

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 43-13237
Date Received: 7/17/2002
Receipt No:
Received By:

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

1. Name of Claimant(s)

DELIA L LOVINGFOSS
HC 61 BOX 1020
MALTA ID USA 83342

Phone: (208)645-2421

WALTER JEAN LOVINGFOSS
HC 61 BOX 1020
MALTA ID USA 83342

Phone: (208)645-2421

2. Date of Priority: 01/28/1960

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	3.21	743.1

7. Total Quantity Appropriated is:
3.21 C.F.S. and/or 743.1 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

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: **A43-02487B**

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: JAN 28, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

2 WELLS, 16" CASING 400'100 HP., 12" CASING 70' 40HP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.300		

7. Total Quantity Appropriated is:

3.300 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 573.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

12S	27E	31	SW	NE		IRRIGATION	33
			NE	NW		IRRIGATION	41
			NW	NW	1	IRRIGATION	47
			SW	NW	2	IRRIGATION	49
			SE	NW		IRRIGATION	40
			NW	SE		IRRIGATION	39
Section Acres							249
Total Acres							249

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:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2487B.

15. Basis of Claim: License

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	27E	31	SW		NE		IRR	19.0
			NE		NW	3	IRR	47.0
			NW		NW	4	IRR	53.0
			SW		NW		IRR	17.0
			SE		NW		IRR	32.0
			NW		SE		IRR	23.0

Section Acres 191.0

Total Acres 191.0

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, RAFT RIVER IRR. RIGHTS #2

14. Remarks:

THIS RIGHT IS IN THE RAFT RIVER CRITICAL GROUNDWATER AREA.

A SEPERATE CLAIM WILL BE FILED FOR THE EXPANDED USE

BASED UPON 42-1416B, ALLOWED DATE OF 6/30/1985.

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

15. Basis of Claim: LICENSE

Water Right Number: 28406

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
JUL 17 1996

Department of Water Resources
Southern Region

Please print or type

(see instructions on back of page)

DATE 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

EDWIN

FOR VALUE RECEIVED, ~~Lyle E.~~ Lyle 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 Marc 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.

(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

MAY 22 1915

237489

600

bm

Lyle & LOA NELSON
208-722-6027

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: A43-02487B
Date Received: 5/24/1989
Receipt No: 5007584
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

AND/OR

Name: LOA NELSON 208-645-2410
Address: HC. 61 BOX 1020
MALTA, ID 83342

2. Date of Priority: JAN 28, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
2 WELLS, 16" CASING 400'100 HP., 12" CASING 70' 40HP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.300		

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

8. Total consumptive use is 573.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-02487B

Page 1

Date: 05/24/89

COPY

MICROFILMED
MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	27E	31	SW		NE		IRR	19.0
			NE		NW	3	IRR	47.0
			NW		NW	4	IRR	53.0
			SW		NW		IRR	17.0
			SE		NW		IRR	32.0
			NW		SE		IRR	23.0
							Section Acres	191.0
							Total Acres	191.0

11. Place of use in counties: CASSIA

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

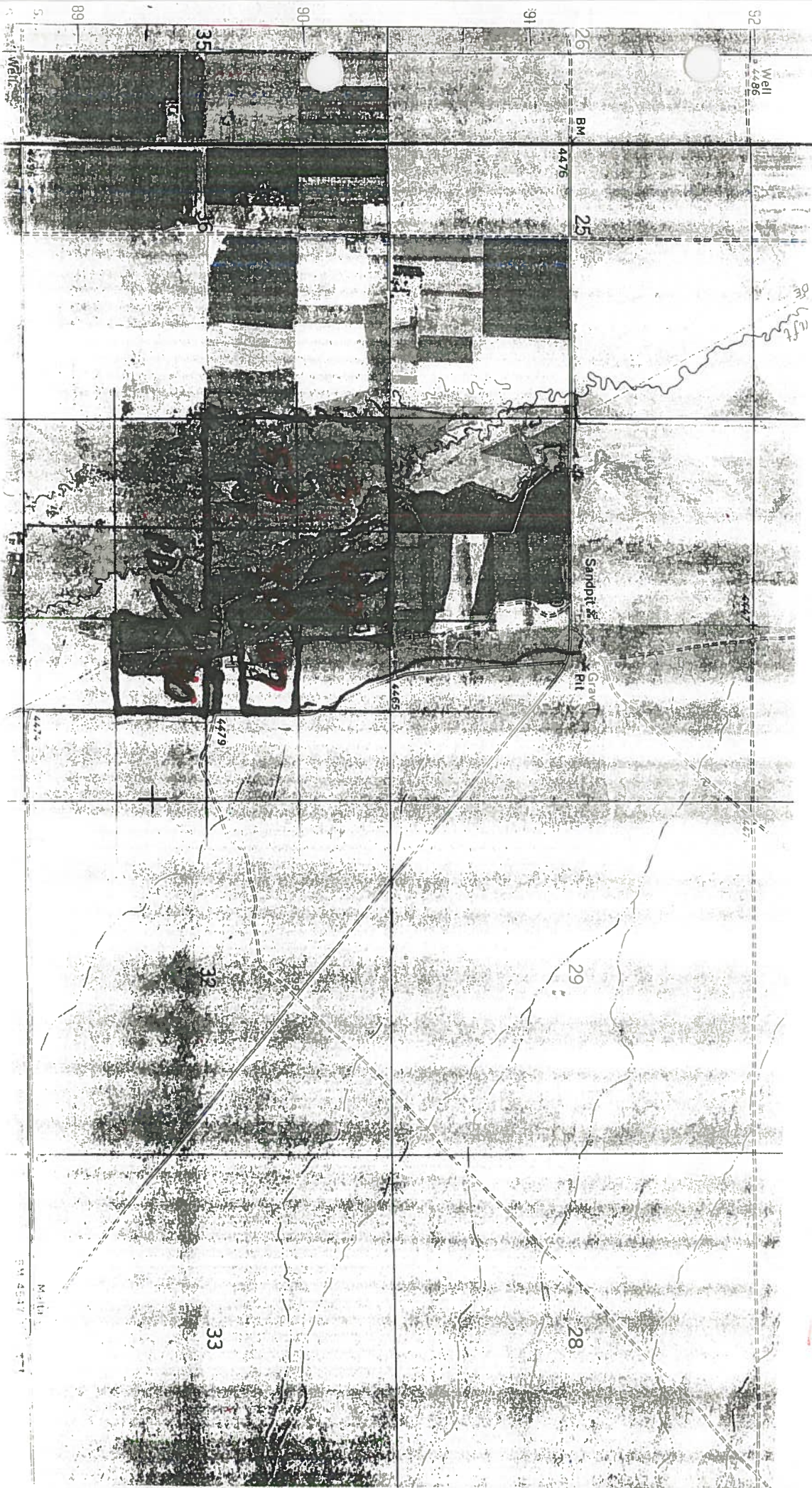
13. Other Water Rights Used:
A4302551, RAFT RIVER IRR. RIGHTS #2

14. Remarks:
THIS RIGHT IS IN THE RAFT RIVER CRITICAL GROUNDWATER AREA.
A SEPERATE CLAIM WILL BE FILED FOR THE EXPANDED USE
BASED UPON 42-1416B, ALLOWED DATE OF 6/30/1985.

15. Basis of Claim: LICENSE
Water Right Number: 28406

(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.

MICROFILMED
MAR 03 1993



M AP

MICROFILMED
MAR 03 1993

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 10 2002	
By _____	Clerk
_____	County Clerk

**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	)	
	)	ORDER OF PARTIAL DECREE
Case No. 39576	)	
	)	For Water Right 43-13237
_____	)	

On August 15, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 43-13237 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED October 10, 2002



 ROGER S. BURDICK
 Presiding Judge
 Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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

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

OCT 10 2002

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-13237

By _____ Clerk

Deputy Clerk

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

SOURCE: GROUND WATER

QUANTITY: 3.21 CFS
743.10 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 3.67 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 743.1 AF. COMBINED RIGHT NOS.: 43-13237,
43-13239, & 43-13241.

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

PRIORITY DATE: 01/28/1960

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.21 CFS 743.10 AFY

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 185.8 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. I.C. SECTION 42-1412(6).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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

2002 OCT 10 PM 02:00
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-13237

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 43-13237 was mailed
on October 10, 2002, 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

ROBBIN HALL
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
10/10/02

07/18/2002

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

RIGHT NUMBER: 43-13237
NAME AND ADDRESS: DELIA L LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

WALTER JEAN LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 3.21 CFS
743.1 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.67 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 743.1 AF. COMBINED RIGHT NOS.: 43-13237, 43-13239, & 43-13241.

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

PRIORITY DATE: 01/28/1960

POINT OF DIVERSION:

T12S R27E S31 SWNE 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	3.210 CFS 743.10 AFY

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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 185.8 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.

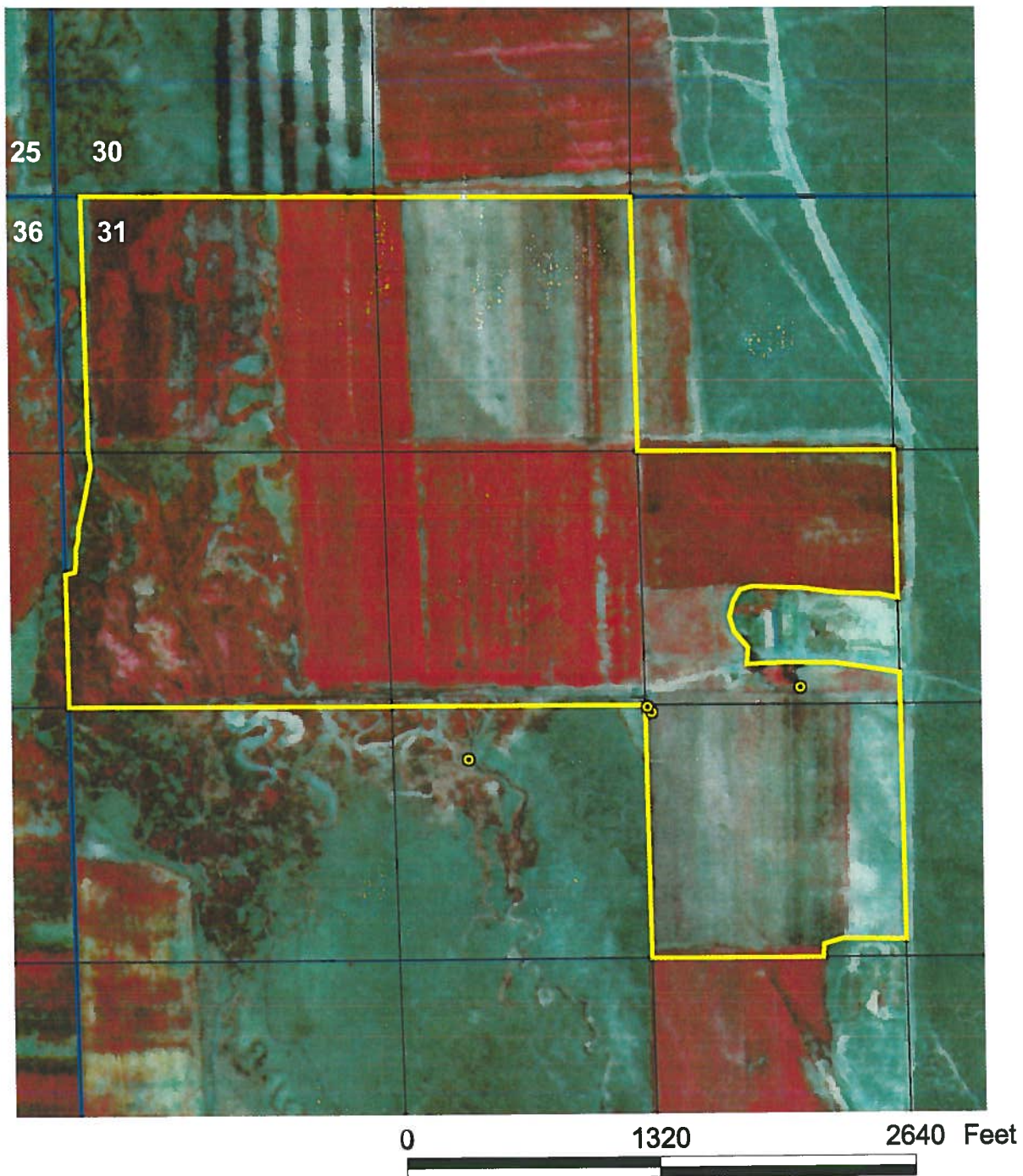
EXPLANATORY MATERIAL: License

RIGHT NO. 43-13241 IS AN EXPANSION OF THIS RIGHT AND RIGHT NO. 43-13239 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2487B.

Water Right 43-13237

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

VERIFIED BY *JL* 1/16/01

01/16/2001

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

RIGHT NUMBER: 43-2487B

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

SOURCE: GROUND WATER

QUANTITY: 3.3 CFS
764 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 264 AF. COMBINED RIGHT
NOS.: 43-02487B, 43-02551, & 43-10233. *743.1 or 20.9*

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: 01/28/1960

POINT OF DIVERSION: T12S R27E S31
T12S R27E S31

SWNE
NWNWSE

Within CASSIA County
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
3.30 CFS
764.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County
T12S R27E S31 NWNE
T12S R27E S31 NENW
T12S R27E S31 LOT 2 SWNW
T12S R27E S31 NWSE

(7) BLM

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	SWNW	49	T12S R27E S31	SENE	40
T12S R27E S31	NWSE	39			

249
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 191 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Water Right 43-2487B

185.8
5.2 Ac.
191 ÷ 256 × 249 = 185.8
191 ÷ 256 × 7 = 5.2

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT NO. 43-10233 IS AN EXPANSION OF THIS RIGHT AND RIGHT NO. 43-02551 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

part of 2487B

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

1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-13237 V1

WATER RIGHT NUMBER: 43-13237 V1

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

Priority Date: 01/28/1960

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	3.210 CFS	743.10 AF
	<u>Total Diversion:</u>	3.210 CFS	743.10 AF

Location of Point(s) of Diversion

GROUND WATER CASSIA County	SW1/4NE1/4	Sec. 31, Twp 12S, Rge 27E, B.M.
GROUND WATER CASSIA County	NW1/4NW1/4SE1/4	Sec. 31, Twp 12S, Rge 27E, B.M.

Place of Use

IRRIGATION

Twp Rge Sec	NE		NW		SW		SE	
-------------	----	--	----	--	----	--	----	--

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-13237 V1

12S 27E 31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
			33.0		41.0	47.0	49.0	40.0						39.0			249.0
						L 1	L 2										

Total Acres: 249

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 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.67 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 743.1 AF. COMBINED RIGHT NOS.: 43-13237, 43-13239, & 43-13241.
3. 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.
4. Explanatory RIGHT NO. 43-13241 IS AN EXPANSION OF THIS RIGHT AND RIGHT NO. 43-13239 PURSUANT TO SECTION 42-1416B, IDAHO CODE.
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 185.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2487B.

Comments:

1. jroberts 7/17/2002 Recommendation

Comment: This right was created as the result of a BLM Objection, splitting 43-2487B into 43-13237 (Lovingfoss) and 43-13238 (BLM).

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:
 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
Recommendatio...



43-13238, 13240,
13242 BLM Lay...



43-13239



43-13240 BLM New
Recommendatio...



43-13241



43-13242 BLM New
Recommendatio...



43-307 Lovingfoss



43-307, 10363,
10799, 13237, 1...

ingfoss New Recomi Recommendation...

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 NWNE 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

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

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)

A. Subcase 43-02487B

(Insert water right number)

Case No. 39576)

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)

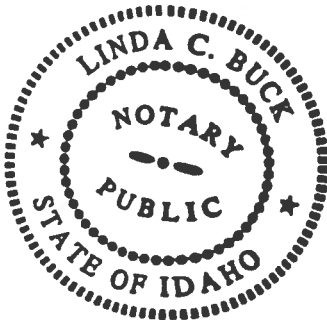
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Larry A. Broen
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

February 7, 2002



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: 43-2487B

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

WALTER JEAN LOVINGFOSS
HC 61 BOX 1020
MALTA ID 83342

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.300 CFS
764.00 AFY

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.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 764 AF. COMBINED RIGHT NOS.: 43-02487B, 43-02551, & 43-10233.

PRIORITY DATE: 01/28/1960

POINT OF
DIVERSION:

T12S R27E S31 SWNE 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	3.300 CFS 764.00 AFY

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 191 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.

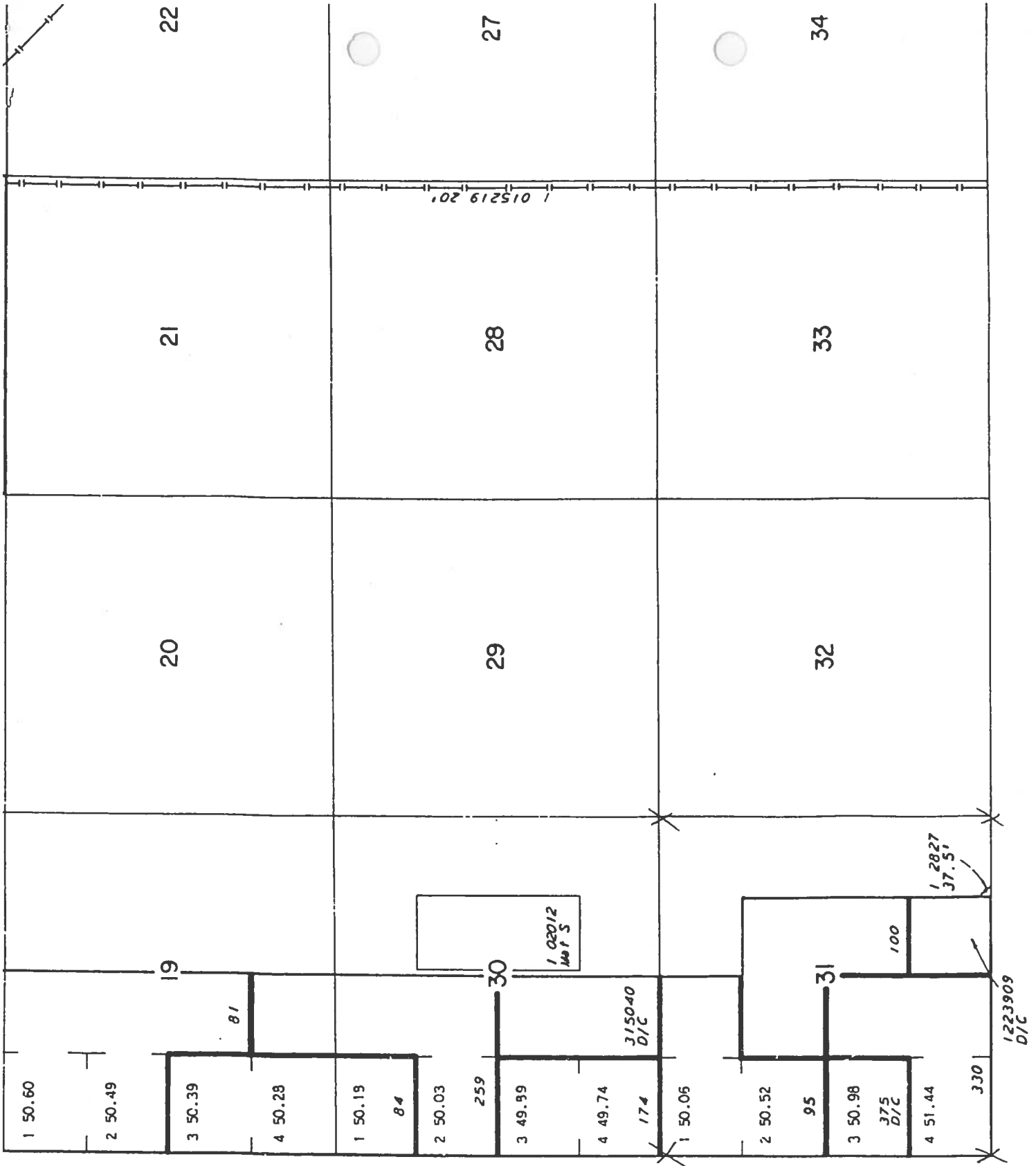
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

09/19/2001

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

RIGHT NO. 43-10233 IS AN EXPANSION OF THIS RIGHT AND RIGHT NO. 43-02551
PURSUANT TO SECTION 42-1416B, IDAHO CODE.

7125, R27E Sec. 31



SCALE in Choir.s

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

CASSIA COUNTY
BOWLEY DISTRICT SEC 3

INDEX TO SEGREGATED TRACTS

[illegible]

1.4 250750 FORTITUDINIS TROIA
"ASISTENCIA ALFARMACIA DELA, DESDE EL 06/02/1997
PUBLIC ACCESS
IDA 30501 PX WD TO BLM OE ON 6/2/1997
Sec 7: NWSE, STINE, EZNE

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDENT OF
MISCELLANEOUS DOCUMENTS

CLIENT TO	CLIENT TO
DEC - A 1982	
USE PLATE	

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

A vertical scale bar labeled "SCALE IN CHAINS" with markings from 0 to 40. The scale is oriented vertically, with 0 at the bottom and 40 at the top. Major markings are at intervals of 10 (0, 10, 20, 30, 40). The bar is divided into segments, with the top segment being slightly longer than the others.

05/10/2001

**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: 43-2487B

DELIA L LOVINGFOSS

HC 61 BOX 1020

MALTA ID 83342

Telephone Number: (208)645-2421

WALTER JEAN 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):

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

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

☒ I AGREE with this proposed recommendation: no changes need to be made.

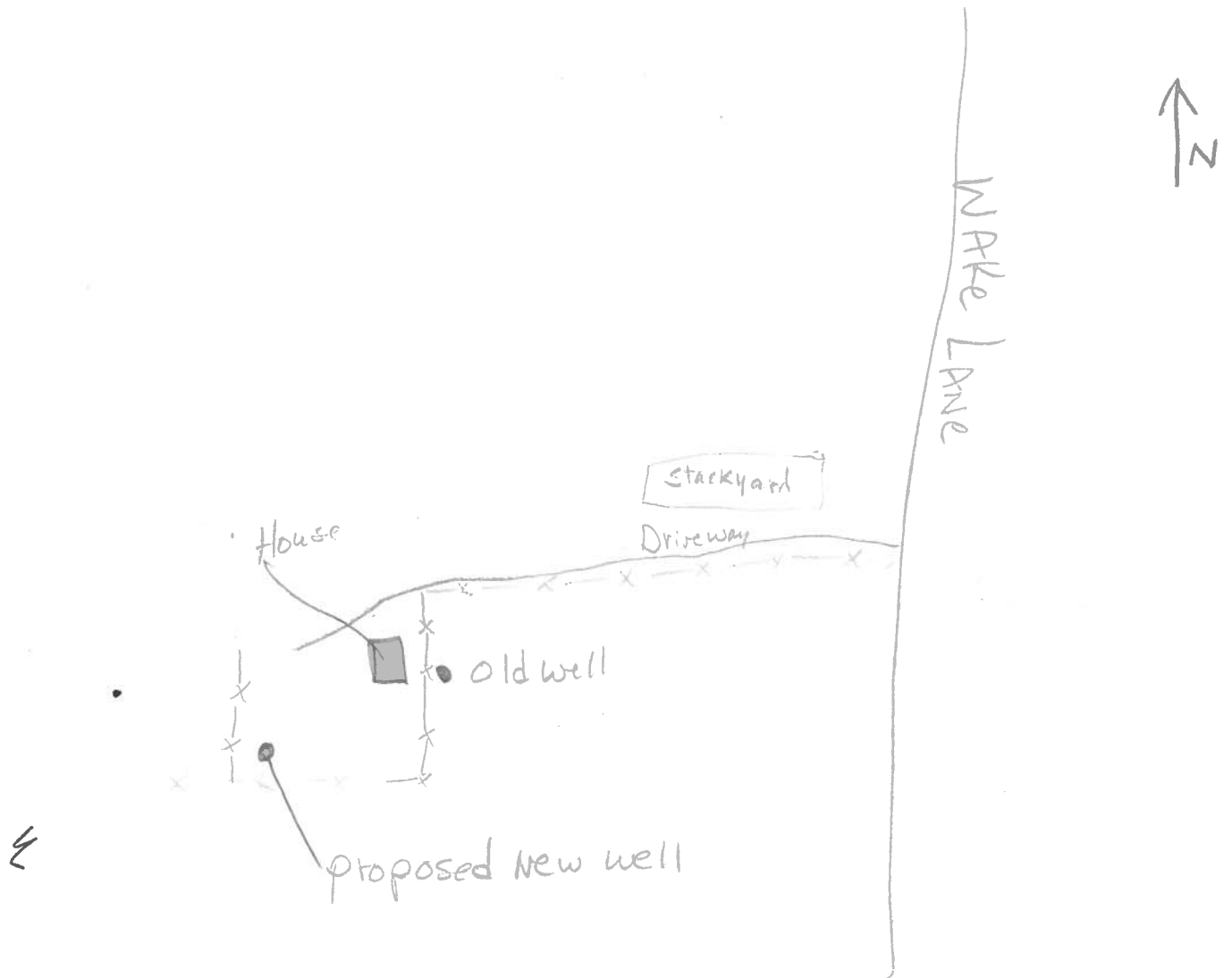
DATE: 5-15-01

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

Jean Lovingfloss



Note: from Aerial photo it appears New well would
be in same 40' old

Jean Lovingfoss PH 645 2421

1/4 Mile RD # 228

West 1/4 left on 81

1.5 miles 3 mi marker EAST

128050 1 1/2 E. x. Cattle Guard

turn RT Abt 1 mile

1st place on RT. could mark Poles

Barn

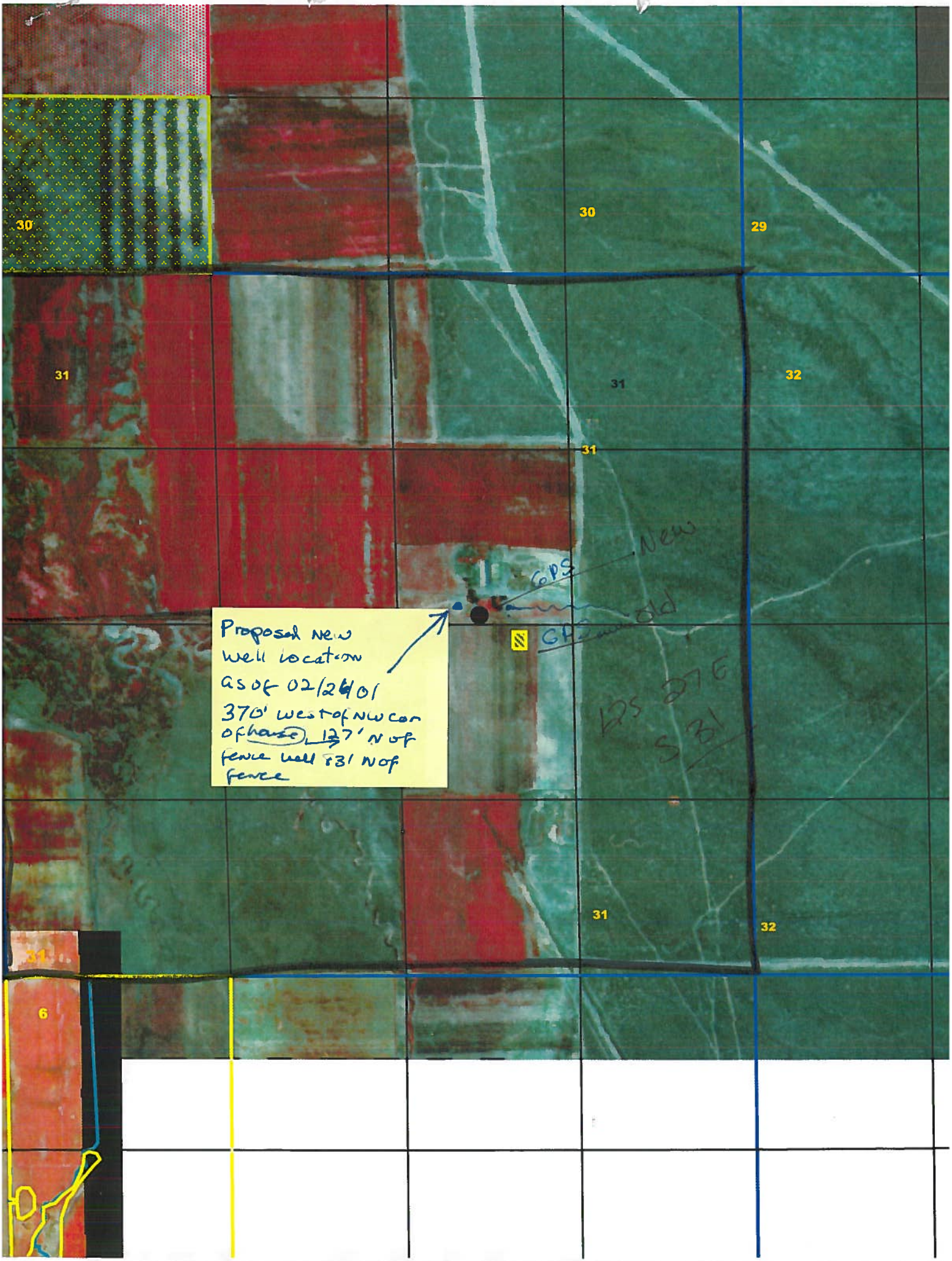
1346 Wake Lane

Proposed well/side 0654309 Feb/15/01
0137488

N.
Old well 0554381
0137432

OK

Jarmell
ck out these files
and see if they are in
the same location
GF



Proposed new
well location
as of 02/26/01
370' west of NW cor
of hand 137' N of
fence well 131 N of
fence

GPS New
GPS old

125 276
S 31

Drilling Permit No. 767974

Drilling Permit I.D. Tag No. 00016222

Water Right Permit No. 43-248713

Injection Permit No. _____

Application #5214

Basin 43

Permit 767974

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

1. Owner (please print): WALTER JEAN LOVINGFOSS
2. Mailing Address: HC 61 Box 1020
City: MALTA State: ID Zip Code: 83347 Telephone: 208-645-2421
3. Proposed Well Location: Twp. 12 S, Rge. 27 E, Sec. 31, 1/4 SW 1/4 NE 1/4
Gov't Lot No. _____ County Cassia Lat. _____ : _____ : _____ Long. _____ : _____ : _____
Street Address of Well Site 1346 WAKE LANE City MALTA ID
Give at least name of road + Distance to Road or Landmark
Lot, block and subdivision _____

4. Proposed Use of Well:

- ☐ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☒ Irrigation ☐ Municipal ☐ Industrial
☐ Stock ☐ Test ☐ Other _____
(Over 1,000 Head) (Describe)

☐ INJECTION

☐ MONITORING: A well bore schematic and map is required for each blanket permit.

No. of proposed wells: _____

5. Well Construction Information:

A. ☐ New well ☐ Modify ☒ Replace

B. Proposed Casing Diameter 16 INCH Proposed Maximum Depth 400 FEET

C. Anticipated bottom hole temperature:

☐ 85°F or less ☐ 85°F to 212°F ☐ 212° F. or more
(Cold Water Well) (Low Temp. Geo. Well) (Geothermal Well)

6. Construction Start Date: 2/19/2001

7. Anticipated Well Driller: STAN LLOYD DRILLING CO. Driller's Lic. No. 294

NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature: Walter Jean Lovingfoss Date _____

Address (if different than owner): _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

Title: _____
(Owner, Firm Representative, Other)

Changed driller to 559

Printed 02/15/2001
Ident No. 767974
Well Tag No. D0016222
Water Right Number: 43-2487B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
DRILLING PERMIT

Relationship: Owner/Operator
Name: WALTER JEAN LOVINGFLOSS
Address: HC 61 BOX 1020
MALTA ID 83342

Proposed Well Location: Township 12S, Range 27E, Section 31, SW, NE
CASSIA County

Street Address of Well Site: 1346 WAKE LANE
MALTA ID

Proposed Use of Well: Irrigation

Well Construction Information:

- A. Replacement
- B. Proposed Surface Diameter: 16 Inches. Proposed Maximum Depth 400 Feet
- C. Anticipated Bottom Hole Temperature: 85F and less

Construction Start Date: 02/19/2001

Anticipated Well Drilling Company: KLINT M LLOYD DRILLING (No. 559)

Applicant's Signature: _____ Date _____

Title: _____

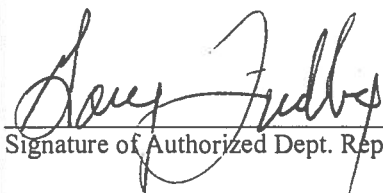
ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is Approved on Wednesday, February 14, 2001.

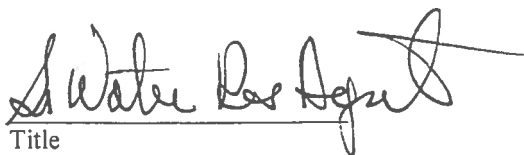
If approved, this permit authorizes the construction or modification of a well subject to the following conditions. **READ CAREFULLY!**

CONDITIONS OF APPROVAL:

1. This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank. Public Water Supply wells must not be drilled closer than 100' from any drainfield or septic tank.
3. The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig Line " Number for your area is &DIG-LINE-NUMBER
9. Please be advised that this drilling permit should be considered and treated as a preliminary permit. If you are in disagreement with this preliminary permit you have fourteen (14) days of the service date of this permit to petition the Department for reconsideration pursuant to Section 67-5243, Idaho Code.
10. The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.
11. As this is a replacement well, the well being replaced shall be abandoned by a plan approved by the Dept. which meets State minimum construction standards 2,12,1.
12. Measuring Device shall be install and use recorded annually to the Dept.of Water Res.



Signature of Authorized Dept. Representative



Title

Idaho Department of Water Resources Receipt

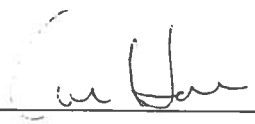
Receipt ID S023615

Payment Amount Date Received Region Status
Payment Type Check Number

Payer
Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$200.00	DRILLING TAGS	0229	21	64134	1205


Signature Line (Dept. Representative)

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 NOV. 20, 2000
TWP 1&S, 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 opm, I think it should be in SWNWSE and will recommend that way
- recommend 191 Ac. in 259 Ac. ppu with comb. lim

Mr. Swings
came in 1/12/01
and clarified well
is in SWNWSE
changed recommendation

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 ($3.77 \div 259 \times 68$)

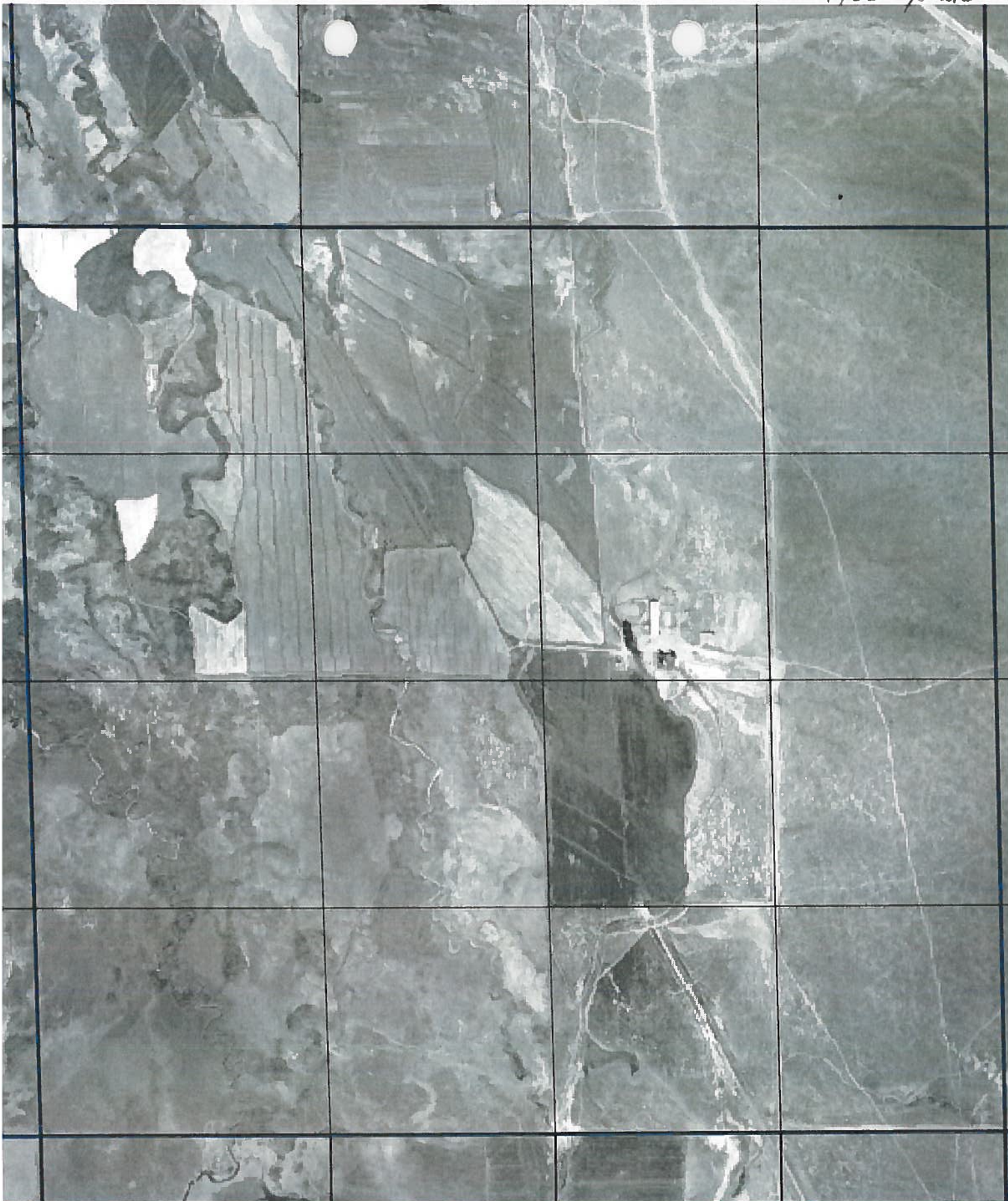
A43-10363 4/1/1882 1.4 cfs 260 Ac.

- 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 Ac.

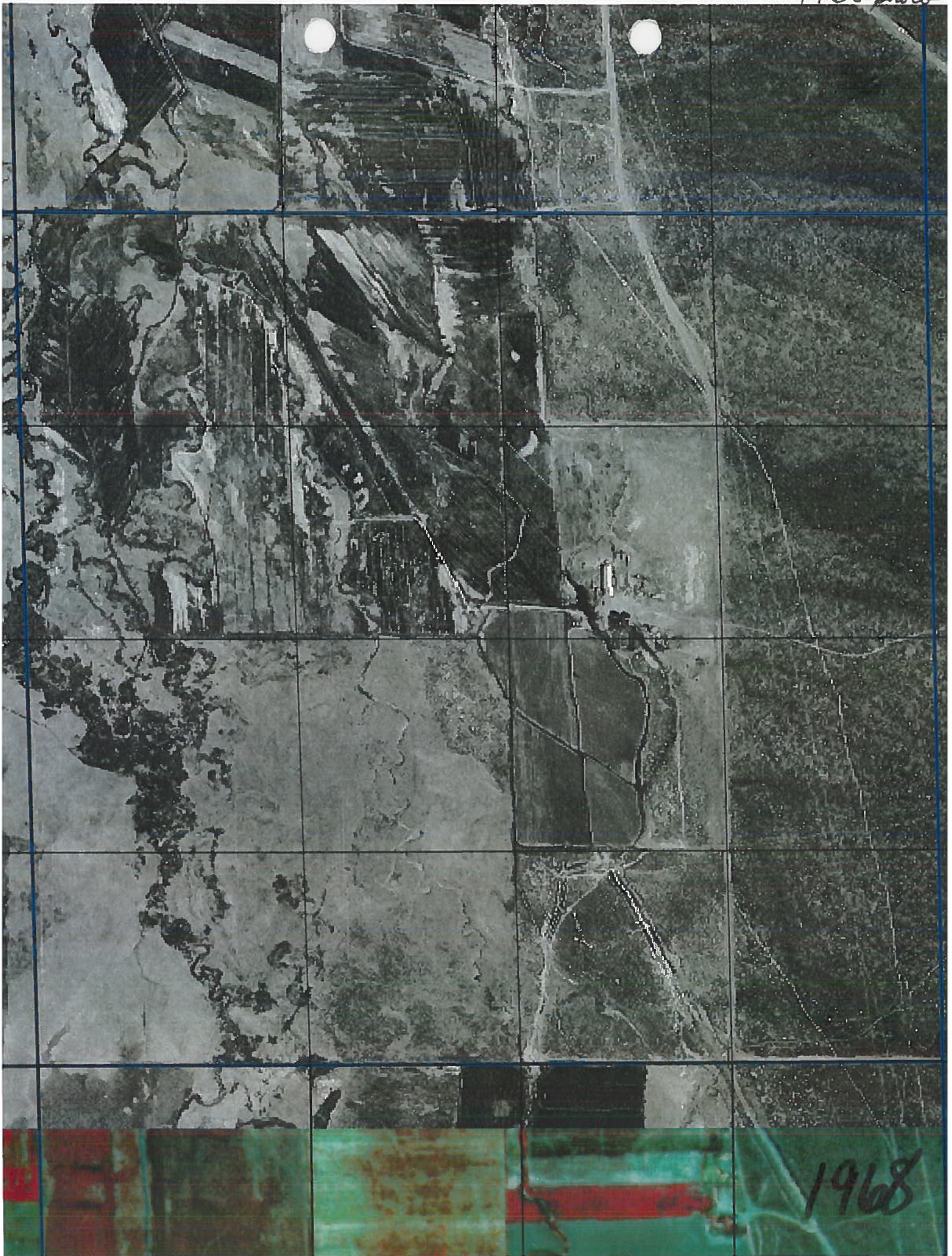
- this claim is a combination of 43-00305 for 1.54 cfs (with a priority date of 1884) and 43-00306 for 2.3 cfs (with a priority date of 1886)
- recommend on 249 Ac. (10 ac. in NWNE Sec. 31 not part of original decreed PDU)
- $(249 \text{ Ac.} \times .02 \text{ cfs} = 4.98 \text{ cfs})$ so div. rate okay

1962 photo

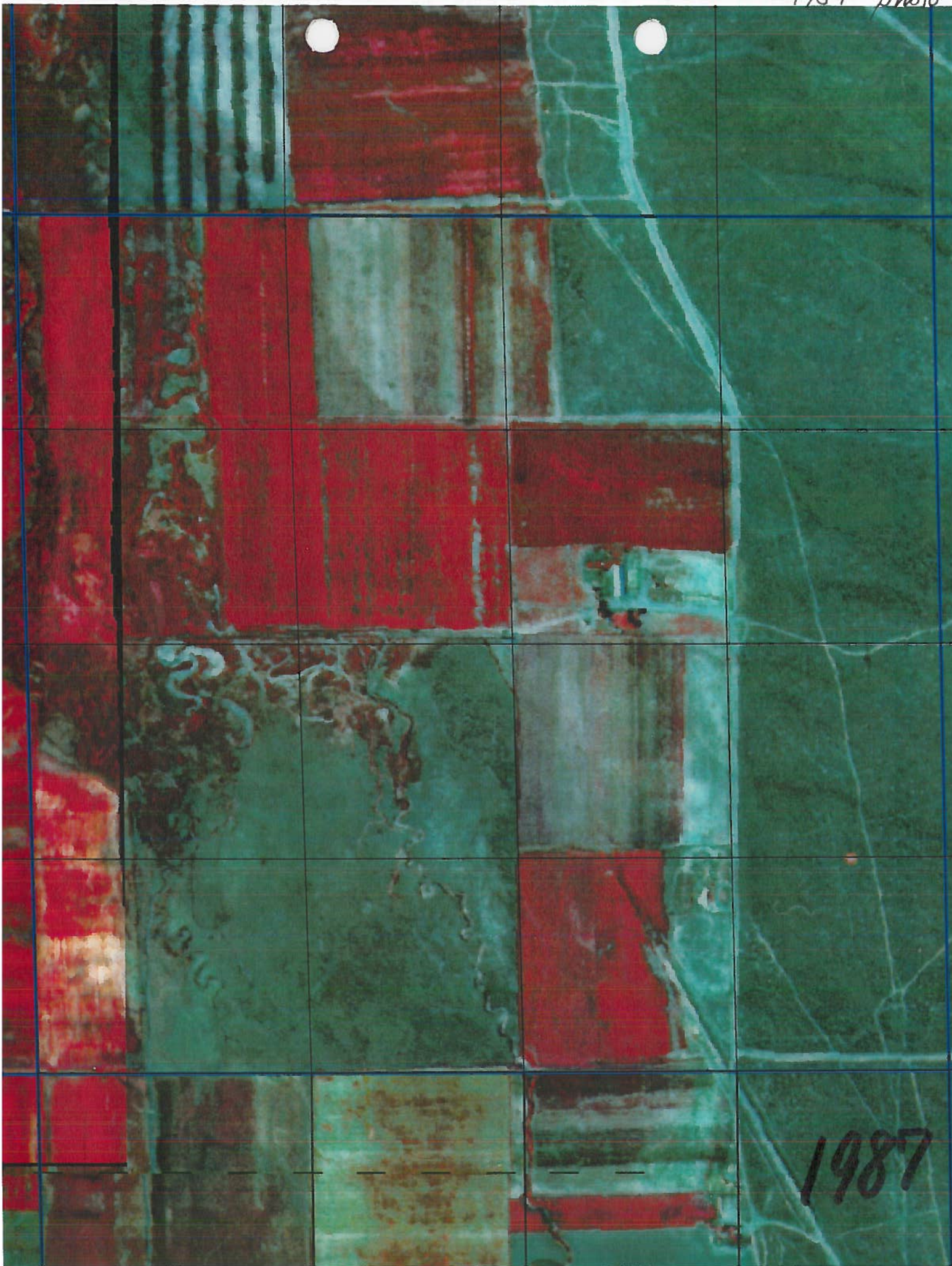


1962

1968 photo



1987 photo



1987

2
10.0

NHELW

23

30

58.1

3.4

36

31

4.0

1566

33.8

NHEL

2
58.5

NHELW

3
52.4

4
89.0

NW
HEL

NW

6
128.5

NHEL

3

7

2
4.2

913

T1569

5
38.2

NW
HEL

VERIFIED BY

jc 1/16/01
01/16/2001

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

RIGHT NUMBER: 43-2487B

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

SOURCE: GROUND WATER

QUANTITY: 3.3 CFS
764 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 764 AF. COMBINED RIGHT
NOS.: 43-02487B, 43-02551, & 43-10233.

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: 01/28/1960

POINT OF DIVERSION:	T12S R27E S31	SWNE	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	3.30 CFS 764.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T12S R27E S31	NWNE	10	T12S R27E S31	SWNE	33
T12S R27E S31	NENW	41	T12S R27E S31	NWNW	47
T12S R27E S31	LOT 2 SWNW	49	T12S R27E S31	SENE	40
T12S R27E S31	NWSE	39			

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 191 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Water Right 43-2487B

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT NO. 43-10233 IS AN EXPANSION OF THIS RIGHT AND RIGHT NO. 43-02551 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

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

VERIFIED BY: *[Signature]*

11/20/2000

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

RIGHT NUMBER: 43-2487B
NAME AND ADDRESS: DELIA L LOVINGFOSS
WALTER JEAN LOVINGFOSS
HC 61 BOX 1020
MALTA, ID 83342
SOURCE: GROUND WATER
QUANTITY: 3.3 CFS
764 AFY

W IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION
NOS.: 43-02487B, 43-02551, & 43-10233.
RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN .02
43-00307, 43-02487B, 43-02551, 43-10233, 43-

*Mr. Lovingfoss came in 1/12/01
and clarified location
of wells ...*

Within CASSIA County
Within CASSIA County

PERIOD OF USE	QUANTITY
8-15 11-15	3.30 CFS
	764.0 AFY

T12S R27E S31	SWNE	33
T12S R27E S31	LOT 1 NWNW	47
T12S R27E S31	SENW	40

OTHER

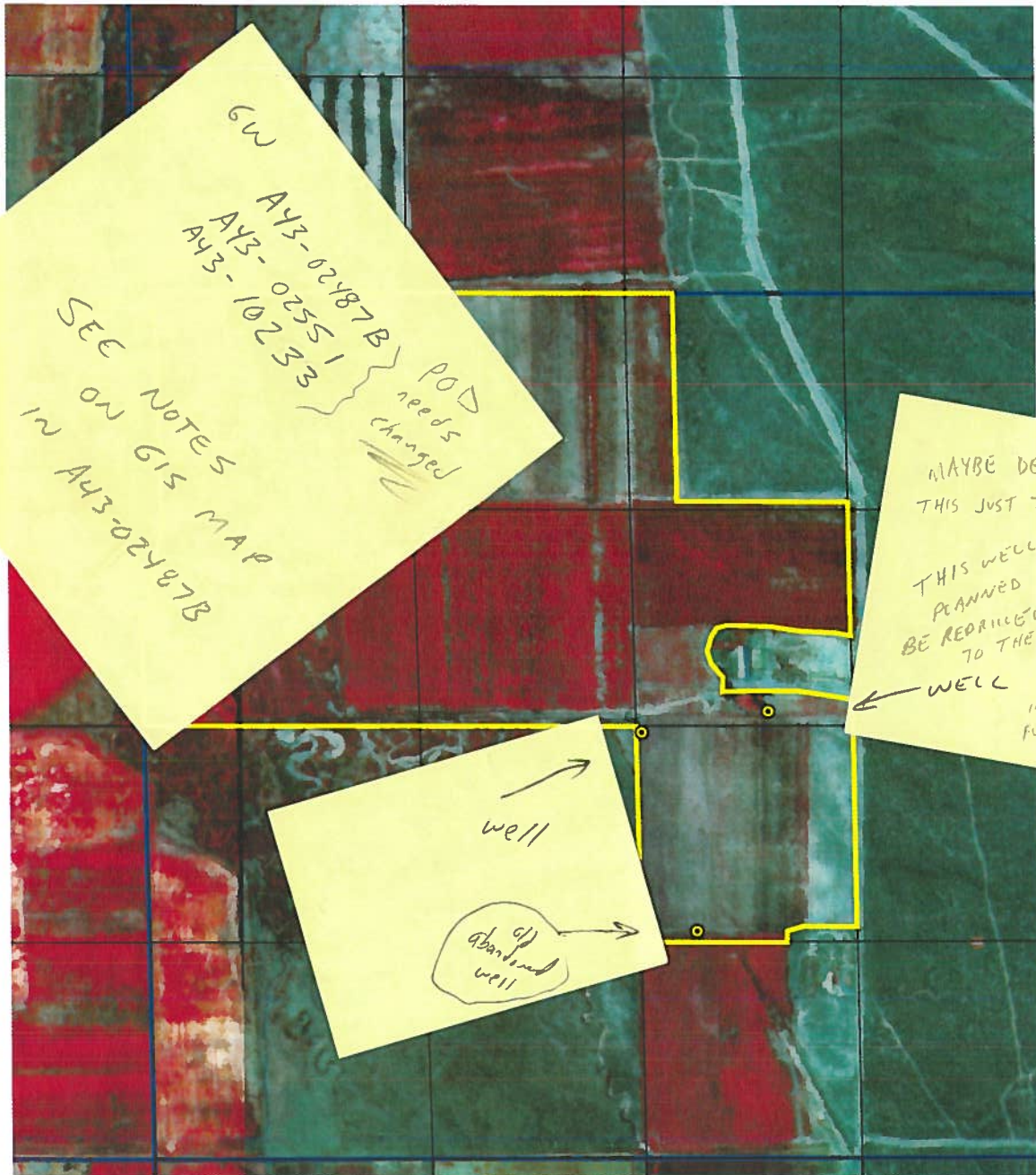
WATER RIGHT:

EXPLANATC

GENERAL PROVISIONS NECESSARY FOR THE
ADMINISTRATION OF THE WATER RIGHTS AS
A POINT IN TIME NO LATER THAN THE ENTRY
, IDAHO CODE.

ANSION OF THIS RIGHT AND RIGHT NO. 43-02551 PURSUANT
, IDAHO CODE.

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 NOV. 20, 2000
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

IDAHO

CASSIA

Report ID: ASCS-156EZ

U.S. Dept. of Agriculture

Agri. Stab. & Conserv. Svc.

Abbreviated 156 Farm Record

FARM 968

Prepared: 12/27/93

Crop Year: 94

Page: 2

No. of Tracts: 2

Current Year

TRACT NO.	FARMLAND	CROPLAND	IRRIGATED	HEL	Ø27	AØ27	W	CW	FW	PC	AW	MW	RW	HG	CWTE	CWNA	PCW
-----------	----------	----------	-----------	-----	-----	------	---	----	----	----	----	----	----	----	------	------	-----

1566	240.0	214.1	214.1	Y	Y	Y	Y	N
------	-------	-------	-------	---	---	---	---	---

IDENTIFIER S-31 T-12 R-27 0522 EE-22

OWNER 1 - LYLE NELSON

2008	840.0	48.8	48.8	Y	Y	Y	N	N
------	-------	------	------	---	---	---	---	---

IDENTIFIER NN-24 S-2.10.11 T-13 R-29

OWNER: 1 - LYLE NELSON

IDAHO
CASSIA
Report ID: ASCS-156EZ

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

FARM 968

Prepared: 12/27/93

Crop Year: 94

Page: 1

OPERATOR: Name, Address & I D No.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	EFFECTIVE CROPLAND	FARM IDENTIFIER	STATUS
519-42-7720 S LYLE NELSON HC 61 BOX 1020 MALTA	1080.0	262.9	262.9	214.1		ACTIVE
ID 83342						

CRP: 48.8

IFM: N

RECON. REF. NO.: 000000

OFAY NORMAL PLANTED ACRES: .0

CROP	ROT.	BASE	CRP REDUCTION	ADJ. BASE	DATE	P&CP		YIELD		
						YEAR		YEAR	NI	I
WHEAT	1	42.7	.0			93	42.7	94	25	7
						92	43.0	85	25	8
						91	42.1			
						90	42.4			
						89	43.2	94	73	
						88	42.7	85	79	
BARLEY	1	49.3	22.5	26.8	12/20/93	93	49.8	94	25	8
						92	48.7	85	25	8
						91	44.7			
						90	50.7			
						89	52.6	94	75	
						88	52.2	85	77	
OATS	1	3.9	2.7	1.2	12/20/93	93	3.7	94	25	
						92	3.5	85	25	
						91	5.2			
						90	4.3			
						89	2.7	94	25	
						88	2.7	85	25	

DD22

FLD

48.0

NHEL

4+

25 30 2 58.1

NHEL

36 31

1566

NHEL

2 58.5

NHEL/W

NW
HEL

4 29.0

NW

3 52.4

5 38.2

NW
HEL

EW

+

DD 22

H3.0

NHEL/V

25 30 2 52.1

36 31 100 1566

NHEL

2 58.5

NHEL/W

NW
HEL

4 29.0

NW

3 52.4

NHEL/V

5 38.2

NW
HEL

EE22

25 30
36 31

15240

33.3

NHE/W

2
19.9

NHE/W

3
17.4

NHE/W

4
25.0

NHE/W

5
24.1

NHE/W

7
17.8

NHE/W

8
16.1

NHE/W

9
18.0

NHE/W

6
14.3

NHE/W

10
38.2

NHE/W

11
20.1

NHE/W

87.3

HE/W

40.8

EE 22

25 30
36 31 9.2

33.3

NHELM

2
19.9

NHELM

3
17.4

NHELM

4
25.0

NHELM

7
17.8

NHELM

8
16.1

NHELM

9
18.0

NHELM

6
4.3

NHELM

5
24.1

HEL

10
38.2 HEL

87.3

HEL

30.1 30
31.5 30

FARM 968
Prepared: 12/27/
Crop Year:
Page:

Current Year

TRACT NO.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	HEL	Ø27	AØ27	W	CW	FW	PC	AW	MW	RW	MG	CWTE	CWNA	PCW
1566	240.0	214.1	214.1	Y	Y	Y	Y	N	—								N
IDENTIFIER				S-31 T-12 R-27			EE-22										
OWNER				1 - LYLE NELSON													
2008	840.0	48.8	48.8	Y	Y	Y	N	N	—								N
IDENTIFIER				NN-24 S-2.10.11 T-13 R-29													
OWNER				1 - LYLE NELSON													

IDAHO
CASSIA
Report ID: ASCS-156EZ

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

FARM 968
Prepared: 12/27/93
Crop Year: 94
Page: 1

OPERATOR: Name, Address & I D No.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	EFFECTIVE CROPLAND	FARM IDENTIFIER	STATUS
519-42-7720 S LYLE NELSON HC 61 BOX 1020 MALTA	1080.0	262.9	262.9	214.1		ACTIVE
ID 83342						

CRP: 48.8

IFM: N

RECON. REF. NO.: 000000

OFAY NORMAL PLANTED ACRES: .0

CROP	ROT.	BASE	CRP REDUCTION	ADJ. BASE	DATE	-----P&CP-----		-----YIELD-----		
						YEAR		YEAR	NI	I
WHEAT	1	42.7	.0			93	42.7	94	25	7
						92	43.0	85	25	8
						91	42.1			
						90	42.4	----- HWY -----		
						89	43.2	94	73	
						88	42.7	85	79	
BARLEY	1	49.3	22.5	26.8	12/20/93	93	49.8	94	25	8
						92	48.7	85	25	8
						91	44.7			
						90	50.7	----- HWY -----		
						89	52.6	94	75	
						88	52.2	85	77	
OATS	1	3.9	2.7	1.2	12/20/93	93	3.7	94	25	7
						92	3.5	85	25	7
						91	5.2			
						90	4.3	----- HWY -----		
						89	2.7	94	25	
						88	2.7	85	25	

25 30

36 31 908

87.3

NW

33.3

NHEL/W

2

19.9

NHEL/W

3

17.4

NHEL/W

4

25.0

NHEL/W

5

24.1

HEL

6

4.3

NHEL/W

7

17.8

NHEL/W

8

16.1

NHEL/W

9

18.0

NHEL/W

10

38.2

HEL

36 31

1 6



W



968

T 2008

NW

CRP 87-96

①

48.8

NW
HEL

3 2
10 + n



Idaho Department of Water Resources
Estimated Pumping Rate Documentation Form

Flow Analysis Performed by: **Scott King**

Date: **01/13/2000**

#REF!

Record ID	191	Measured Flow:	
Water Right No.	A43-10233	Designed Flow:	
Name	Lovingfoss, Water & Delia	HP/Eff Flow:	
pod	12S27E31NWNWSE	Sprinkler Flow:	4.10 cfs <--Max
year:	Previous system	Pivot/System Flow:	
Flow Measurement:		gpm	=
Curve/Pump Design:		gpm	=
Horsepower / Efficiency Method			
Horsepower		hp	
PWL		ft	
Disch Psi		psi	
Eff Estimate		%	
TDH	0	ft	
OHP		hp	
Flow		gpm	=
System Method:			
No Lines	14	Nozzle Equation: $Q=C*A*\sqrt{2*g*h} / \sqrt{1-r^4}$	
Birds per line	32	C=	1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles	448	r=	0.0052 ft Nozzle radius
Nozzle size	1/8 in	A=	0.00009 ft^2 Nozzle area
Nozzle pressure	60 psi	h=	139 ft Head
Flow per nozzle	3.61 gpm	g=	32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	1619 gpm	Q=	0.008 cfs Flow per nozzle
Percent Leaks	12 %	=	3.613 gpm Flow per nozzle
Total Flow	1840 gpm		= 4.10 cfs
Pivot / System rating		gpm	=

Comments / Data Supplied:

1/13/2000 sking

Per call from Mr. Lovingfoss, the current system is 100-hp well to pond. Pond also receives water from Raft River and Cassia Creek when available. 100-hp booster from pond to 7 wheel lines and 4 hand lines, full length (32 birds per line) with 1/8" nozzles, approximately 65 psi.

0

Previous system may have ran 13 or 14 handlines instead of the current 11 lines. Current booster pump has the capacity for these extra lines (but does the well?--sk). Also, a 50-hp well currently is used for only domestic. It has a 30-foot water level (is this the 40-hp well listed in the claims?--sk). Also, another well on the property which has no motor, pump is still in the well. Transformers are still at the site, but the pump has not been used for a long time.

0

0

0

Idaho Department of Water Resources
Estimated Pumping Rate Documentation Form
Flow Analysis Performed by: **Scott King**

ed 1/6/2000

Date: **01/13/2000**

#REF!

Record ID	191	Measured Flow:	
Water Right No.	A43-10233	Designed Flow:	
Name	Lovingfoss, Water & Delia	HP/Eff Flow:	2.87 cfs
pod	12S27E31NWNWSE	Sprinkler Flow:	3.15 cfs
year:	current	Pivot/System Flow:	
Flow Measurement:		gpm	=
Curve/Pump Design:		gpm	=
Horsepower / Efficiency Method			
Horsepower	100 hp		
PWL	250 ft		estimated pwl--snk
Disch Psi	1 psi		open discharge to pond
PUMP Eff Estimate	0.82 %		
TDH	252 ft		
OHP	82 hp		
Flow	1287 gpm	=	2.87 cfs
System Method:			
No Lines	11	Nozzle Equation:	$Q=C*A*\sqrt{2*g*h} / \sqrt{1-r^4}$
Birds per line	32	C=	1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles	352	r=	0.0052 ft Nozzle radius
Nozzle size	1/8 in	A=	0.00009 ft^2 Nozzle area
Nozzle pressure	60 psi	h=	139 ft Head
Flow per nozzle	3.61 gpm	g=	32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	1272 gpm	Q=	0.008 cfs Flow per nozzle
Percent Leaks	10 %	=	3.613 gpm Flow per nozzle
Total Flow	1413 gpm	=	3.15 cfs
Pivot / System rating		gpm	=

Comments / Data Supplied:

1/13/2000 sking

Per call from Mr. Lovingfoss, the current system is 100-hp well to pond. Pond also receives water from Raft River and Cassia Creek when available. 100-hp booster from pond to 7 wheel lines and 4 hand lines, full length (32 birds per line) with 1/8" nozzles, approximately 65 psi.

Previous system may have ran 13 or 14 handlines instead of the current 11 lines. Current booster pump has the capacity for these extra lines (but does the well?--sk). Also, a 50-hp well currently is used for only domestic. It has a 30-foot water level (is this the 40-hp well listed in the claims?--sk). Also, another well on the property which has no motor, pump is still in the well. Transformers are still at the site, but the pump has not been used for a long time.

King, Scott

From: Robertson, Jean
Sent: Thursday, January 13, 2000 11:02 AM
To: King, Scott
Subject: RE: A43-10233

I do agree Scott and I apologize for not being more diligent in culling out the inappropriate ones! I think I was in a hurry or something...can you imagine?

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

From: King, Scott
Sent: Thursday, January 13, 2000 10:44 AM
To: Robertson, Jean
Subject: A43-10233

Jeanie,

Lovingfoss gave me some marginal data for this system, but after looking at the claim further, it appears it is an expansion claim based on licenses (groundwater) 43-02551, -02487B.

I was going to ask Lovingfoss to clarify and give additional data, but it appears this is another that we shouldn't have asked for in the first place, and I really don't need (nor could use) anything further from him.

Do you agree?

Thanks,
Scott

A 3-10233

Yes

2 wells

Louing foss

12/20/99 9:00 am.

Mr. L. called again. Purchased in ~ '96?

Current System:

100 hp well to pond. Pond also receives water from Raft River & Cassia Creek when available. 100 hp booster from pond to 7 wheel lines and 4 hand lines, full length (32 birds/line), at $\frac{1}{8}$ " nozzles, 65 psi.

Previous system.

May have ran 13 or 14 handlines instead of (11 above). Booster has capacity for these extra. (But does well? —)

Also a 50-hp well currently used for domestic, 30 foot water level.

Also another well on the property, no motor, pump in the well. Transformers still at site, but not used for a while.

~~I asked~~ suggested that other info on this other well may help, such as what hp it used to be.

Scott King

A 43-10233

Lovingfoss

(645-2421

Returned His call.

In bed recuperating from eye surgery.

Try again tomorrow.

12/16/99 S King

08:04:01
11/20/00
6

CLAIM NUMBER: A43-02487B

Tributary to:

Stage: LICENSE

SESWNE

SW
NWNWSE

CASSIA County

NE

NW

SW

SE

			NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
-----			:	----	----	----	:	----	----	----	----	:	----	----	----	----	:	----	----	----	----	----	:	-----	
12S	27E	31	:		10	19 33	:	03-47	04-53	17	32	:					:		23 39				:	191.0	
																				TOTAL ACRES				191.0	

Non-Irrigation Uses: NONE

Other Rights: A4302551, RAFT RIVER IRR. RIGHTS #2

Remarks: GEN THIS RIGHT IS IN THE RAFT RIVER CRITICAL GROUNDWATER AREA.
A SEPERATE CLAIM WILL BE FILED FOR THE EXPANDED USE
BASED UPON 42-1416B, ALLOWED DATE OF 6/30/1985.

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

Objection Filed Date:

Field Inspection Flag:
Presumption Flag: E

$$191 \times 4 = 764 \text{ AF}$$

Cond Code C18
Remarks
POU1 E14 259 w/o
K06 19/10
QNT E28 02 of
E25 7641
EXP K03 w/25
10
exp.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:03:55
11/20/00

PAGE: 2
QUICKLOOK INFORMATION

5
CLAIM NUMBER: A43-02487B

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	Y-							
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

State of Idaho

License and Certificate of Water Right

Water License No. -28406 (part) Priority January 28, 1960 Amount 3.3 cfs

THIS IS TO CERTIFY that

FLOYD BONGE and WILBUR F. SCHANER

of Malta, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 28, 1960; that Permit No. G-28406 (part) was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 3.3 second feet, was issued thereunder on March 11, 1966, showing that said works were completed on the 5th day of February, 1965; and that on the 5th day of February, 1965, Floyd Bonge and Wilbur F. Schaner

of Malta, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation under Use Permit No. G-28406 (part) of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses, at Page 8452, on the 11th day of March, 1966.

The right hereby confirmed dates from January 28, 1960.

The Point of Diversion is located

in the W1/4 SE1/4, Sec. 31, Twp. 12S, R. 27E, B.M. Cassia County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.3 cubic feet per second.

Description and location of use:

Twp	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12S	27E	31	NE1/4 NW1/4	40	47
			NW1/4 NW1/4	40	53
			SW1/4 NW1/4	40	17
			SE1/4 NW1/4	40	32
			S1/2 NE1/4	30	19
			NW1/4 SE1/4	30	23

Total number of acres to be irrigated: 191

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho this 11th day of March, 1966.

Carl P. Tappan
State Reclamation Engineer

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

Permit No. G-28406

This proof is for Completion of Works & Beneficial Use in Water District No. _____

1. Name of applicant Nyle Peterson
2. Source of water supply: Subterranean
3. Location of point of diversion: Is in the _____ of Section 31
T. 12 N. R. 27 E. S. 2 N. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same:

Well Sec. 31 15 HP GE SK 42 X RC2 S. 4 RPT 40232 with Arch pump # 2762
Discharge to open ditch at pump pit # 15017
Sec. 31 N.

Sec. 6 11.5 HP Motor 25 HP Sec # 110 2630 with Arch pump Sec # 1542805
Discharge to open ditch at pump pit # 15017

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes

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

WATER, E. 1/4, Sec. 6, T. 13 S., R. 27 E., S. 2 N.
WATER, E. 1/4, Sec. 31, T. 12 S., R. 27 E., S. 2 N. (320) acres

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

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

Remarks: Bunge Schaner Creek - Wilbur Schaner Along
Star Route Malby, Ida
Western Adams along Adams Ranch Malby, Ida
Section 31 - 3 Row of McCrometer @ 94 sec = 3.19 cfs X 1.01 = 3.22 cfs
Section 6 - 5 Row of McCrometer @ 131 sec = 3.82 cfs X 1.01 = 3.82 cfs
Will G. 4727 Sec 31 - 3 Row of McCrometer @ 182 sec = 1.59 cfs X 1.01 = 1.61 cfs
7.04 cfs

This examination was made on the

28 day of July 1965
(Signed) Donald W. Peterson

By 27EOM

TP 128 Quindly Bay
Scholar

50 47

11 32 170

23

39 28

31 32

100

65

23

191

67

71

97

all done of 10 A

each

allow 10 A E

PD.

PD.

Page 139

Approved by G. A. Nelson

39	28		
39	32	2	20

[Handwritten notes on graph paper:]

HIGH MOUNTAINS
SOUTH SLOPE
NORTH SLOPE
EAST SLOPE
WEST SLOPE

Subdivisions = 10

Area = 329 acres

Allow $Q = 9.24 \times 10^4$

Perfit Chain only 4.5kts or 240"

NAME OF APPLICANT R. C. Wake

Form

212 B m

T
12
S

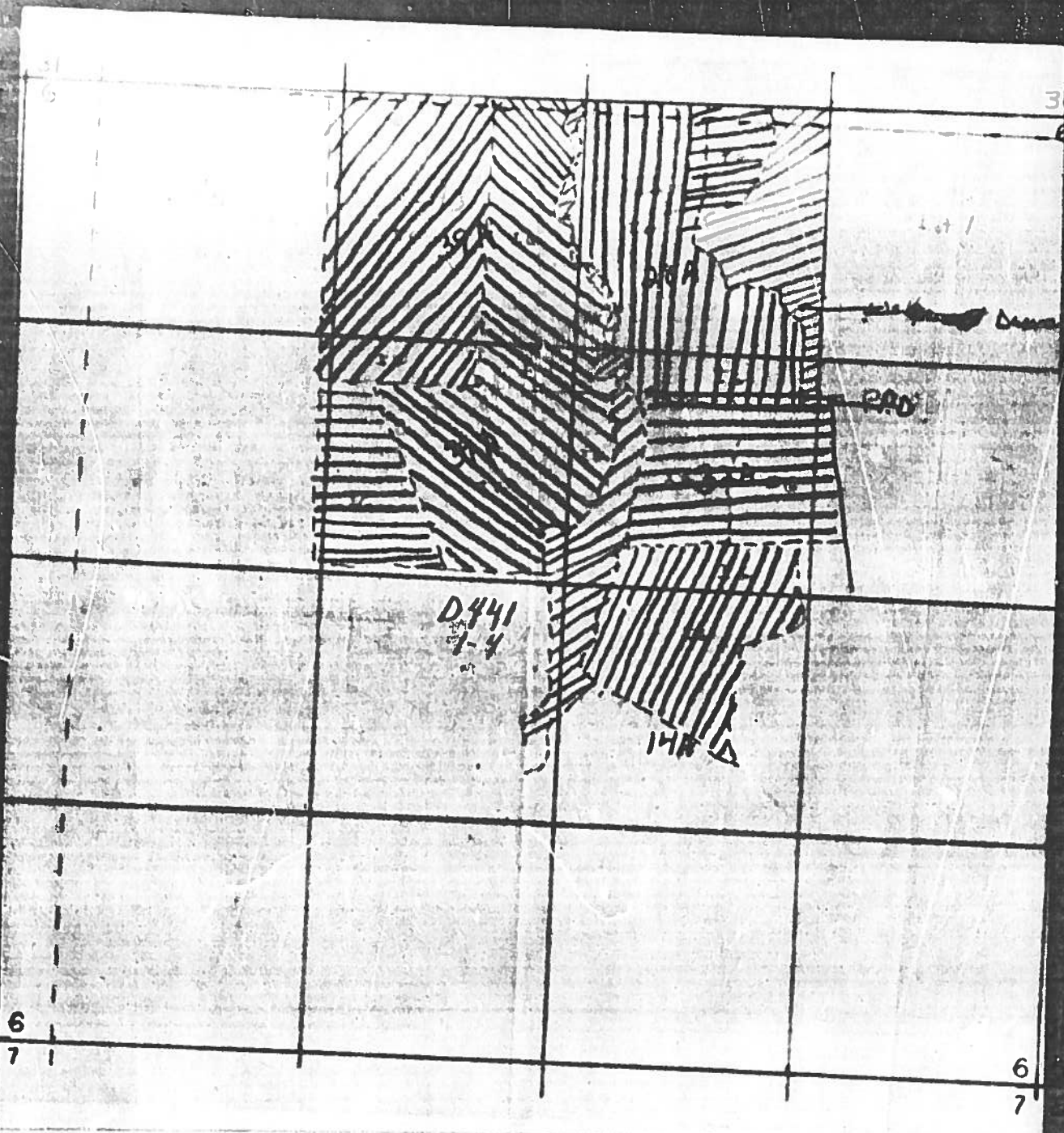
212 B m

T
13
S

212 B m

212 B m

Permit Map No. 28406
As Approved FEB 2 1960
GEO. N. CARTER
State Geologist



S			O				S
E	Water	Name	W	Priority	STG/		Use
L	Right No.	Last, First	N	Date	STS	Source	Desc

-	43-02487			00/00/0000	/Z			WR
X	43-02487A	ADAMS, WESLEY D.	C	11/30/1960	L/	GROUNDWATER	IRR	WR
X	43-02487B	BONGE, FLOYD	C	01/28/1960	L/	GROUNDWATER	IRR	WR
-		SCHANER, WILBER F.	C					
-	-----	-----	-	-----	---	-----	-----	--
X	A43-02487A	KNUDSEN, SCOTT	C	11/30/1960	L/	GROUNDWATER	IRR	AJ
-		KNUDSEN, PAT	C					
X	A43-02487B	LOVINGFOSS, DELIA L	C	01/28/1960	L/	GROUNDWATER	IRR	AJ
		LOVINGFOSS, WALTER J	C					

* Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)
(Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu)

TOTAL DIVERSION: 1.500 CFS

Stage: LICENSE

CASSIA County

2

TOTAL ACRES

Other Water Rights Listing Overlapping Place(s) of use:

Proof Due Date:	Proof Made Date:
Exam Made Date:	Exam Sent to S.O.:

Proof Made Date:
Exam Sent to S.O.:

Field Exam Fee:

TOTAL DIVERSION: 3.300 CFS

CASSIA County

TOTAL ACRES

Other Water Rights	Listing	Overlapping Place(s) of use:
43-00015	43-00303	43-00306
	43-00304	43-00307
	43-00305	43-02497
		43-02551

01/28/1960

Field Exam Fee:

DATE: 11/20/00
PAGE: 1

Stage: LICENSE

CASSIA County

5

87.0

Audit: 06/08/89 CLELLAND 03/30/95 POST-STD

DATE: 11/20/00
PAGE: 2

Stage: LICENSE

CASSIA County

SE
SE

TOTAL ACRES

Other Rights: A4302551, RAFT RIVER IRR. RIGHTS #2

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

Misc:	Water District Number:	Field Inspection Flag:
		Pre-Inspection Flag:

Audit:	05/24/89 CARLSON	03/30/95 POST-STD	07/18/96 JROBERTS
--------	------------------	-------------------	-------------------