

AJ5809NP
No. R43-10364

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/03/98
PAGE: 12

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WALTER JEAN LOVINGFOSS	01/01/1935	STOCKWATER	01-01 12-31	0.04 CFS	
C	DELIA L LOVINGFOSS					
TOTAL DIVERSION:					0.04 CFS	

Water Source: BUTLER SPRINGS

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion:

T12S R28E S15

NWNE

CASSIA County

Lots Without 1/4 1/4 Description: STOCKWATER
13S 29E 2 01-S

POU County: CASSIA

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP STOCKWATER, 130 BEEF
PARCEL NO. RP13S29E020000A

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

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

*note in file 12-10-97
Says claim OK as is
KRC*

OK for decision

VERIFIED BY 
2-4-98

AJ0749NP
No. R43-10364

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/10/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WALTER JEAN LOVINGFOSS	01/01/1935	STOCKWATER	01-01 12-31	0.04 CFS	
C	DELIA L LOVINGFOSS					
	HC 61 BOX 1020					
	MALTA ID 83342					
	(208) 645-2421					
TOTAL DIVERSION:					0.04 CFS	

Water Source: BUTLER SPRINGS Tributary to: SINKS Stage: BENEFICIAL USE
Point(s) of Diversion: T12S R28E S15 NWNE CASSIA County

Lots Without 1/4 1/4 Description: STOCKWATER
13S 29E 2 01-S

POU County: CASSIA
Other Rights: NONE

Conditions of Approval:
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP STOCKWATER, 130 BEEF
PARCEL NO. RP13S29E020000A

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

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

Comments: Date: 12/10/1997 User-ID: SSHERMAN Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE 7/18/96, NELSON TO LOVINGFOSS. jr

Audit: 12/10/97 SSHERMAN

See attachments

AJ5856NP

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

DATE: AUG-20-1997

PAGE: A-34

RIGHT NUMBER:

43-10364

NAME & ADDRESS:

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

POD owner:
Raymond H + Wilma E. Johnson Trust
c/o Elizabeth I. Johnson, Co-trustee
and Norma Diane Fejes, Co-trustee
1823 W. 15th
Anchorage AK 99501
TRIBUTARY: SINKS

SOURCE:

BUTLER SPRINGS

QUANTITY:

0.04 CFS

PRIORITY DATE:

01/01/1935

POINT OF DIVERSION:

T12S R28E S15 ✓

NWNE ✓

Within CASSIA County

RP 12S 28E 15 0000 A

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

STOCKWATER S/130 BEEF STOCK

PERIOD OF USE

01-01 12-31

QUANTITY

0.04 CFS

PLACE OF USE:

STOCKWATER

Within CASSIA County

T13S R29E S02

Lot 1
NENE

RP 13S 29E 02.0000 A = (Lot 1)

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

plat map shows lot 1 (NENE)

Lovingfoss' own lots 2+3, not lot 1.
see attached % Zollinger Ranches own lot 1 - POU
12-10-97 Doug told me to leave claim alone - don't
write Lovingfoss.

8-26-97 so
help from numeric & alpha printouts,
plat maps & assess. staff.

JOHNSON, Raymond H 1/2
& JOHNSON, Wilma E, Trust 1/2
% JOHNSON, Elizabeth I, Co-Trste
1823 West 15th

Anchorage, Ak 99501

N $\frac{1}{2}$ N $\frac{1}{2}$ Sec 14 T 12 R 28

N $\frac{1}{2}$ NE SWNE SW $\frac{1}{2}$ W $\frac{1}{2}$ SE Sec 15 T 12
R 28

3701-

125288140000 3701-01
125288150000 3701-02

89760 from Robert C Wake to Jesse Hess 4-30-64

89761 from Jesse Hess to Raymond H Johnson 3-22-63

211384 Letters Testamentary - Wilma E Johnson dec'd, PR to Raymond H
Johnson 3-5-90 (rec 1-9-91)

212755 PR Deed - Raymond H Johnson, PR of est of Wilma E Johnson dec'd,
To Wilma E Johnson Residual Trust 1/2 Int - Elizabeth Irene Johnson
aka Elizabeth I Johnson and Norma Diane Fejes aka Diane Fejes, Co-
Trustees 3-4-91

213048 PR Deed - Raymond H Johnson, pr of est of Wilma E Johnson dec'd
to Elizabeth Irene Johnson aka Elizabeth I Johnson and Norma Diane
Fejes aka Diane Fejes, co-trustees of Wilma E Johnson Residual Trst

213147 Est Closing Order (same desc as 213048) 4-12-91 3-4-91

Worce 8/627

P.D.

G R Kunau, M L Peterson
A Zollinger P Adams Trustees
for Sublett Cattle Allotment Ass'n
% Zollinger Ranches
HC 61 Box 1104
Malta, Id 83342

~~20~~

3903
13S29E020000

57

Lot 1 S 2 T 13 R 29

LOT 1 38.99A

↓
POM

C-84

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: **A43-10364**

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 1, 1935

3. Source: BUTLER SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	28E	15	NW	NE			CASSIA

5. Description of diverting works:
INSTREAM STOCK USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/130 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	29E	2		1	STOCK	

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:
NONE

14. Remarks:

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

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

JUL 17 1996

Please print or type

(see instructions on back of page)

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

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

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

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

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

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

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

Further Action Needed

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

237489

RECEIVED

JUL 17 1996

WARRANTY DEED

Department of Water Resources
Southern Region

EDWIN

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

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

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

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

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

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

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

WARRANTY DEED - 1

C:\REALEST\NELSONLY.WD

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

DATED this 3rd day of July 1995.

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

Lyle Edwin Nelson, Trustee
Lyle E. Nelson, Trustee

Loa Nelson, Trustee
Loa Nelson, Trustee

STATE OF IDAHO)
)ss
County of Cassia)

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

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

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

(SEAL)

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT
268

APR 15 1915

237489

600 *bm*

Lyle & LOA NELSON
208-722-6027

23 946 State Line Rd.
Parma 83660



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

July 18, 1996

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

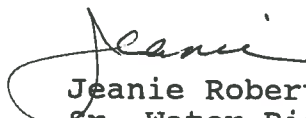
Re: Ownership Change for Adjudication Claims #A43-00307, -02487B,
-02551, -10233,
-10363, -10364,
-10799
NELSON/LOVINGFOSS

Dear Claimant(s):

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

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

Sincerely,


Jeanie Robertson
Sr. Water Right Agent,
Adjudication Bureau

/jr
Enclosures

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A43-10364
Date Received: 6/06/1989
Receipt No: S007584
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

AND/OR

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

2. Date of Priority: JAN 01, 1935

3. Source: BUTLER SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	28E	15	NW	NE			CASSIA

5. Description of diverting works:
INSTREAM STOCK USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/130 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	29E	2		1	STOCK	

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 C Nelson Date: 6/6/89

Date: _____

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 6 day

of June 19 89

th
Don White
Notary Public

Seal

Residing at TF
My Commission Expires 5/94

From: DWR03::SSHerman 10-DEC-1997 14:13:57.69
To: DWR60::JROBERTS
CC: SSHerman
Subj: A43-10364 / LOVINGFOSS OWNERSHIP CHANGE

HI JEANIE! AS U KNOW, I VERIFIED A BUNCH OF CASSIA CO. RIGHTS EARLIER THIS YEAR. TRISH FAXED ME THE O/C FORM AND DEED SUBMITTED BY LOVINGFOSS ON THIS RIGHT AND SEVERAL OTHERS PREVIOUSLY OWNED BY NELSONS. YOU DID THE O/CHANGE, WHICH IS WHY I'M WRITING YOU.

I FOUND A DISCREPANCY IN THE RIGHT REFERENCED ABOVE. THEY DO NOT OWN T13S R29E S02 'LOT 1'. THEY OWN INSTEAD LOTS 2 AND 3. ZOLLINGER RANCHES OWNS LOT 1.

IF YOU'LL LOOK AT THE DEED, THE LAST PARAGRAPH IN THE CENTER OF PAGE 1 MENTIONS A PRO-RATA INTEREST IN THE GRAZING ASSN. THIS IS LOT 1. THE ORIGINAL CLAIM HAS LOT 1. I CAN WRITE THEM AND HAVE THEM SIGN AN AMENDED CLAIM.

I THOT I SHOULD GO THRU YOU B4 I WRITE LOVINGFOSS' A LETTER SINCE YOU JUST MADE THE CHANGE FOR THEM IN JULY, 1997. IF YOU WANT TO SEND THEM A LETTER, I'D BE GLAD TO FAX YOU THE RECOMMENDED RIGHT WITH MY NOTES AND ATTACHED TAX CARDS.

OR....

DO YOU WANT ME TO JUMP IN THE MIDDLE AND WRITE THEM?

From: DWR03::SSHerman 10-DEC-1997 14:20:48.69
To: DWR60::JROBERTS
CC: SSHerman
Subj: OOPS!

THAT CHANGE WAS MADE BACK IN 1996. THAT'S A 6, NOT A 97! GUESS I'LL GO AHEAD AND WRITE LOVINGFOSS'. SORRY FOR THE INTERRUPTIONS, JEANIE!

..SAL

From: DWR60::JROBERTS 10-DEC-1997 14:58:54.79
To: DWR03::SSHerman
CC: JROBERTS
Subj: RE: A43-10364 / LOVINGFOSS OWNERSHIP CHANGE

Hi Sally,

Talked to Doug and he said to leave the claim alone. Don't write to the Lovingfoss. They have a legitimate claim to the grazing allotment, even though they may not own the land. The grazing allotment does not have a competing claim and they can object if they have a problem with Lovingfoss's claim...

From: DWR03::SSHerman 10-DEC-1997 15:04:33.93
To: DWR60::JROBERTS
CC:
Subj: RE: A43-10364 / LOVINGFOSS OWNERSHIP CHANGE

OK! THANK, JEANIE.