

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 43-13241
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: 06/30/1985

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	NW NW SE	CASSIA	
12S	27E	31	SW NE	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	0.96	

7. Total Quantity Appropriated is:
0.96 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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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 43-10233.

15. Basis of Claim: Beneficial Use

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: A43-10233

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	1.380		

7. Total Quantity Appropriated is:

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

8. Total consumptive use is 207.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	27E	31	SW		NE		IRR	8.0
			SW		NW		IRR	36.0
			SE		NW		IRR	8.0
			NW		SE		IRR	17.0
							Section Acres	69.0
							Total Acres	69.0

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, A4302487B.

14. Remarks:

THIS RIGHT IS IN THE RAFT RIVER CRITICAL GROUNDWATER AREA.
THIS CLAIM IS FILED TO REPRESENT AN EXPANSION OF THE PLACE OF
USE. THE CLAIMANT PURCHASED THE PROPERTY IN 1972 AND SHORTLY
AFTER CLEARED LAND OF GREESE WOOD AND SAGE BRUSH, AND BEGAN
IRRIGATING THE ADDITIONAL LAND. NO MORE WATER IS CLAIMED ONLY
THE ADDITIONAL ACREAGE.

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

15. Basis of Claim: BENEFICIAL USE

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: _____

RECEIVED



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

JUL 17 1996

Please print or type

(see instructions on back of page)

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

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____.
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) A43-00307, A43-02487B, A43-02551
 Assigned by IDWR: A43-10233, A43-10363, A43-10364, A43-10799
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): LYLE & LONA NELSON
23946 STATE LINE RD.
PARMA, ID. 83660
- ☐ New Owner/Claimant (Purchaser): WALTER JEAN & DELIA W. LOVINGFOSS
- ☐ New Mailing Address: HC 61 BOX 1020
MALTA, ID. 83342
- ☐ New Telephone Number: (208) 645-2421
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: WARRANTY DEED
 (proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Walter Jean Lovingfoss Date 7-17-96
Delia L. Lovingfoss Date 7-17-96
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
 _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 7/18/96 By: [Signature]

Further Action Needed

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

237489

RECEIVED

JUL 17 1996

WARRANTY DEED

Department of Water Resources
Southern Region

FOR VALUE RECEIVED, ^{EDWIN}~~Lyle E.~~ Nelson and Loa Nelson, Trustees of the Lyle E. Nelson Family Living Trust dated March 11, 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 Jearb, 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

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

MS 22-15

237489

600

bm

Lyle & LOA NELSON
208 L-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: A43-10233
Date Received: 5/24/1989
Receipt No: 5007584
Received By: CW

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	1.380		

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

8. Total consumptive use is 207.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-10233

Page 1

Date: 05/24/89

COPY

MICROFILMED
MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	27E	31	SW	NE		IRR	8.0
			SW	NW		IRR	36.0
			SE	NW		IRR	8.0
			NW	SE		IRR	17.0
						Section Acres	69.0
						Total Acres	69.0

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, A4302487B.

14. Remarks:

THIS RIGHT IS IN THE RAFT RIVER CRITICAL GROUNDWATER AREA.
THIS CLAIM IS FILED TO REPRESENT AN EXPANSION OF THE PLACE OF
USE. THE CLAIMANT PURCHASED THE PROPERTY IN 1972 AND SHORTLY
AFTER CLEARED LAND OF GREESE WOOD AND SAGE BRUSH, AND BEGAN
IRRIGATING THE ADDITIONAL LAND. NO MORE WATER IS CLAIMED ONLY
THE ADDITIONAL ACREAGE.

15. Basis of Claim: BENEFICIAL USE

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

Date: _____

State of Idaho)
County of OF) SS.

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

Seal

Residing at OF
My Commission Expires 3/94



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-10233
LYLE E. NELSON
LOA NELSON
HC. 61 BOX 1020
MALTA

ID 83342

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 04 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 43-13241
_____	)	

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 43-13241 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-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 10 2002
By _____ Clerk Deputy Clerk

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-13241

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

SOURCE: GROUND WATER

QUANTITY: 0.96 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.:
43-00307, 43-10363, 43-10799, 43-13237, 43-13239, & 43-13241.
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: 06/30/1985

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	0.96 CFS

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

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 66.1 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 RIGHT IS AN EXPANSION OF RIGHT NOS. 43-13237 & 43-13239
PURSUANT TO SECTION 42-1416B, IDAHO CODE.

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): 43-13241

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 43-13241 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: 43-13241

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: 0.96 CFS

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: 06/30/1985

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	0.960 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

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

249 ACRES TOTAL

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 66.1 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.

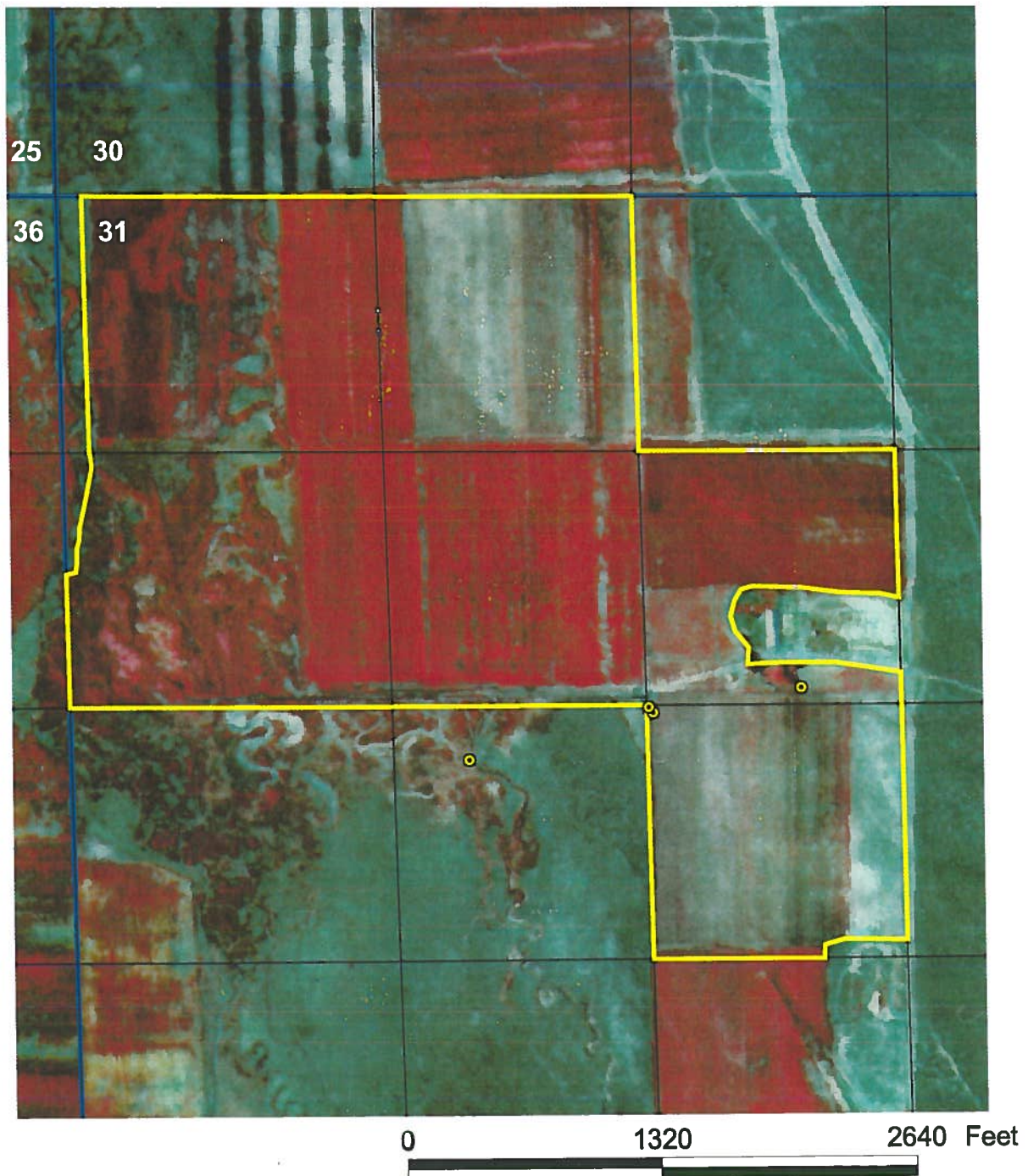
THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-13237 & 43-13239 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-10233.

Water Right 43-13241

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

01/16/2001

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

RIGHT NUMBER: 43-10233

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

SOURCE: GROUND WATER

QUANTITY:

0.99 CFS

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

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.77 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 764 AF. COMBINED RIGHT NOS.: 43-0487B, 43-02551, & 43-10233.

PRIORITY DATE: 06/30/1985

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	0.99 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County							
~~T12S R27E S31~~	~~NWNE~~	~~10~~	~~(17)~~	T12S R27E S31		SWNE	33
T12S R27E S31	NENW	41		T12S R27E S31	LOT 1	NWNW	47
T12S R27E S31	LOT 2 SWNW	49		T12S R27E S31		SENW	40
T12S R27E S31	NWSE	39					

249⁷
~~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 68 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Water Right 43-10233

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.

THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-02487B & 43-02551 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

part of - 10233

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

1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-13241 V1

WATER RIGHT NUMBER: 43-13241 V1

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

Priority Date: 06/30/1985

Basis: Beneficial Use

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	0.960 CFS	
	<u>Total Diversion:</u>	0.960 CFS	

Location of Point(s) of Diversion

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

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

Place of Use

IRRIGATION

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

Total Acres: 249

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-13241 V1

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 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. General THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-13237 & 43-13239 PURSUANT TO SECTION 42-1416B, IDAHO CODE.
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 66.1 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-10233.

Comments:

1. jroberts 7/17/2002 Recommendation

Comment: This right was created as the result of a BLM Objection, splitting 43-10233 into 43-13241 (Lovingfoss) and 43-13242 (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



43-13238, 13240,



43-13239



43-13240 BLM New

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



43-13241



43-13242 BLM New



43-307 Lovingfoss



43-307, 10363,

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

Robertson, Jean

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

Case No. 39576

A. Subcase 43-10233

(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)

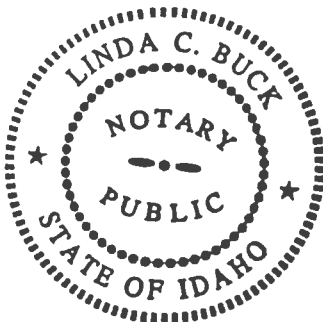
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Larry G. 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: 43-10233
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: 0.990 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.: 43-00307, 43-02487B, 43-02551, 43-10233, 43-10363, & 43-10799.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.77 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 764 AF. COMBINED RIGHT NOS.: 43-0487B, 43-02551, & 43-10233.

PRIORITY DATE: 06/30/1985

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	0.990 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R27E S31 BLM	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 68 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.
THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-02487B & 43-02551 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

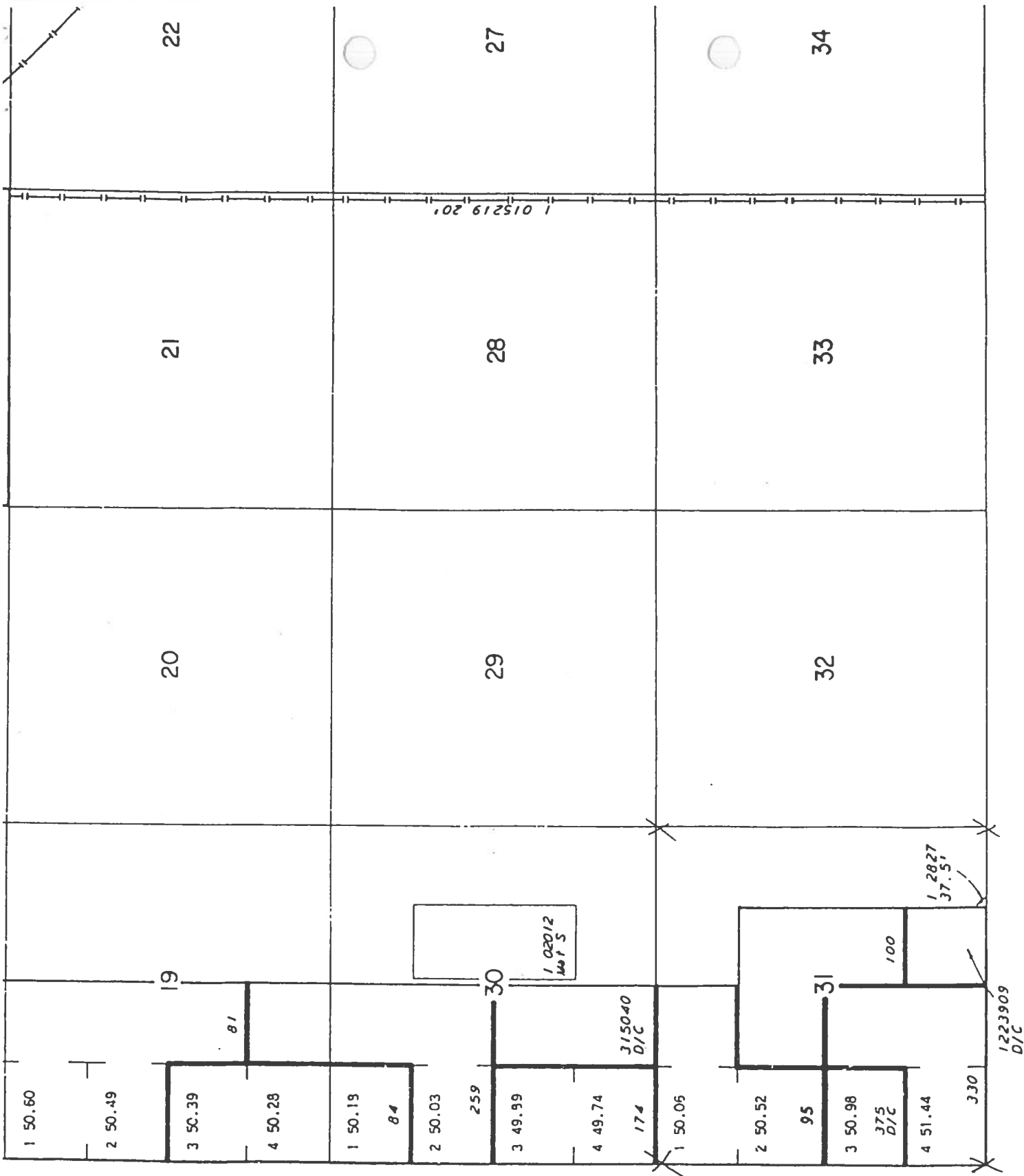
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

09/19/2001

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

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T125, R27E Sec. 31



SCALE in Choir.s

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

CASSIA COUNTY
RURAL DISTRICT SEC 3

MT PLAT

[illegible]

1.4 250700 601104Z Train
*historical information only, does not denote
public access
101 30301 PR WD NO BLM OE on 6/2/1997
Sec 7: ANISE, SWNE, E2NE

FOR OTHERS EFFECTIVE DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

[illegible]

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 Chains



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: 43-10233

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):

QUANTITY: 1.38 CFS INSTEAD OF 0.900 CFS.

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

*QUANTITY: 1.38 CFS AS SHOWN IN A43-10233
CIVIL CASE No. 39576*

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

*PREVIOUS NOTICE OF CLAIM SHOWS 1.380 CFS WITH PRIORITY
DATE OF JAN 28, 1960 INSTEAD OF 0.900 CFS WITH PRIORITY
I DISAGREE DATE OF 6/30/85*

☒ I AGREE with this proposed recommendation, as 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

05/10/2001

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

RIGHT NUMBER: 43-10233
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:

~~0.990 CFS~~

1.38 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.: 43-00307, 43-02487B, 43-02551, 43-10233, 43-10363, & 43-10799.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.77 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 764 AF. COMBINED RIGHT NOS.: 43-0487B, 43-02551, & 43-10233.

PRIORITY DATE:

~~06/30/1985~~

1/28/60

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	0.990 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

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

259 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 259 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-00307, 43-02487B, 43-02551, 43-10233, 43-10363, & 43-10799.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 68 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.
THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-02487B & 43-02551 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

VERIFIED BY

01/16/2001

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

RIGHT NUMBER: 43-10233

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

SOURCE: GROUND WATER

QUANTITY: 0.99 CFS

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

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.77 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 764 AF. COMBINED RIGHT NOS.: 43-
0487B, 43-02551, & 43-10233.

2

PRIORITY DATE: 06/30/1985

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	0.99 CFS

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	LOT 1	NWNW	47
T12S R27E S31	LOT 2	49	T12S R27E S31	SENW	40	
T12S R27E S31	NWSE	39				

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OF A COMBINED TOTAL OF 259 ACRES IN A SINGLE IRRIGATION SEASON.
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THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Water Right 43-10233

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.

THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-02487B & 43-02551 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources

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



0 1320 2640 Feet



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

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

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

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

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

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

A43-02487B 1/28/1960 33 cfs 191 Ac.

- Mr. Livingston
came in 1/12/01
and clarified
well is in NWNWSE
as claimed
- changed recomm.
- well was licensed in NWSE and claimed in NWNWSE but according to licensing field exam, I think it should be in SWNWSE and will recommend that way
 - recommend 191 Ac. in 259 Ac. ppu with comb. lic

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

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

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

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

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

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

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

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

Robertson, Jean

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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11/20/00
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PROFILE REPORT

CLAIM NUMBER: A43-10233

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WALTER JEAN LOVINGFOSS	01/28/1960	IRRIGATION	03-15 11-15	1.380 CFS	
C	DELIA L LOVINGFOSS	6/30/85				
TOTAL DIVERSION:					1.380 CFS	
~~CONSUMPTIVE USE:~~					.99	~~207.00-AFA~~

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

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		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
12S	27E	31	:				08	:				36	08	:					:				17		:	69.0
																							TOTAL ACRES	69.0		

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: A4302551, RAFT RIVER IRR. RIGHTS #2, A4302487B.

Remarks: GEN THIS RIGHT IS IN THE RAFT RIVER CRITICAL GROUNDWATER AREA.
THIS CLAIM IS FILED TO REPRESENT AN EXPANSION OF THE PLACE OF
USE. THE CLAIMANT PURCHASED THE PROPERTY IN 1972 AND SHORTLY
AFTER CLEARED LAND OF GREASE WOOD AND SAGE BRUSH, AND BEGAN
IRRIGATING THE ADDITIONAL LAND. NO MORE WATER IS CLAIMED ONLY
THE ADDITIONAL ACREAGE.

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

3.3 cfs (43-2487B)

.47 cfs (43-2551)

3.77

$3.77 \div 259 \text{ ac.} \times 68 \text{ ac.} = .989 \text{ cfs}$

Conol. Cook C/8
Remarks
POU1 E14 259Ac w/al
K06 68 Ac.
QNT E28 .02 cfs w/o
E25 764 AF
3.47 cfs
(w/2487
2551)
GEN K04
(exp)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:36:17
11/20/00

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QUICKLOOK INFORMATION

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CLAIM NUMBER: A43-10233

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	Y-							
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