40 acres tract described as Lot One (1), Section Two (2), Township Thirteen (13) South, Range twenty-nine (29) East of the Boise Meridian.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that they are free from all incumbrances, excepting as set out above, and that they will warrant and defend the same from all lawful claims whatsoever.

Witness our hands this 12 day of April, 1965.

Mylo L. Peterson
Marjorie W. Peterson



STATE OF IDAHO)

: 58

County of Cassia)

On this 1st day of April, 1965, before me, a Notary Public in and for said State, personally appeared MYLO L. PETERSON and MARJORIE W. PETERSON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Herman E. Becky
Notary Public for Idaho
Residing at Burley, Idaho

(SEAL)

Date of Birth)

County of Carroll, ss.

I hereby certify that this instrument was
filed for record on or about _____ of _____

AND TITLE AND ESCROW, INC

at 41 minutes 5/1 o'clock

...P.M. the 14th day of December

A.D., 1965 in p.m. . . . daily

recorded in film No. 37.

as Inst. No. 27311 .

FRANK B. KEARNS.....

Foes: Ex-Officio Director

By Wm. H. Searles

\$ 1.00 by J. L. L. C., Deputy

WARRANTY DEED

FOR VALUE RECEIVED, to-wit: \$10.00 and other valuable consideration,
R. C. WAKE and MARGIE E. WAKE, husband and wife,

the grantors do hereby grant, bargain, sell and convey unto

MYLO L. PETERSON and MARJORIE W. PETERSON, husband and wife,

the grantees, the following described premises in Cassia County,
State of Idaho, to-wit:

An undivided one-half ($\frac{1}{2}$) interest in and to the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$); the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$); the East Half of the Northwest Quarter ($E\frac{1}{2}NW\frac{1}{4}$); Lots One (1) and Two (2); ALL in Section Thirty-one (31), Township Twelve (12) South, Range Twenty-seven (27) East of the Boise Meridian, and

Lot Two (2); the Southeast Quarter ($SE\frac{1}{4}$); the East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$); the South Half of the Northeast Quarter ($S\frac{1}{2}NE\frac{1}{4}$); ALL in Section Two (2), Township Thirteen (13) South, Range Twenty-nine (29) East of the Boise Meridian. The East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$); the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$); the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$); ALL in Section Eleven (11), Township Thirteen (13) South, Range Twenty-nine (29) East of the Boise Meridian, and

Lot Three (3), The South Half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$); the West Half of the Southwest Quarter ($W\frac{1}{2}SW\frac{1}{4}$), all in Section Two (2); the North Half of the Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$), the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$), all in Section Three (3), the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$) in Section Ten (10); the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$) in Section Eleven (11), ALL in Township Thirteen (13) South, Range Twenty-nine (29) East of the Boise Meridian, SUB. To Mutual Life Ins. Co of N.Y. Loan \$52,510.00

Pro-rata interest of the Sublett Allotment Grazing Association in and to a 40 acre tract described as Lot One (1), Section Two (2), Township Thirteen (13) South, Range Twenty-nine (29) East of the Boise Meridian.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances, excepting as set out above, and that they will warrant and defend the same from all lawful claims whatsoever.

Witness our hands this 1 day of April, 1965.

R. C. Wake
Margie E. Wake



STATE OF IDAHO)
 : ss
County of Cassia)

On this 1 day of April, 1965, before me, a Notary Public in and for said State, personally appeared R. C. WAKE and MARGIE E. WAKE, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

W. J. Moore
Notary Public for Idaho
Residing at Burley, Idaho

(SEAL)

State of Idaho
County of Cassia
This instrument was
filed for record in the
LAND TITLE AND ESCROW DEPT.
at 1:17 PM on April 17, 1965
at Burley, Idaho
2-310
FRANK B. KEARNS
Deputy
Fees: \$1.80 By James H. Crossland
Deputy

Jeannette Y. Chamberlain
Treasurer and ex-Officio Tax Collector
for Cassia County, Idaho.

Filed for record at request of County Treasurer at 11:10 A.M. on Jan. 10, 1956.

Fees: \$2.75

Frank B. Kearns, County Recorder

1956
#192264
WARRANTY DEED

1957
(\$59.40 Revenue Stamps Attached)

THIS INDENTURE, Made this 4th day of January, 1957, between JACOB KIRK PEARSON and RUTH MARIE DUGE PEARSON, husband and wife, of Santa Monica, County of Los Angeles, State of California, the parties of the first part and ROBERT C. WAKE and MARJIE E. WAKE, husband and wife, of Malta, County of Cassia, State of Idaho, the parties of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten and no/100 Dollars, lawful money of the United States of America and other valuable consideration, to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, and by these presents, do grant, bargain, sell, and convey and confirm unto the said parties of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in the County of Cassia, State of Idaho, to-wit:

Southwest quarter of the Northeast quarter, Northwest quarter of the Southeast quarter, East half of the Northwest quarter, Lots 6 and Two in Section 31, Township 12, South, Range 27, East Boise Meridian, with all improvements thereon, together with the following water rights, to-wit:

- .06 sec. ft. to be diverted from Cassia Creek with date of priority of April 1, 1880;
- .4 sec. ft. to be diverted from Cassia Creek with date of priority of April 1, 1881;
- 1.54 sec. ft. to be diverted from Raft River with date of priority of April 1, 1894;
- 2.3 sec. ft. to be diverted from Raft River with date of priority of April 1, 1886;
- .9 sec. ft. to be diverted from Raft River with date of priority of April 1, 1894;

Part of the Northwest quarter of the Northeast quarter, and the Northeast quarter of the Northwest quarter of Section 6, Township 13 South, Range 27, East of the Boise Meridian, described as: Beginning at the Northwest corner of the Northwest quarter of the Northeast quarter of said Section 6; thence South 80 feet; thence East 50 feet; thence North 80 feet; thence West 50 feet to the point of beginning. And beginning at the Northeast corner of the Northeast quarter of the Northwest quarter of said Section 6; thence South 80 feet; thence West 32 feet; thence Northwesterly 108 feet to a point 106 feet West of the point of beginning, thence East 106 feet to the point of beginning.

Southwest quarter of the Northeast quarter, Southeast quarter of the Northwest quarter, East half of the Southwest quarter, Southwest quarter of the Southwest quarter, West half of the Southeast quarter of Section 11, North half of the Northeast quarter, and North half of the Northwest quarter of Section 14; Northeast quarter of the Northeast Quarter, West Half of the Southeast quarter, West half of the Northeast quarter, and

CASSIA COUNTY, IDAHO

#174345

WARRANTY DEED

(\$27.50 Revenue Stamps Attached)

THIS INDENTURE, Made this 5th day of December, in the year of our Lord one thousand nine hundred and fifty-one JOHN G. POWERS and ALICE L. POWERS, husband and wife, of Salt Lake City, County of Salt Lake, State of Utah the parties of the first part, and JACOB KIRK PEARSON, (whose wife's name is Ruth Marie Dugen Pearson), of Santa Monica, County of Los Angeles, State of California the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

SIXTY-FIVE THOUSAND AND NO/100 DOLLARS
lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey, and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in the County of Cassia, State of Idaho, to-wit: Southwest quarter of the Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Northwest quarter of the Southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), East half of the Northwest quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$), and Lots One (1) and Two (2) in Section Thirty-one (31), Township Twelve (12) South, Range Twenty-seven (27), East of the Boise Meridian, and all improvements thereon, together with the following water rights: .06 sec. ft. to be diverted from Cassia Creek with date of priority of April 1, 1881; .4 sec. ft. to be diverted from Raft River with date of priority of April 1, 1881; 1.54 sec. ft. to be diverted from Raft River with date of priority of April 1, 1884; 2.3 sec. ft. to be diverted from Raft River with date of priority of April 1, 1886; .9 sec. ft. to be diverted from Raft River with date of priority of April 1, 1894.
Southwest quarter of the Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), East half of the Southwest quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), and West half of the Southeast quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Eleven (11); North half of the Northeast quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$), and Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Fourteen (14); Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), West half of the Southeast quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$), West half of the Northeast quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) and Southwest quarter (SW $\frac{1}{4}$) of Section Fifteen (15), all in Township Twelve (12) South, Range Twenty-eight (28), East of the Boise Meridian.

This deed is made subject to all taxes, levies and assessments taxed, levied or assessed against the said premises for the year 1948 and all years subsequent thereto and any clouds, liens or encumbrances caused or placed against the said premises by the party of the second part. It is further made subject to all rights of way and easements over, upon and across the same.

This deed is executed pursuant to the terms of a contract between the parties hereto bearing date the 24th day of March, 1948.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

the appurtenances, unto the said party of the second part, and to her heirs and assigns forever, as her sole and separate property, and the rents, issues and profits thereof, shall be applied to her sole and separate use and benefit. And the said party of the first part and her heirs, the said premises in the quiet and peaceable possession of the said party of the second part, her heirs and assigns, against the said party of the first part and her heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

This deed is made subject to all the terms, conditions and limitations of the Act of Congress of June 17, 1902 (32 Stat. 388) and all acts amendatory thereof or supplementary thereto, and any and all taxes, levies and assessments, construction charges, operation and maintenance charges, taxed, levied or assessed against said premises, that have not been paid.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

Witnesses to the Mark of
Carrie Danielson
O. F. Tandy
A. V. Larter
State of Idaho) (ss
County of Bonneville)

Her
CARRIE (X) DANIELSON (SEAL)
Mark

On this 14 day of January, 1939, before me, O. F. Tandy a Notary Public, in and for said State personally appeared Carrie Danielson, a widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

(NOTARIAL SEAL)

O. F. Tandy Notary Public
Residence IDAHO FALLS, IDAHO

Filed for record at request of Mrs. J. E. Burton at 10:45 A. M., Feb. 10, 1939.

Fee: \$1.20.

George E. Booth, Jr., County Recorder.

COMPARED

#130221

(No revenue stamps attached)

DEED

THIS INDENTURE, Made this 14th day of October, in the year of our Lord one thousand nine hundred thirty-eight between Fred Schodde and Anna Schodde, his wife; Frank Schodde and Verna Schodde, his wife, and George Schodde, who was at the time he acquired title to the property hereinafter described, and now is a divorced man, all of Burley, County of Cassia, State of Idaho, parties of the first part, and John G. Powers, of Burley, County of Cassia, State of Idaho, party of the second part.

WITNESSETH, That the said parties of the first part for and in consideration of the sum

✓ #24836

ADMINISTRATOR'S DEED.

1916

THIS INDENTURE, Made on the 3rd day of February, 1916, between George H. Schodde as the duly appointed, qualified and acting administrator of the estate of James M. Darby, deceased, late of Malta, Idaho, the party of the first part, and Mrs. Minnie Schodde of Heyburn, Idaho, the party of the second part,

WITNESSETH, That, whereas, on the 11th day of October 1915, the Probate Court of the County of Cassia, State of Idaho, made an order of sale authorizing the said party of the first part to sell certain real estate of the said James M. Darby, deceased, situate in the County of Cassia, State of Idaho, and particularly described in said order of sale, which said order is now on file and of record in the said Probate Court, and is hereby referred to for greater certainty.

And whereas, under and by virtue of said order of sale, and pursuant to legal notices given therefor, the said party of the first part, on the 1st day of November 1915, at the time and place and in the manner specified in said notices, did offer for sale and sell, subject to confirmation of the said Court, to the party of the second part, the said real estate hereinafter particularly described for the sum of \$6500.00, she being the highest and best bidder, and that being the highest and best sum bid.

And whereas the said Probate Court, upon due and legal return of the proceedings under the said order of sale, made by the said party of the first part on the 7th day of January 1916, and after due notice of hearing on said return given, did on the 31st day of January 1916, make an order decreeing said sale to be valid and confirming said sale, and directing a conveyance to be executed to the said party of the second part, a certified copy of which order of confirmation was recorded in the office of the County Recorder of Cassia County, State of Idaho, within which said County the

Final Receiver's Receipt -
Application No 1441 Depard
(11-140)

Instead

Received of James H. Dady the sum of six Dollars - containing the balance of payment required by law for the entry of N.E. & N.W. 1/4 of section 31 in Township 12. S. of Range 27. S. Containing 140.58 acres under section 2291 of the Revised Statutes of the United States

H. O. Sackelager

Lincoln

Received

pening 1/24
(94 cr - 50 M.) Filed for Record - The request of
James M. Dwyer at 4 P.M. February 8th / 89
Dwyer Recorded same day M.L. Brown
Co Recorder

Chas. G. Robinson and Wife And Andrew Friedman

Charles W. Eliot

Charles W. Elliott
This Undertaker Made The 17th day of February in the
year of Our Lord one thousand eight hundred and Ninety Between
Miles of Robinson and Mary C. Robinson ^{her husband} and Wife and Andrew
D. C. W. S. H. Undertaker and Servitors of Idaho the

The United States of America

stand and 95 }
 location 441 } Whereas there has deposited in the General Land Office
 of the United States a Certificate of the Register of the Land Office
 of the United States Secretary of the Interior that pursuant
 to the Act of Congress approved 21st May 1862 to secure Homesteads
 to actual settlers on the Public domain and the acts Supplemental
 thereto the claim of James M. Darby has been established and
 duly consummated in conformity to law for the North East quarter
 of the North West quarter and the lots numbers 1 and two of sec
 tion thirty one in Township twelve South of Range twenty seven
 East of Boise Meridian in Idaho Territory containing one hundred
 and forty acres and fifty eight hundredths of an acre according
 to the official plat of the survey of the land returned to the General
 Land Office by the Surveyor General. Now know ye that there is
 thereupon granted by the United States unto the said James M. Darby
 the tract of land above described to have and to hold the said
 tract of land with the appurtenances thereof unto the said
 James M. Darby and to his heirs and assigns forever subject
 to any vested and accrued Water Rights for Mining Agricultural
 Manufacturing or other purposes and Rights to ditches and Reservoirs
 used in connection with such Water Rights as may be recognized

the appurtenances, unto the said party of the second part, and to her heirs and assigns forever, as her sole and separate property, and the rents, issues and profits thereof, first shall be applied to her sole and separate use and benefit. And the said party of the first part and her heirs, the said premises in the quiet and peaceable possession of the said party of the second part, her heirs and assigns, against the said party of the first part and her heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

This deed is made subject to all the terms, conditions and limitations of the Act of Congress of June 17, 1902 (32 Stat. 388) and all acts amendatory thereof or supplementary thereto, and any and all taxes, levies and assessments, construction charges, operation and maintenance charges, taxed, levied or assessed against said premises, that have not been paid.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

Witnesses to the Mark of
Carrie Danielson

Her
CARRIE (X) DANIELSON (SEAL)
Mark

O. F. Tandy

A. V. Larter

State of Idaho)
County of Bonneville) ss

On this 14 day of January, 1939, before me, O. F. Tandy a Notary Public, in and for said State personally appeared Carrie Danielson, a widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

(NOTARIAL SEAL)

O. F. Tandy Notary Public
Residence IDAHO FALLS, IDAHO

Filed for record at request of Mrs. J. E. Burton at 10:45 A. M., Feb. 10, 1939.

Fee: \$1.20.

George E. Booth, Jr., County Recorder.

COMPARED

#130221

(No revenue stamps attached)

DEED

THIS INDENTURE, Made this 14th day of October, in the year of our Lord one thousand nine hundred thirty-eight between Fred Schodde and Anna Schodde, his wife; Frank Schodde and Verna Schodde, his wife, and George Schodde, who was at the time he acquired title to the property hereinafter described, and now is a divorced man, all of Burley, County of Cassia, State of Idaho, parties of the first part, and John G. Powers, of Burley, County of Cassia, State of Idaho, party of the second part.

WITNESSETH, That the said parties of the first part for and in consideration of the sum of one dollar, lawful money of the United States of America to them in hand paid by the

State of Idaho,
County of Minidoka. ss.

On this 14th day of October, 1938, before me, H. B. Redford, a Notary Public in and for said state personally appeared Fred Schodde and Anna Schodde, husband and wife, Frank Schodde and Mrs. Verna Schodde, husband and wife, known 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.

(NOTARIAL SEAL)

H. B. Redford
Notary Public for Idaho,
Residing at Rupert, Idaho.

My Comm. expires Feb. 9, 1942.

State of Idaho)
County of Cassia (ss

On this 24th day of December, 1938, before me, S. T. Lowe, a Notary Public, in and for said State personally appeared George Schodde, a divorced man, known to me to be one of the persons whose names are subscribed to the within instrument, and acknowledged to me that he 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.

(NOTARIAL SEAL)

S. T. Lowe
Notary Public, residing at Burley, Idaho.

Filed for record at request of S. T. Lowe at 4:01 P. M., Feb. 10, 1939.

Fee: \$1.40.

George E. Booth, Jr., County Recorder.

#130222

DEED--PROBATE SALE.
(\$4.50 revenue stamps attached)

THIS INDENTURE, Made the 17 day of October, nineteen hundred thirty-eight, at Burley County of Cassia, State of Idaho, by and between Thomas W. Schodde and Lottie L. Schodde, the duly appointed, qualified and acting executor and executrix of the estate of Minnie Schodde, deceased, pursuant to appointment by the Probate Court of Cassia County, State of Idaho, the parties of the first part, and John G. Powers, of Burley, Cassia County, State of Idaho, the party of the second part, WITNESSETH:

THAT, WHEREAS, Under and by virtue of the Statutes of the State of Idaho, and pursuant to legal notice given thereof, the said parties of the first part, on the day nineteen hundred thirty-eight sold, subject to confirmation of said Probate Court, the said real estate, situated in the said County of Cassia, and specified and described in said notice of sale as aforesaid, and at such sale the said part of the second part became the purchaser of the said real estate hereinafter particularly described for the sum of Forty-five Hundred and no/100 DOLLARS, lawful money of the United States, he being the highest and best bidder, and that being the highest and best sum bid.

AND WHEREAS, the Said Probate Court, upon the due and legal return of said sale thereafter filed by the said parties of the first part; did, on the 17 day of October, nineteen hundred thirty-eight make an order confirming said sale, and directing conveyance to be executed to the said parties of the second part; a certified copy of which order of confirmation was recorded in the office of the County Recorder of said County of Cassia, within which the said land sold is situated, on the 17 day of October, nineteen hundred thirty-eight in volume 12 of Misc., at pages 172-173 and which order of confirmation now of record in said Recorder's office is hereby referred to and made a part of this Indenture.

NOW, THEREFORE, the said parties of the first part, pursuant to said order of confirmation, for and in consideration of the said sum of Forty-five Hundred DOLLARS, lawful money of the United States, to them in hand paid by the said party of the second part, receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell

07/18/2002

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

RIGHT NUMBER: 43-10363

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

DELIA L LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.46 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, ~~43-2487B~~ 43-13237, ~~43-2551~~ 43-13239, & ~~43-10233~~ 43-13241.

PRIORITY DATE: 04/01/1882

POINT OF DIVERSION:

T12S R27E S31 NWNESW Within CASSIA County

T12S R27E S31 NWNWSE 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	0.460 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R27E S31	SWNE	33.0	T12S R27E S31	NENW	41.0
T12S R27E S31 Lot 1	NWNW	47.0	T12S R27E S31 Lot 2	SWNW	49.0
T12S R27E S31	SENE	40.0	T12S R27E S31	NWSE	39.0
~~T12S R27E S31~~	~~NWNE~~	~~10.0~~			

~~259~~ 249 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~259~~ 249 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, ~~43-2487B~~ 43-13237, ~~43-2551~~ 43-13239, & ~~43-10233~~ 43-13241.

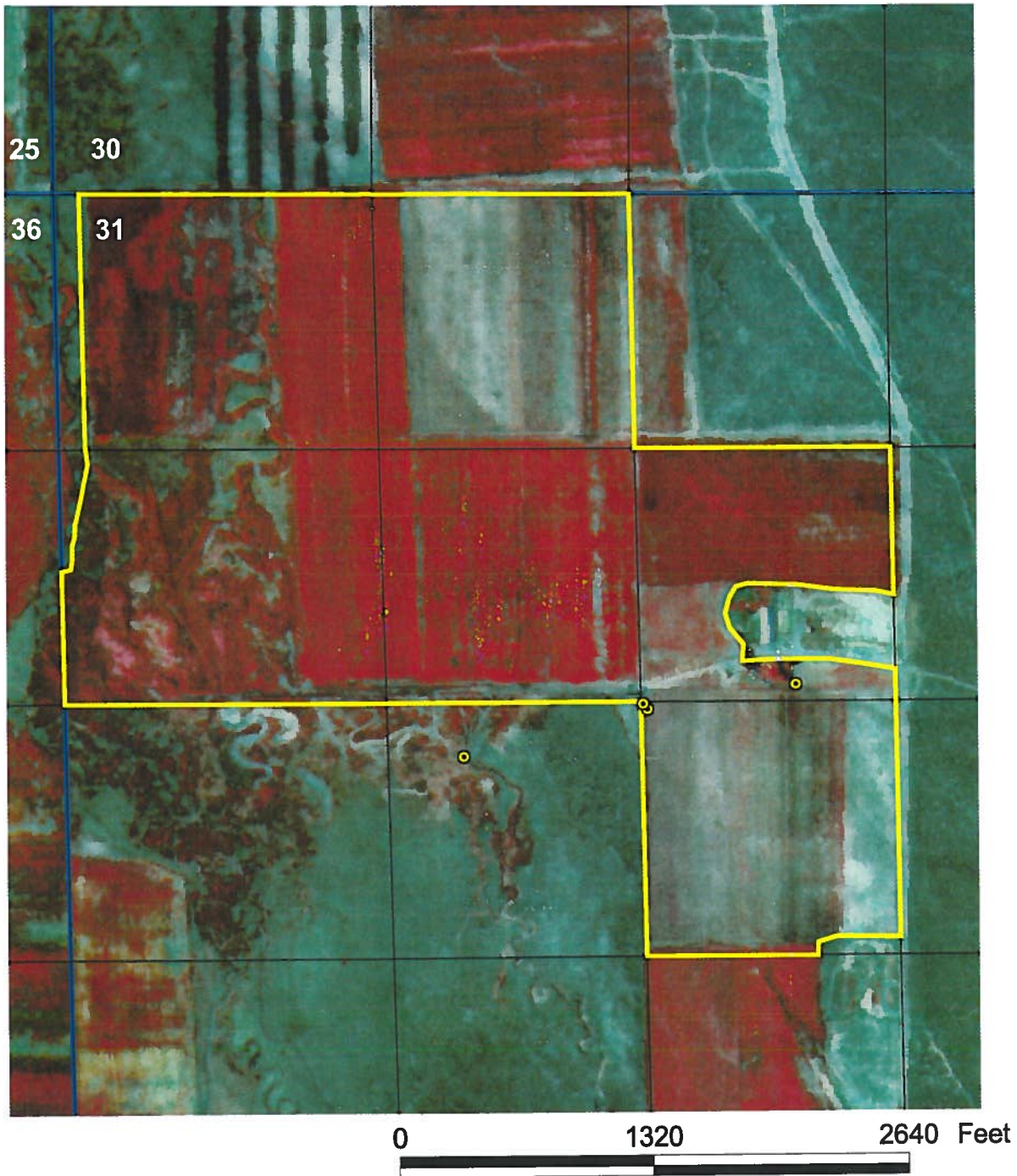
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-303, & 43-304.

43-307, 43-10363, 43-10799, 43-13237, 43-13239, & 43-13241



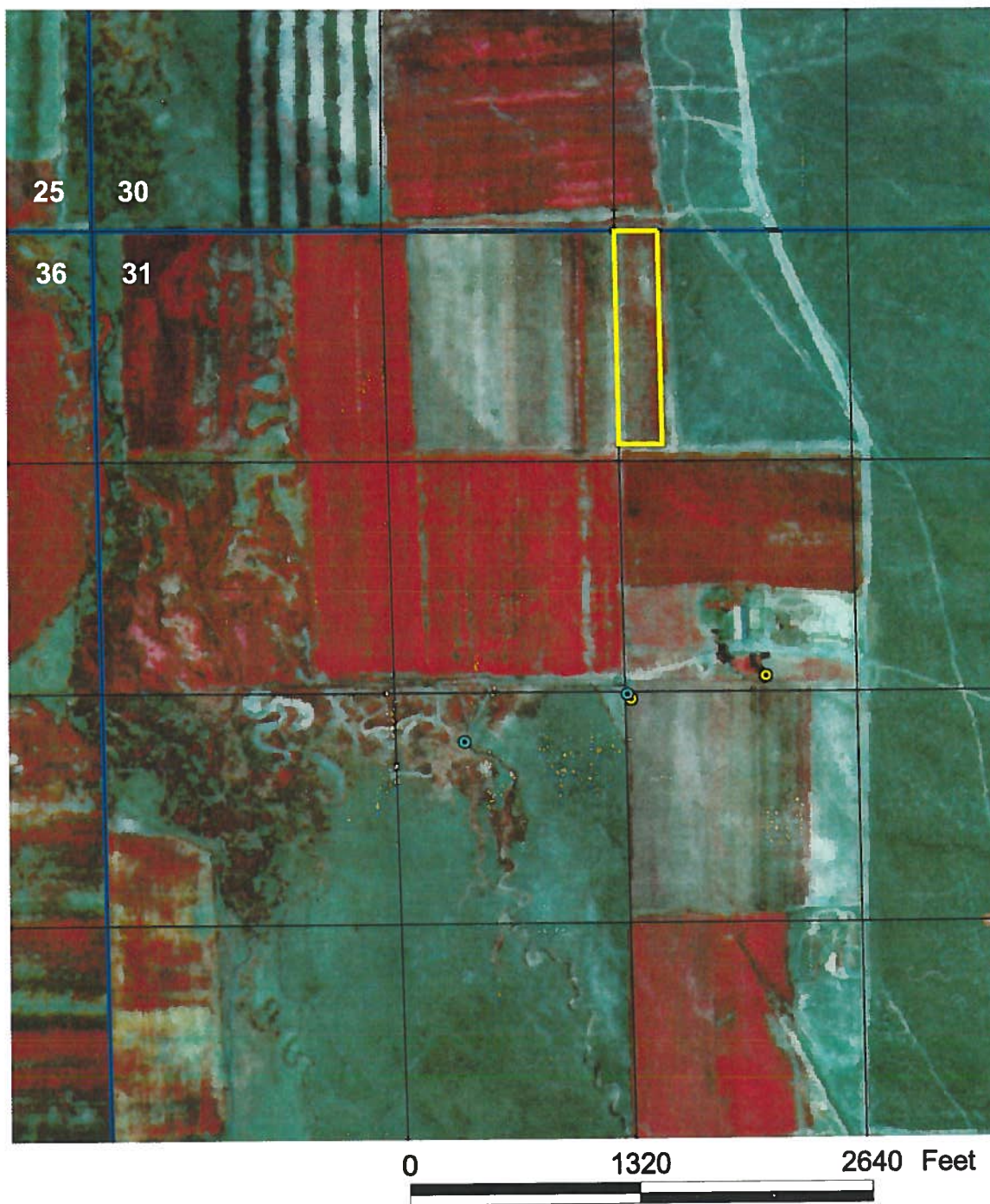
RECOMMENDED PLACE OF USE
DATA ENTRY ON JULY 18, 2002
TWP 12S, RNG 27E, SEC. 31



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

43-13238, 43-13240 & 43-13242



RECOMMENDED PLACE OF USE
DATA ENTRY ON JULY 18, 2002
TWP 12S, RNG 27E, SEC. 31



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

VERIFIED BY *[Signature]* 11/20/2000

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

11/20/2000

RIGHT NUMBER: 43-10363

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.46 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.: 43-
00307, 43-024878, 43-02551, 43-10233, 43-10363, & 43-10799.
-13237 -13239 -13241

PRIORITY DATE: 04/01/1882

POINT OF DIVERSION: T12S R27E S31 NWNESW Within CASSIA County
T12S R27E S31 NWNWSE Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	0.46 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u> <i>delete</i>			
~~T12S R27E S31~~	~~NWNE~~	~~40~~	
T12S R27E S31	NENW	41	T12S R27E S31 SWNE 33
T12S R27E S31 LOT 2	SNNW	49	T12S R27E S31 LOT 1 NWNW 47
T12S R27E S31	NWSE	39	T12S R27E S31 SENW 40
259 ACRES TOTAL			

249
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF ~~259~~ *249* ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-00307, 43-024878, 43-02551, 43-10233,
43-10363, & 43-10799. *-13237 -13239 -13241*

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 249 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO
CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-00303, &
43-00304.

07/24/2002

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

RIGHT NUMBER: 43-10363
NAME AND ADDRESS: WALTER JEAN LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

DELIA L LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 0.46 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-13237, 43-13239, & 43-13241.

PRIORITY DATE: 04/01/1882

POINT OF DIVERSION:

T12S R27E S31 NWNESW Within CASSIA County
T12S R27E S31 NWNWSE 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	0.460 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R27E S31	SWNE	33.0	T12S R27E S31	NENW	41.0
T12S R27E S31 Lot 1	NWNW	47.0	T12S R27E S31 Lot 2	SWNW	49.0
T12S R27E S31	SENE	40.0	T12S R27E S31	NWSE	39.0

249 ACRES TOTAL

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

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: Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-303, & 43-304.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10363 V2

WATER RIGHT NUMBER: 43-10363 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WALTER JEAN LOVINGFOSS HC 61 BOX 1020 MALTA, ID 83342 (208)645-2421
Original Owner	LOA NELSON HC 61 BOX 1020 MALTA, ID 83342 (208)645-2410
Original Owner	LYLE E NELSON HC 61 BOX 1020 MALTA, ID 83342 (208)645-2410
Current Owner	DELIA L LOVINGFOSS HC 61 BOX 1020 MALTA, ID 83342 (208)645-2421
Original Owner	WILBER F SCHANER , ID

Priority Date: 04/01/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RAFT RIVER	SNAKE 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	0.460 CFS	
	<u>Total Diversion:</u>	0.460 CFS	

Location of Point(s) of Diversion

RAFT RIVER	NW1/4NW1/4SE1/4	Sec. 31, Twp 12S, Rge 27E, B.M.
CASSIA County		
RAFT RIVER	NW1/4NE1/4SW1/4	Sec. 31, Twp 12S, 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	
12S	27E	31			33.0		41.0	47.0	49.0	40.0							39.0		249.0
								L 1	L 2										

Total Acres: 249

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10363 V2

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 249 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-13237, 43-13239, & 43-13241.
2. Quantity THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-13237, 43-13239, & 43-13241.
3. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-303, & 43-304.

Comments:

1. jroberts 7/18/2002 Version 2

Comment: A new recommendation was made to resolve a BLM Objection, dropping the 10 acres in the NWNE of Section 31.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 43B
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Robertson, Jean

From: Robertson, Jean
Sent: Thursday, July 18, 2002 5:05 PM
To: Kelly, Vicki
Cc: McHugh, Candice
Subject: Lovingfoss & BLM splits & recommendations...

Lovingfoss = 43-307, 43-10363, 43-10799 (with reduced Place of Use) and the following splits:

43-2487B = 43-13237 (Lovingfoss)
43-13238 (BLM)

43-2551 = 43-13239 (Lovingfoss)
43-13240 (BLM)

43-10233 = 43-13241 (Lovingfoss)
43-13242 (BLM)



43-10363



43-10799



43-13237



43-13238 BLM New



43-13238, 13240,



43-13239



43-13240 BLM New

ingfoss New Recom ingfoss New Recom ingfoss New Recom Recommendation... 13242 BLM Lay... ingfoss New Recom Recommendation...



43-13241



43-13242 BLM New



43-307 Lovingfoss



43-307, 10363,

ingfoss New Recom Recommendation... New Recommen... 10799, 13237, 1...

Robertson, Jean

Subject: SF5s Lovingfoss -- 43-307, 10363, 1-799, 2487B, 2551, 10233
Due Date: Friday, July 19, 2002

Status: Completed
Percent Complete: 100%
Date Completed: Thursday, July 18, 2002

Total Work: 0 hours
Actual Work: 0 hours

Owner: Robertson, Jean
Requested By: McHugh, Candice

I'll look these over and maybe confer with Doug, and then give you a call if I have any questions...

Jean, FYI. Call me with any questions you may have since these a little convoluted.

43-00307 et al.

Just received a FAX copy of the Cooperative Wildlife Habitat-Farming Development Agreement signed by Lovingfoss, BLM and Idaho Department of Fish and Game entered into on May 1, 2002. It allows Walter Lovingfoss to Farm 7 acres of BLM land located on T12S, R27E, Section 31, NWNE. Candice: Please split the water per the previous e-mail, but since it's only 7 acres, Walter will have to live with a reduction in quantity for the remaining 3 acres, or in the alternative, maybe the water can be moved to somewhere else by the field office.

Subcases: 43-00307, 43-02487B, 43-02551, 43-10233, 43-10633, and 43-10799.

Spoke with Walter Lovingfoss this morning. All of BLM's objections to the above-referenced water right claims are to 10 acres of BLM land described in the irrigation places of use. Much to my surprise, Mr. Lovingfoss has an agreement with the BLM and Idaho Fish and Game (he called it an exchange of use agreement, where riparian land on his private property is not farmed, and Mr. Lovingfoss irrigates about 10 acres of BLM land and harvests hay from the land. he is FAXing me a copy of the agreement, and FRED - call Peggy Bartels in Burley and have her FAX me a copy of the agreement. He read a provision in the agreement that says "Any water right that results from irrigating public land shall be in the name of the United States." Or words to that effect. Certainly sounds like a BLM land use permit to me, or maybe a "Sykes Act" agreement.

Candice: Please have someone draft SF-5s that split the water rights putting the following place of use in BLM's name:

T12S R27E S31 NWNE 10 acres

Robertson, Jean

From: Robertson, Jean
Sent: Friday, July 12, 2002 8:37 AM
To: McHugh, Candice
Subject: 43-307, 43-2487B, 43-2551, 43-10233, 43-10363, & 43-10799 (Lovingfoss)

Candace,

I'd like to propose something to you about these rights. The surface water rights from Raft River, 43-307, 43-10363, & 43-10799 were never really decreed to the NWE of Section 31 (where the BLM wants the split rights) but I **did** include them in a PPU with the other rights, limited to 249 acres within the PPU. Would it be possible to just leave them on the Lovingfoss 249 acres and only split the groundwater rights and expansion claim 43-2487B, 43-2551 & 43-10233? If you are in, let me know when you want to talk about them and I'll give you a call...Jeanie

RECEIVED

FEB 19 2002

Department of Water Resources
Southern Region

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

A. Subcase 43-10363

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Walter Jean Lovingfoss

Address: HC 61 Box 1020; Malta, Idaho 83342

Name: Delia L. Lovingfoss

Address: HC 61 Box 1020; Malta, Idaho 83342

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

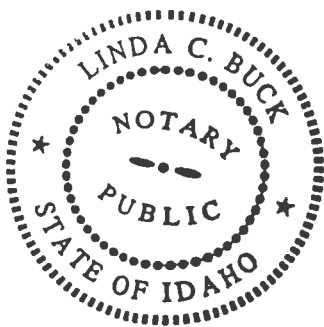
Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Larry C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: February 7, 2002



Linda C. Buck

Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Feb. 8, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Walter Jean Lovingfoss

Address: HC 61 Box 1020; Malta, Idaho 83342

Name: Delia L. Lovingfoss

Address: HC 61 Box 1020; Malta, Idaho 83342

Name:

Address: ;

Name:

Address: ;

3. Copies to:

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney mailing on Objector's behalf

09/19/2001

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

RIGHT NUMBER: 43-10363
NAME AND ADDRESS: WALTER JEAN LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

DELIA L LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

**-POU ON BLM
-CLAIMANT IS NOT AUTHORIZED
TO FARM PUBLIC LAND**

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.400 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.: 43-00307, 43-02487B, 43-02551, 43-10233, 43-10363, & 43-10799.

PRIORITY DATE: 04/01/1886

POINT OF
DIVERSION:

T12S R27E S31 NWNESW Within CASSIA County
T12S R27E S31 NWNWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	1.400 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R27E S31 <u>BLM</u>	NWNE	10.0	T12S R27E S31	SWNE	33.0
T12S R27E S31	NENW	41.0	T12S R27E S31 Lot 1	NWNW	47.0
T12S R27E S31 Lot 2	SWNW	49.0	T12S R27E S31	SENE	40.0
T12S R27E S31	NWSE	39.0			

259 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 259 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-00307, 43-02487B, 43-02551, 43-10233, 43-10363, & 43-10799. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 249 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

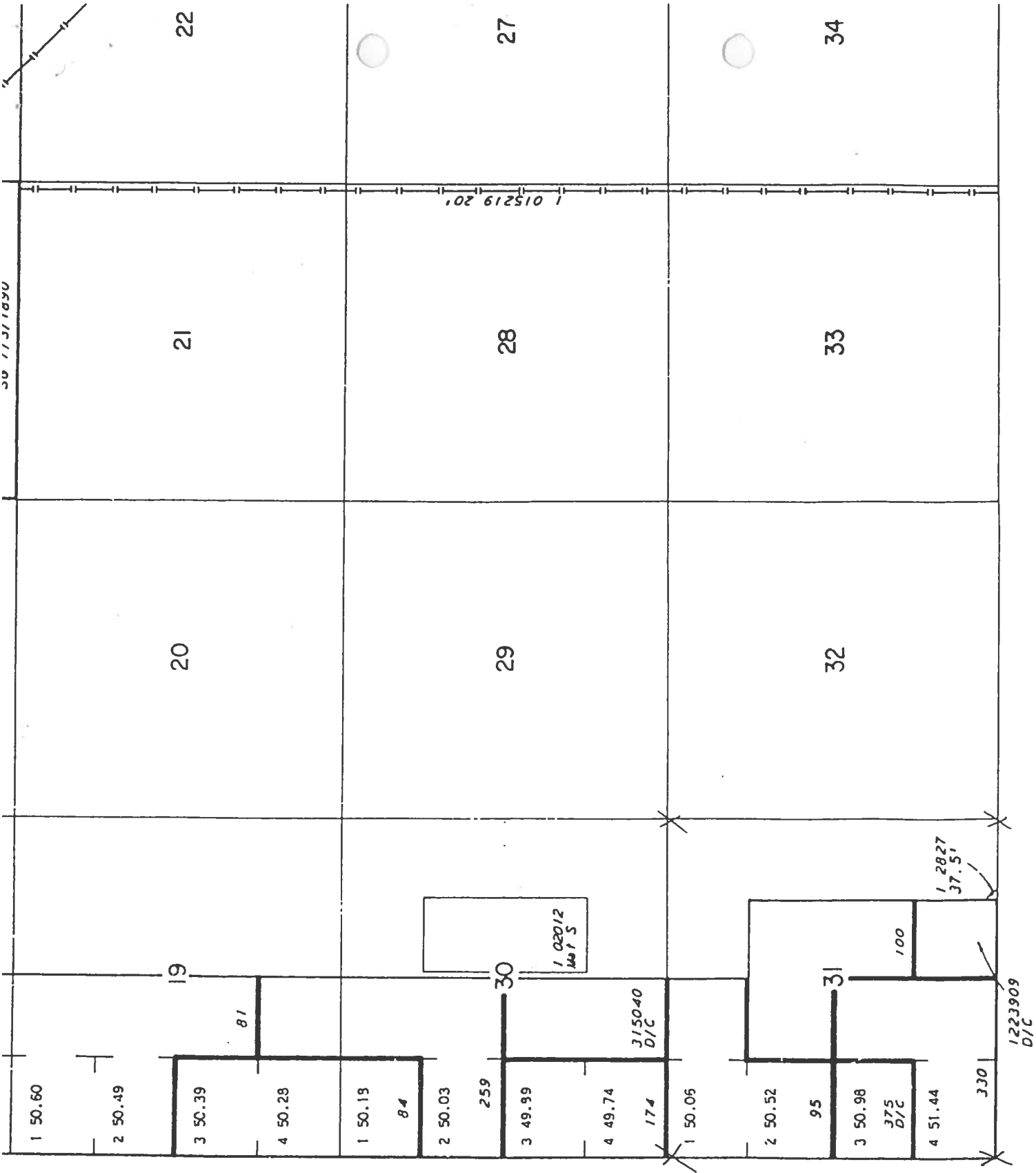
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-00303, & 43-00304.

1125, R27E Sec. 31



SCALE in Chains
10 20 30 40

CASSIA COUNTY

JULY DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

1. 250/0 200/0 100/0 100/0 100/0

Public access

101 30501 PX WD 10 BLM OE on 6/2/1997
Sec 7: NWSE SWNE E2NE

Doc 7: MWSE, SWNE, E2NE

Lat. 42° 20' N.
Long. 113° 11' W.

PLAY.

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER.

SCALZ is Chairman

250	10	20	30
-----	----	----	----

31

125

275

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-10363

WALTER JEAN LOVINGFOSS

HC 61 BOX 1020

MALTA ID 83342

Telephone Number: (208) 645-2421

DELIA L LOVINGFOSS

HC 61 BOX 1020

MALTA ID 83342

Telephone Number: (208) 645-2421

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

QUANTITY: 1.40 CFS INSTEAD OF 0.46 CFS

2. Describe the changes you wish to make in the proposed recommendation:

QUANTITY: 1.40 CFS INSTEAD OF 0.46 CFS

3. Give a brief explanation as to why you disagree with these portions:

*I HAVE PREVIOUS CLAIM TO WATER RIGHT OF
1.40 CFS AND CLAIM PROFILE REPORT, DTD 07/16/96
DISAGREE*

☐ I AGREE with this proposed recommendation: ~~no~~ changes need to be made. *ARE 1.40 CFS VS. 0.46 CFS.*

DATE: 5-15-01

SIGNATURE: *Walter Jean Lovingfoss*

Please print your name: WALTER JEAN LOVINGFOSS

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208) 736-3033

05/10/2001

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

RIGHT NUMBER: 43-10363
NAME AND ADDRESS: WALTER JEAN LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

DELIA L LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.460 CFS
THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.: 43-00307, 43-02487B, 43-02551, 43-10233, 43-10363, & 43-10799.

PRIORITY DATE: 04/01/1882

POINT OF DIVERSION:
T12S R27E S31 NWNE Within CASSIA County
T12S R27E S31 NWNWSE 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	0.460 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T12S R27E S31	NWNE	10.0	T12S R27E S31	SWNE	33.0
T12S R27E S31	NENW	41.0	T12S R27E S31 Lot 1	NWNW	47.0
T12S R27E S31 Lot 2	SWNW	49.0	T12S R27E S31	SENE	40.0
T12S R27E S31	NWSE	39.0			

259 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 259 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-00307, 43-02487B, 43-02551, 43-10233, 43-10363, & 43-10799. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 249 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-00303, & 43-00304.

Loring foss

43-10799 4/1/1886 3.84 cfs 260 Ac.

- claim represents WR 43-305 4/1/1884 1.54 cfs
WR 43-306 4/1/1886 2.3 cfs

* - since both were combined, gets 1886 priority

43-10363 4/1/1882 1.4 cfs

- claim states it is for 70" of Raft River water w/ 1882 priority

- there is no 1882 RR decreed water to this POU

- there are 2 Cassia Cr. rights 43-303 & 43-304 which are not covered by other claims

- this claim seems to possibly represent them?

- recommended these under this claim but source \$/b Cassia Creek, not R.R.?

claim amended?

- priority date could be amended to as early as 1881 (with combination of both) and w/ Cassia Creek as source

- would probably be recom. for disallowal based on input from Cassia Creek users since C.C. has not been delivered to this POU & claimant is not a dues paying member of district

1.8 s.f. C18
2 s.f. C100
2 s.f. C172
6 s.f. C172
4 s.f. C172

To be diverted from Warm Springs
To be diverted from Cassia Creek
for the irrigation of
SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 4, Sec. 31,
Twp. 13 S. R. 25 E.B.M., Lot 4, Sec.
6, Twp. 14 S. R. 25 E.B.M.

4306293 2.8 s.f. C58

To be diverted from Cassia Creek
for the irrigation of
E $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, Twp. 12 S. R. 26
E.B.M., Lots 3 and 4, Sec. 30,
Twp. 12 S. R. 27 E.B.M.

1880-Apr 2 30 200 4 s.f. C58
1885-Apr 2 30 200 2 s.f. C171

To be diverted from Cassia Creek
for the irrigation of
NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, Twp. 12 S.
R. 26 E.B.M.

4302-1885-Apr 2 30 200 1.2 s.f. C171

To be diverted from Cassia Creek
for the irrigation of
W $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, Twp. 12 S. R. 26
E.B.M.

43-0296-1894-Apr 2 1896 2.8 s.f. C145

Appurtenant to all of the land above
described.

Trans. & Charles Shew
43-0297-1894-Apr 2 1896 1.2 s.f. C246
43-0298-1893-Apr 2 20 200 6 s.f. C116
43-0299-1885-May 21 1896 1.4 s.f. C177

To be diverted from Cassia Creek
for the irrigation of
SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, Twp. 13 S.
R. 26 E.B.M.

Jesse Shill
Lavilla Shill

43-0300-1906-Apr 2 1907 8 s.f. C177

To be diverted from Middle Fork
Cassia Creek for the irrigation of
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, Twp. 13 S. R. 26
E.B.M.

43-0301-1913-Apr 2 1907 8 s.f. C177

To be diverted from Cassia Creek
for the irrigation of
NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, Twp. 13 S.
R. 26 E.B.M.

Frank G. Schodde, Fred
Schodde, George Schodde

43-0303-1880-Apr 2 1896 0.06 s.f. C44

To be diverted from Cassia Creek
for the irrigation of

43-0304-1891-Apr 2 1896 4 s.f. C68

To be diverted from Raft River,
for the irrigation of

10799 43-0305-1884-Apr 2 1896 1.54 s.f. C111

SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 1 and 2,
Sec. 31, Twp. 12 S. R. 27 E.B.M.

43-0306-1886-Apr 2 1896 2.3 s.f. C176

43-0307-1894-Apr 2 1896 9 s.f. C177

237

CORRE

WARRANTY

For Value Received \$10.00 and other valuable consideration

JOHN D. MATTHEWS and NELDA H. MATTHEWS, Husband and Wife,

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
 LYLE NELSON and LOA NELSON, Husband and Wife,
 Sublett Route
 Malta, Idaho 83342

Hereinafter called the Grantee, the following described premises situated in Twin Falls County, Idaho
 to-wit:

The SW $\frac{1}{4}$ NE $\frac{1}{4}$; the NW $\frac{1}{4}$ SE $\frac{1}{4}$; the E $\frac{1}{4}$ NW $\frac{1}{4}$; Lots 1 and 2 all in Section 31, Township 12 South, Range 27 East Boise Meridian. Subject to an easement recorded as Instrument No. 141701 in the office of the County Recorder of the County of Cassia, State of Idaho.

Lot 2; the SE $\frac{1}{4}$; the E $\frac{1}{4}$ SW $\frac{1}{4}$; the S $\frac{1}{4}$ NE $\frac{1}{4}$; all in Section 2, Township 13 South, Range 29 East Boise Meridian. The E $\frac{1}{4}$ NE $\frac{1}{4}$; the NW $\frac{1}{4}$ NE $\frac{1}{4}$; the NE $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 11, Township 13 South, Range 29 East Boise Meridian. Subject to a deed recorded as Instrument No. 136298 in the office of the County Recorder of the County of Cassia, State of Idaho.

Lot 3 and the S $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 2; the N $\frac{1}{4}$ SE $\frac{1}{4}$; the SE $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 3; the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10; and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, all in Township 13 South, Range 29 East Boise Meridian.

Pro-rata interest of the Sublett Allotment Grazing Association in and to a 40 acre tract described as Lot 1, Section 2, Township 13 South, Range 29 East Boise Meridian. Right for stock water in Butler Springs located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15 and easements part of Section 15 and 14, Township 12 South, Range 28 East Boise Meridian.

All well permits

70 inches from Raft River under 1882 priority
 240 inches from Raft River under 1894 priority

a subscription for 80 shares of stock in Cassia Creek Reservoir Company.

This deed is given by the Grantors to the Grantees to correct the description of the property received by the Grantees previously set forth by a Warranty Deed between the same parties dated February 28, 1973, and recorded May 26, 1978.

except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated:

John D. Matthews

Lyle Nelson

Nelda H. Matthews

Loa Nelson

STATE OF IDAHO, COUNTY OF TWIN FALLS

on this 22 day of April, 1979.

I, a notary public in and for said State, personally appeared

John D. Matthews

Nelda H. Matthews

Lyle Nelson

Loa Nelson

whose name

STATE OF IDAHO, COUNTY OF TWIN FALLS

I hereby certify that this instrument was filed for record at the request of

at minutes past o'clock

this day of

19, in my office, and duly recorded in Book

of Deeds at page

11/20/2000

RIGHT NUMBER: 43-10363

SOURCE: RAFT RIVER

QUANTITY: 0.46 CFS

PRIORITY DATE: 04/01/1882

PURPOSE AND
PERIOD OF USE:

PLACE OF USE:

T12S R27E S31	NWNE	10	T12S R27E S31	SWNE	33
T12S R27E S31	NENW	41	T12S R27E S31	LOT 1 NWNW	47
T12S R27E S31	LOT 2 SWNW	49	T12S R27E S31	SENW	40
T12S R27E S31	NWSE	39			
259 ACRES TOTAL					

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

1

Idaho Department of Water Resources

43-00307, 43-02487B, 43-02551,
43-10233, 43-10363, & 43-10799



0 1320 2640 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN. 16, 2001
TWP 12S, RNG 27E, SEC. 31

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

Claimed = 260 Ac.
GIS = 259 Ac.
Lic = 191 Ac.
EXP = 68 Ac

A43-00307 4/1/1894 .9 cfs 260 Ac.

- priority date and diversion rate match decree
- reduce POU to 249 Ac. in 259 Ac. ppu as 10 acres in NWN E of Sec. 31 were not part of orig. decreed POU

A43-02487B 1/28/1960 3.3 cfs 191 Ac.

- well was licensed in NWSE and claimed in NWNWSE but according to licensing field opn, I think it should be in SWNWSE and will recommend that way
- recommend 191 Ac. in 259 Ac. ppu with comb. limit

A43-02551 9/17/1962 .47 cfs 159 Ac.

- supplemental right, overlapping 191 Ac. of 43-02487B
- well in SWNE of Sec. 31

A43-10233 1/28/1960 1.38 cfs 69 Ac.

- expansion claim of above two licenses per 1416b.
- change priority date to 6/30/1985
- recommend 68 ac. in 259 ac. ppu
- div rate to .99 cfs ($3.77 \div 259 \times 68$)

A43-10363 4/1/1882 1.4 cfs 260 Ac.

- shows deed giving 70" of 1882 water
- this claim seems to be a combination of 43-00303 for .06 cfs (with a priority date of 1880) and 43-00304 for .4 cfs (with a priority date of 1881)
- recommend .46 cfs on 249 Ac.
- found no 1882 water decreed to Section 31 ?

A43-10799 4/1/1886 3.84 cfs 260 A.

- this claim is a combination of 43-00305 for 1.54 cfs
(with a priority date of 1884) and 43-00306 for
2.3 cfs (with a priority date of 1886)

- recommend on 249 Ac. (10 ac. in NWNE Sec. 31
not part of original decreed POU)

- (249 Ac. x .02 cfs = 4.98 cfs) so div. rate okay

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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12

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PROFILE REPORT

CLAIM NUMBER: A43-10363

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DELIA L LOVINGFOSS	04/01/1882	IRRIGATION	03-15 11-15	1.400 CFS	
C	WALTER JEAN LOVINGFOSS					
TOTAL DIVERSION:					1.400 CFS	

Water Source: RAFT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T12S R27E S31 NWNESW NWNWSE CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
12S	27E	31	:	10		27		:	03-47	04-53	53	40	:					:	40				:	260.0
						33			41	47	49	40												260.0
																							TOTAL ACRES	249

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: A4302551, 10233, 02487B, 00307, 00306A

Remarks: GEN CLAIM REPRESENTS 70 INCHES FROM 1882 JOBE ADAMS DECREE. SEE ATTACHED.

OWNERSHIP CHANGE 7/18/96, NELSON TO LOVINGFOSS. jr

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 43B Field Inspection Flag: Presumption Flag:

Cond. Code C18
Remarks POU E14259 ac w/all
KDB 249
QNT E28 .02 w/all

EXP P15
- 00303 (.06)
- 00304 (.4)

(43-00303 .06 4/1/1880)
43-00304 .4 4/1/1881)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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QUICKLOOK INFORMATION

11
CLAIM NUMBER: A43-10363

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	- N							
POINT OF DIV	- N							
SOURCE	- N							
PLACE OF USE	Y-							
DIV. AMOUNT CFS/VOLUME	Y-							
CONSUMPTIVE USE	-							
PURPOSES OF USE	- N							
PERIOD OF USE	- N							
BASIS OF CLAIM	- N							
REMARKS	Y-							

BARCODE UPDATED
WHOM/DATE

R PROOF

CVR

MAPS

PHOTOS

MISC

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DATE: 11/20/00
PAGE: 1

TOTAL DIVERSION: 0.060 CFS

Stage: DECREED

SE

Pou County: CASSIA

43-02551

108/98 CLEARFLD

DATE: 11/20/00
PAGE: 1

TOTAL DIVERSION: 0.400 CFS

Stage: DECREED

SE

118

43-0255

Field Exam Fee:

08/01/89 CURTIS

02/08/98 CLEARFLD