

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 43-13239
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)

WALTER JEAN LOVINGFOSS
HC 61 BOX 1020
MALTA ID USA 83342

Phone: (208)645-2421

DELIA L LOVINGFOSS
HC 61 BOX 1020
MALTA ID USA 83342

Phone: (208)645-2421

2. Date of Priority: 09/17/1962

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	0.46	222.7
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.46 C.F.S. and/or 222.7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
12S	27E	31	NE			IRRIGATION	41
			SW			IRRIGATION	33
			NW		1	IRRIGATION	47
			SW		2	IRRIGATION	49
			SE			IRRIGATION	40
			NW			IRRIGATION	39
			SW			DOMESTIC	
						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 43-2551.

15. Basis of Claim: License

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: **A43-02551**

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: SEP 17, 1962

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' 100HP., 12" CASING 70' 40 HP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.470		
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:

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

8. Total consumptive use is 504.0 Acre Feet Per Annum.

9. Non-irrigation uses:

D/ 1 HOUSE.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	27E	31	SW		NE		IRR	10.0
			NE		NW		IRR	47.0
			NW		NW		IRR	53.0
			SW		NW		IRR	17.0
			SE		NW		IRR	32.0

Section Acres 159.0

Total Acres 159.0

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:
A4302487B.

14. Remarks:

THIS RIGHT IS IN THE RAFT RIVER C.G.W.A. A SEPERATE CLAIM
WILL BE FILED FOR THE EXPANDED USE BASED UPON 42-2426B, ALLOWED
DATE OF 6/30/1985.

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

15. Basis of Claim: LICENSE

Water Right Number: 30727

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

Please print or type

(see instructions on back of page)

Department of Water Resources
Southern Region

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) 645-2424
- [] 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. Nelson~~ ^{EDWIN} 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 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.

(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

MISS A 15

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: A43-02551
Date Received: 5/24/1989
Receipt No: 5007584
Received By: lc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

AND/OR

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

2. Date of Priority: SEP 17, 1962

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' 100HP., 12" CASING 70' 40 HP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.470		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 504.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE.

A43-02551

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	10.0
			NE	NW		IRR	47.0
			NW	NW		IRR	53.0
			SW	NW		IRR	17.0
			SE	NW		IRR	32.0
					Section Acres		159.0
					Total Acres		159.0

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:
A4302487B.

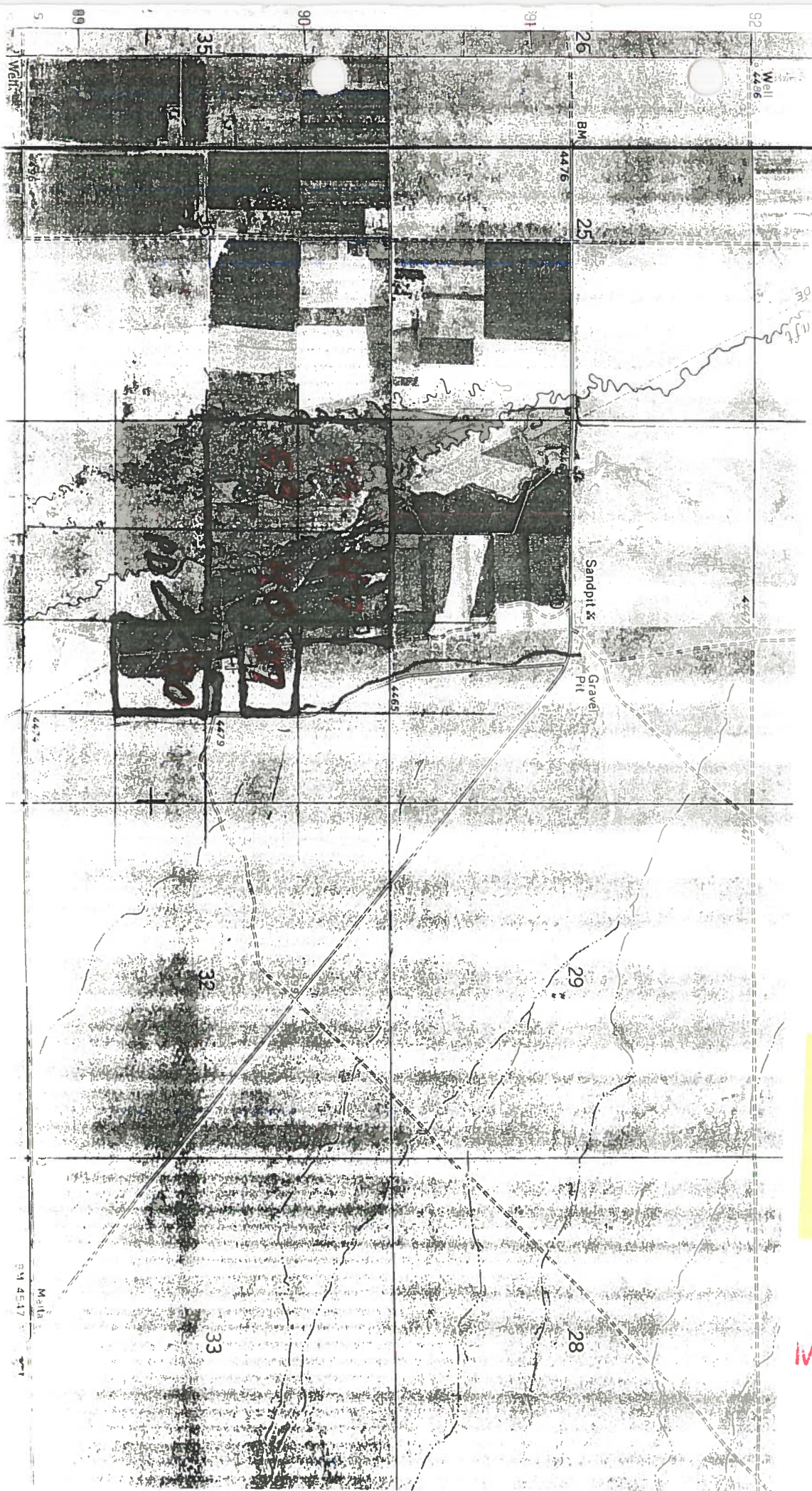
14. Remarks:
THIS RIGHT IS IN THE RAFT RIVER C.G.W.A. A SEPERATE CLAIM
WILL BE FILED FOR THE EXPANDED USE BASED UPON 42-2426B, ALLOWED
DATE OF 6/30/1985.

15. Basis of Claim: LICENSE
Water Right Number: 30727

MICROFILMED
MAR 03 1993

(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



MAP

MICROFILMED
MAR 03 1993

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 10 2002	
By _____	Clerk
_____	Deputy 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 43-13239
_____	)	

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 43-13239 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

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

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

OCT 10 2002

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-13239

By _____ Clerk
Deputy Clerk

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

SOURCE: GROUND WATER

QUANTITY: 0.46 CFS
222.70 AFY

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.
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.

PRIORITY DATE: 09/17/1962

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	0.46 CFS
	Domestic	01-01 TO 12-31	222.70 AFY
			0.04 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
Domestic Within Cassia County
T12S R27E S31 SWNE

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 154.6 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): 43-13239

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 43-13239 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

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

SOURCE: GROUND WATER
QUANTITY: 0.46 CFS
222.7 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.

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

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

DOMESTIC Within CASSIA County

T12S R27E S31 SWNE

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

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

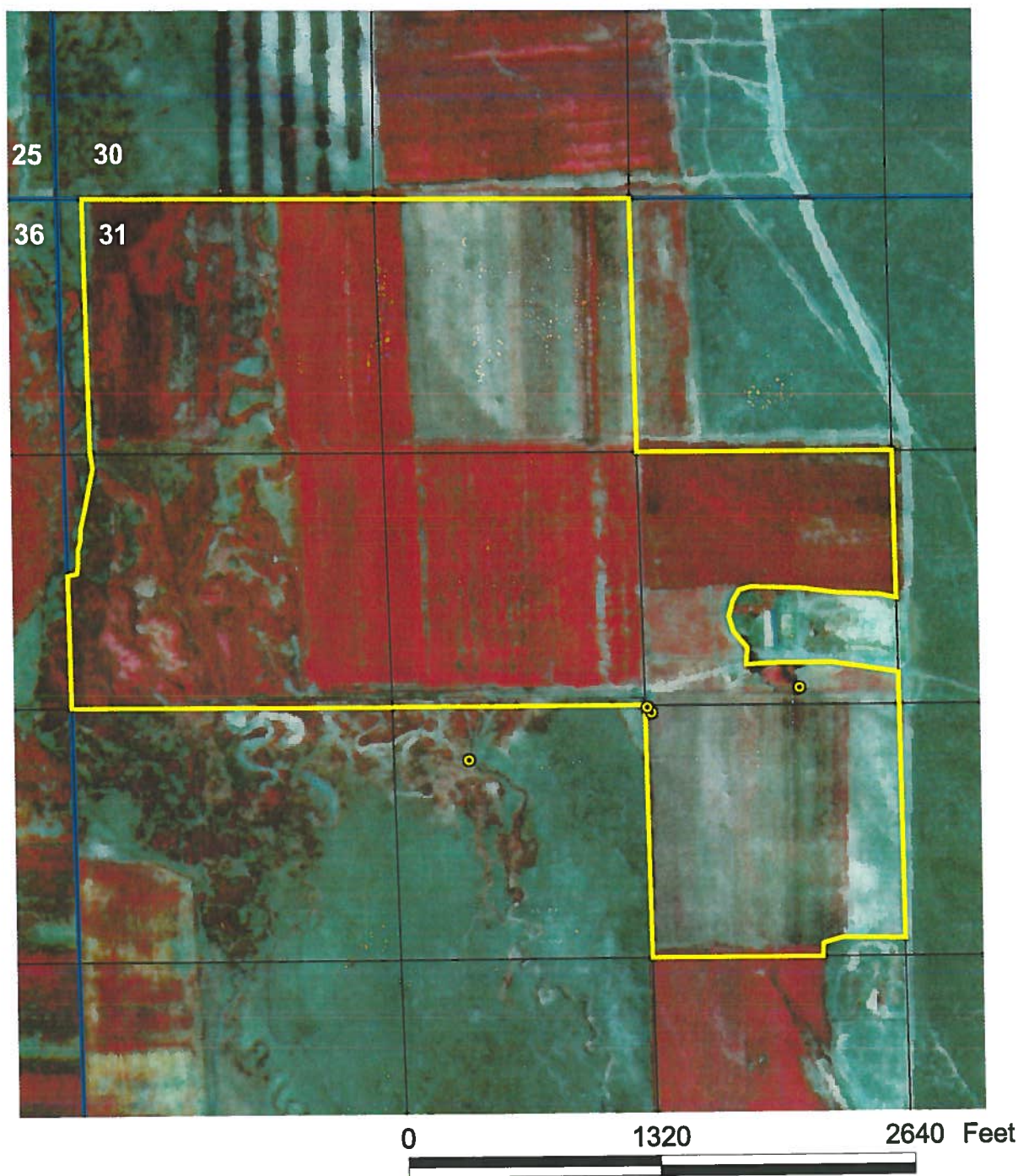
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

RIGHT NO. 43-13241 IS AN EXPANSION OF THIS RIGHT AND RIGHT NO. 43-13237 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2551.

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 _____

01/16/2001

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

RIGHT NUMBER: 43-2551

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

43-13239 Lovingfoss
43-13240 BLM

SOURCE: GROUND WATER

QUANTITY: 0.47 CFS
229 AFY

46 (.47 ÷ 256 × 249)
01 (.47 ÷ 256 × 7)
222.7
6.3

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.

743.1 20.9

PRIORITY DATE: 09/17/1962

POINT OF DIVERSION: T12S R27E S31 SWNE 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	0.47 CFS
DOMESTIC	01-01 12-31	229.00 AFY 0.04 CFS

46
01

PLACE OF USE:

IRRIGATION Within CASSIA County		DOMESTIC Within CASSIA County	
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		

delete

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.

154.6 4.4
 $159 \div 256 \times 249 =$
 $159 \div 256 \times 7 =$

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 159 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

RIGHT NO. ~~43-10233~~ IS AN EXPANSION OF THIS RIGHT AND RIGHT
NO. ~~43-02487B~~ PURSUANT TO SECTION 42-1416B, IDAHO CODE.

part of -2551

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

1

07/17/2002

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

EXPLANATORY MATERIAL: License

RIGHT NO. 43-13241 IS AN EXPANSION OF THIS RIGHT AND RIGHT NO.
43-13237 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2551.

Adjudication Recommendation Report 43-13239 V2

WATER RIGHT NUMBER: 43-13239 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
Current Owner	DELIA L LOVINGFOSS HC 61 BOX 1020 MALTA, ID 83342 (208)645-2421

Priority Date: 09/17/1962

Basis:	License
--------	---------

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.460 CFS	222.70 AF
DOMESTIC	01/01 to 12/31	0.040 CFS	
	Total Diversion:	0.460 CFS	222.70 AF

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

[illegible]

Total Acres: 249

DOMESTIC

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 43-13239 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 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. 43-13237 PURSUANT TO SECTION 42-1416B, IDAHO CODE.
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 154.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2551.

Comments:

1. jroberts 7/17/2002 Recommendation

Comment: This right was created as the result of a BLM Objection, splitting 43-2551 into 43-13239 (Lovingfoss) and 43-13240 (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:
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
New Recommen...



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

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

JR ✓

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 43-02551

(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)

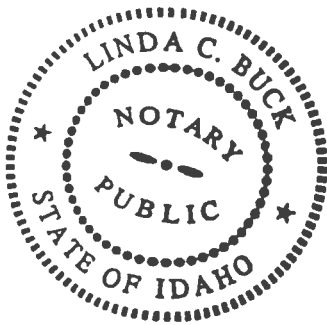
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

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: 43-2551
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: 0.470 CFS
229.00 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: 09/17/1962

POINT OF DIVERSION:
T12S R27E S31 SWNE 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	0.470 CFS 229.00 AFY
DOMESTIC	01/01 12/31	0.040 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 SENW	40.0
T12S R27E S31 NWSE	39.0		

DOMESTIC Within CASSIA County

T12S R27E S31 SWNE

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

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

09/19/2001

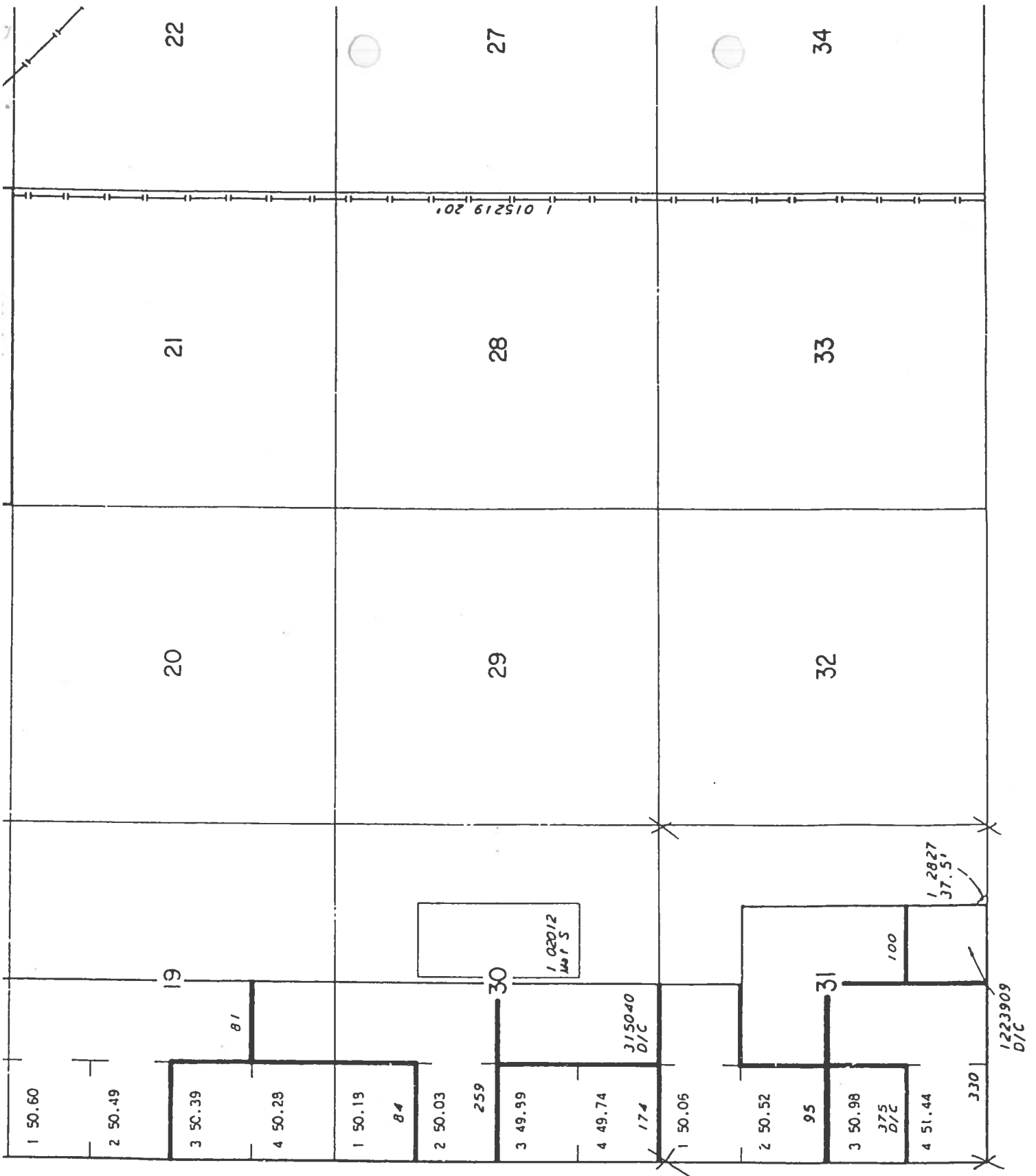
IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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. 43-02487B PURSUANT TO SECTION 42-1416B, IDAHO CODE.

1125, R27E Sec. 31



SCALE in Choirs

CASSIA COUNTY
BUMLEY DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

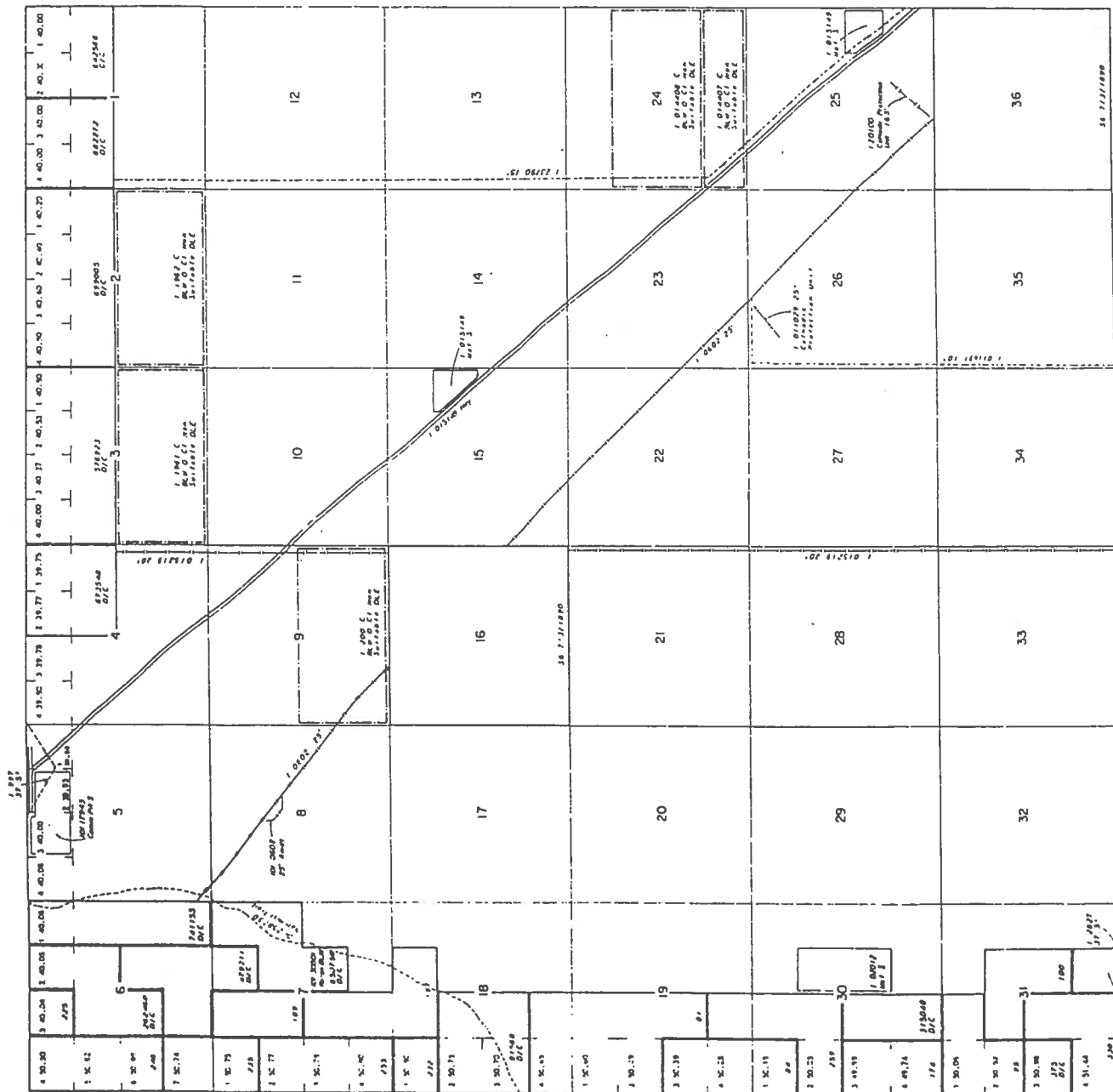
MT PLAT

[illegible]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 06-12-1997 BY SP8 BTJ/KJS

PUBLIC RELEASE

DO NOT WRITE IN THESE SPACES



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

SCALE in: Chinese

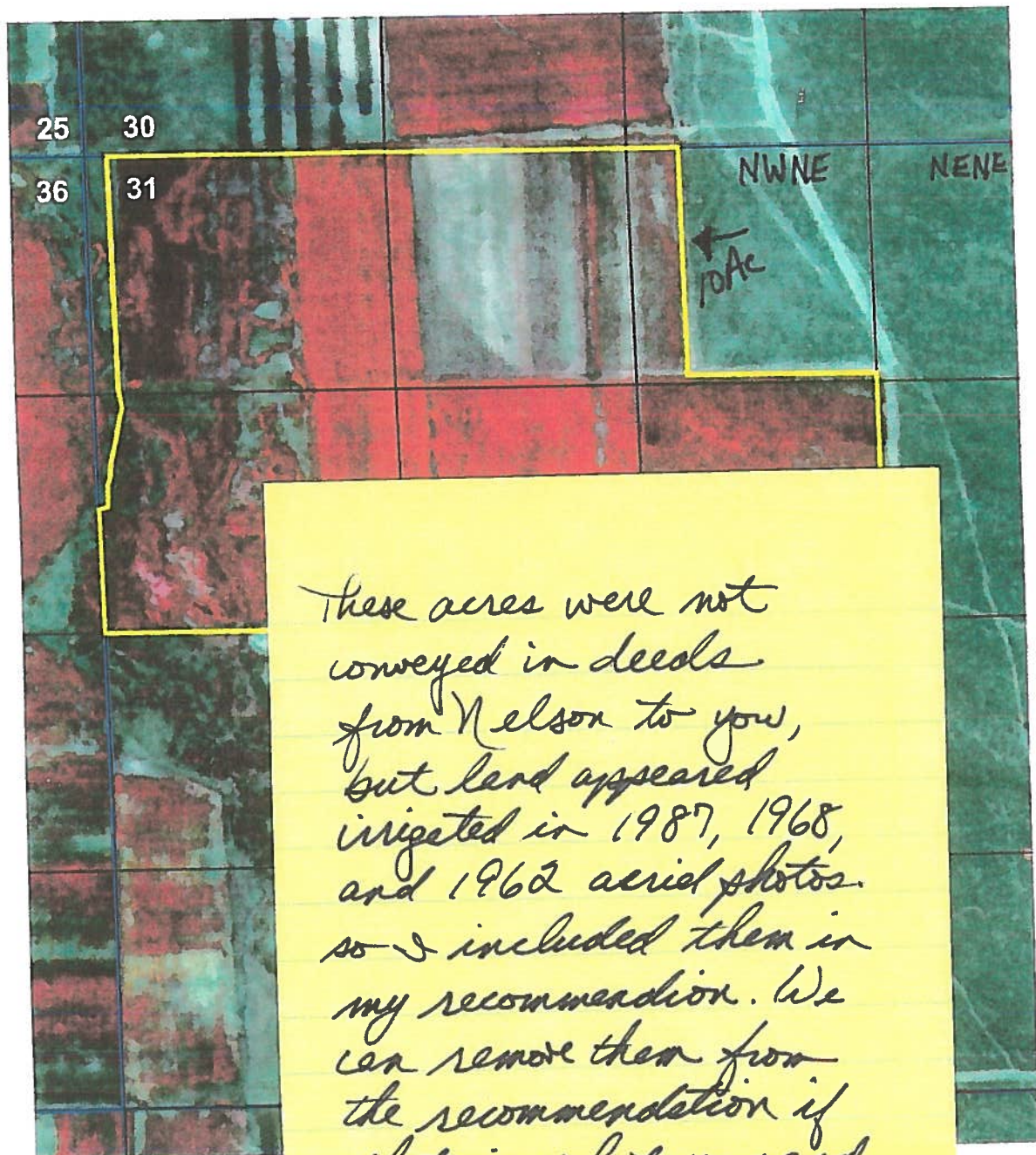
Bonus / Net	
T.	125
R.	276

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

	CURRENT TO	CURRENT TO
	DEC - A 8907	
USE PLAYS:		

Idaho Department of Water Resources

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



These acres were not
conveyed in deeds
from Nelson to you,
but land appeared
irrigated in 1987, 1968,
and 1962 aerial photos.
so I included them in
my recommendation. We
can remove them from
the recommendation if
that is what you and
BLM agree to do in
order to resolve their
objection.

jeannie

Feet



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

Use of Use Presentation
1987/1988 Napp Photography
Prepared by Jeannie Robertson

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: 43-2551

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

VERIFIED BY _____

01/16/2001

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

RIGHT NUMBER: 43-2551

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

SOURCE: GROUND WATER

QUANTITY: 0.47 CFS
229 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: 09/17/1962

POINT OF DIVERSION: T12S R27E S31 SWNE 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	0.47 CFS 229.00 AFY
DOMESTIC	01-01 12-31	0.04 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T12S R27E S31	NWNE	10	T12S R27E S31
T12S R27E S31	NENW	41	T12S R27E S31 LOT 1
T12S R27E S31 LOT 2	SWNW	49	T12S R27E S31
T12S R27E S31	NWSE	39	
<u>DOMESTIC Within CASSIA County</u>			
T12S R27E S31	SWNE		

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.

Water Right 43-2551

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 159 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

RIGHT NO. 43-10233 IS AN EXPANSION OF THIS RIGHT AND RIGHT
NO. 43-02487B 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

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. ppw 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. ppw with comb. lic

Mr. Longfoss
came in 1/12/01
and clarified well
is in NWNWSE
as claimed...
- changed recomm.

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

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 43-02551
DATE: 11-20-00
BY: J

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$Q = \frac{(8.8) (\dots\dots\dots) (0.70)}{[(\dots\dots\dots) + (\dots\dots\dots \times 2.31)]}$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner ()	owner ()	
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs ()	owner gage ()	
Booster (Y) (N)		

REMARKS _____

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	
3/15 - 11/15	246	POTENTIAL = $\frac{(\dots\dots\dots) \times (1.98) \times (\dots\dots\dots)}{228.92}$
4/1 - 11/1	215	
4/15 - 10/15	184	
3/1 - 12/1	276	

POTENTIAL = 229 *

REQUIRED Acre Feet/Acre/Annum = 4 X 159 = 636
(AF/Ann/Ac irrigation requirement from chart for area)

NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:04:06
11/20/00
9

PAGE: 3
PROFILE REPORT

CLAIM NUMBER: A43-02551

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WALTER JEAN LOVINGFOSS	09/17/1962	IRRIGATION	03-15 11-15	0.470 CFS	
C	DELIA L LOVINGFOSS		DOMESTIC	01-01 12-31	0.040 CFS	
TOTAL DIVERSION:					0.470 CFS	
~~CONSUMPTIVE USE:~~						

229AF
(see calc.)
504.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T12S R27E S31

SESWNE

SW
NWNWSE

CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE						
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
12S	27E	31	:	10	33	:	41	53	47	49	32	:	39	:				159.0
TOTAL ACRES																	159.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: CASSIA

Non-Irrigation Uses: D/ 1 HOUSE.

Other Rights: A4302487B.

159/249 Ac. APN

Remarks: GEN THIS RIGHT IS IN THE RAFT RIVER C.G.W.A. A SEPERATE CLAIM
WILL BE FILED FOR THE EXPANDED USE BASED UPON 42-2426B, ALLOWED
DATE OF 6/30/1985.

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

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: E

overlaps with (no new acres)
191 lic. acres X4 = 764AF (E25)
(2487B)

Cond. Code C18
Remarks:
POU 1 E14 259ac.
K06 159A
QNT 65 764AF
w/ 248'
100
E28 .02cfs
EXP K03
(exp)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:03:55
11/20/00

PAGE: 2
QUICKLOOK INFORMATION

8
CLAIM NUMBER: A43-02551

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

State of Idaho
License and Certificate of Water Right

Water License No. G-30727

Amount 0.47 c.f.s.

Water District No. _____

Priority September 17, 1962

THIS IS TO CERTIFY that R. C. WAKE Assignee - FLOYD BONGE
of Malta, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 17, 1962; that Permit No. G-30727
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.47 second feet, was issued thereunder on January 24, 1967, showing that said works
were completed on the 15th day of February, 1966; and that on the 15th
day of February, 1966, FLOYD BONGE

of Peris, State of California, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
a tributary of subterranean flow, for the purpose of domestic use &
irrigation under Use Permit No. G-30727 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
14 of Licenses at page 8645, on the 24 day of January, 1967;
The right hereby confirmed dates from September 17, 1962;

The Point of Diversion is located
in the SW 1/4 NE 1/4, Sec. 31, Tp. 12 S., R. 27 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.47 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S	27 E	31	SW 1/4 NE 1/4	30	10
			NE 1/4 NW 1/4	40	47
			NW 1/4 NW 1/4	40	53
			SW 1/4 NW 1/4	40	17
			SE 1/4 NW 1/4	40	32
			Total number of acres to be irrigated:		168
			Supplemental water		

adds up to 150
not 168

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
24th day of January, 1967.

(SEAL)

/s/ R. KEITH HIGGINSON
State Reclamation Engineer.

State of Idaho
License and Certificate of Water Right

Water License No. G-50727

Amount 0.47 c.f.s.

Water District No.

Priority September 17, 1962

THIS IS TO CERTIFY that R. C. WAKE Assignee - FLOYD BONGE
of Malta, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 17, 1962; that Permit No. G-30727
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
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and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
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			SE 1/4 NW 1/4	40	32		
			Total number of acres to be irrigated:				168
			Supplemental water				

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.

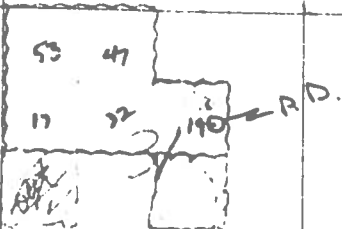
WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
24th day of January, 1967.

(SEAL)

/s/ R. KEITH HIGGINSON
State Reclamation Engineer.

Twp. 12 S.

30
11.1 miles
Main



El. and under 60 62840
for 3.34
867A

100
68

168

A = 168 Acres

Sub = 5

Alien Q = 82 inches or 164 cfs

86

62840 - 645

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

Permit No. 3-30727

This proof is for Completion of Works and
Beneficial Use

In Water District No.

1. Name of applicant Floyd Benge

2. Source of water supply: well

3. Location of point of diversion: Is in the

SW1/4

of Section 31

T. 12 S

R. 27 E., B.M. County of

Cassia

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

15 H.P. GE Motor RUT 407276 Wirthcraft pump # 9762
6" discharge to open dirt ditch power pole 150.17

5. Water is used for: Irrigation and Domestic Purposes

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

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):

SW1/4, NW1/4, SE1/4, NE1/4, SW1/4, Sec. 31, T 12 S., R 27 E., B.M.

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

8. What large stream would the water here appropriated finally reach? Mr. W. Schaner along

Remarks: 3 Rev. of Mr. Crometer @ 189 Sec. = 1.59 cfs x 1.03 = 1.64 cfs

This examination was made on the

2

day of

August

19 65

(Signed)

Donald W. Ellington
Examiner

30727

plat V