

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 23 2017

DEPARTMENT OF
WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
43-4084	Yes ☐	Yes ☐		Yes ☐	Yes ☐
43-7121	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Delia L. Lovingfoss and Walter Jean Lovingfoss
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Delia L. Lovingfoss
New owner(s) as listed on the conveyance document
- P.O. Box 104 Heyburn Idaho 83336
Mailing address City State ZIP
- Telephone _____ Email _____
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: February 6, 2017 (as sole owner)
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
☒ \$25 per *undivided* water right.
☐ \$100 per *split* water right.
☐ No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 43-4084

8. Signature: Delia L. Lovingfoss Owner Feb. 6, 2017
Signature of new owner/claimant Title, if applicable Date
- Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by gnd Date 2-23-17 Receipt No. C103061 Receipt Amt. 50.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by gnd Date 3-22-17

CASSIA COUNTY
Recorded for:
DONALD J CHISHOLM
9:08:42 am 02-07-2017
2017-000550
No. Pages: 2 Fee: \$13.00
JOSEPH W. LARSEN
County Clerk
Deputy: HYOUNG

DEED OF PERSONAL REPRESENTATIVE

THIS DEED made this 6th day of February, 2017, by and between, Delia L. Lovingfoss, the duly appointed, qualified and acting Personal Representative of the Estate of Walter Jean Lovingfoss, deceased, as Grantor, and Delia L. Lovingfoss, as Grantee, whose address is P.O. Box 104, Heyburn, Idaho 83336.

W I T N E S S E T H:

That the said Delia L. Lovingfoss, Personal Representative of the Estate of Walter Jean Lovingfoss, deceased, having heretofore duly recorded a certified copy of the Letters Testamentary, does hereby grant, release and convey to the said Delia L. Lovingfoss, Grantee, all of the right, title and interest of Walter Jean Lovingfoss in the following described real property situated in Cassia County, Idaho, to wit:

TOWNSHIP 16 SOUTH, RANGE 26 EAST, BOISE MERIDIAN,
CASSIA COUNTY, IDAHO,

Section 22: E $\frac{1}{2}$ E $\frac{1}{2}$

Section 23: W $\frac{1}{2}$ W $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$

TOGETHER WITH all water rights including but not limited to Water Rights Nos. A43-04084 and A43-07121.

TO HAVE AND TO HOLD all and singular the above-granted premises, together with the appurtenances, and every part thereof, unto the Grantee, her heirs and assigns forever. And the Grantor does covenant and agree that Delia L. Lovingfoss is making this conveyance, in pursuance of the authority granted in and by the court wherein she was appointed and the statutes of the State of Idaho.

IN WITNESS WHEREOF, the said Grantor has set her hand the day and year first above written.



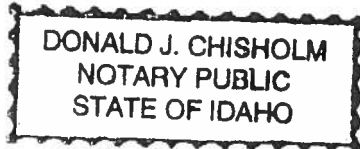
Delia L. Lovingfoss

STATE OF IDAHO)
) ss.
County of Cassia)

On this 6th day of February, 2017, before me the undersigned notary public in and for said state, personally appeared Delia L. Lovingfoss, known to me to be the person whose name is subscribed to the within instrument as personal representative of the Estate of Walter Jean Lovingfoss, and acknowledged to me that she executed the same as such personal representative.

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

(SEAL)



Donald J. Chisholm
Notary Public
Residing at Myant
My Commission expires 2-14-2018

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

Date Filed **MARCH 22, 2016**

State File No. **2016-02796**

DECEDENT - LEGAL NAME WALTER JEAN LOVINGFOSS			
SEX MALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 83 YEARS	DATE OF BIRTH JULY 18, 1932
BIRTHPLACE CHAMPAIGN, ILLINOIS		PLACE OF RESIDENCE HEYBURN, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (if wife, maiden name) DELIA LAGASCA	WAS DECEDENT EVER IN U.S. ARMED FORCES? YES
FATHER - NAME WALTER LOVINGFOSS			BIRTHPLACE ILLINOIS
MOTHER - MAIDEN NAME MARY FEBER			BIRTHPLACE ILLINOIS
METHOD OF DISPOSITION CREMATION		FUNERAL SERVICE LICENSEE MARK F. ANDREASEN	
NAME AND ADDRESS OF FUNERAL FACILITY MORRISON FUNERAL HOME AND CREMATORY, RUPERT, IDAHO			
DATE OF DEATH MAR. 18, 2016	TIME OF DEATH 11:45 P.M.	CITY, TOWN OR LOCATION OF DEATH HEYBURN, IDAHO	COUNTY OF DEATH MINIDOKA
CAUSE OF DEATH (underlying cause last) a. ALZHEIMER-TYPE DEMENTIA			Approximate Interval Between Onset and Death > 5 YEARS
b. DUE TO (or as a consequence of) UNKNOWN			
c. DUE TO (or as a consequence of)			
d. DUE TO (or as a consequence of)			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above STROKE			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL	NAME OF CERTIFIER KEN C. ROMNEY, M.D.		TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

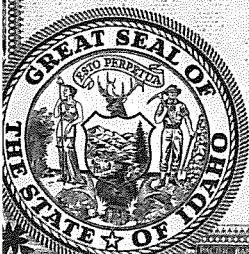
MARCH 22, 2016

DATE ISSUED:

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

PRNCO/Rev 02/12

James B. Aydelotte
JAMES B. AYDELOTTE
STATE REGISTRAR





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 22, 2017

DELIA L LOVINGFOSS
PO BOX 104
HEYBURN ID 83336

Re: Change of Ownership for Water Right/Permit No(s): 43-4084 and 43-7121

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records to reflect this change in ownership and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see § 42-222 and §42-223, Idaho Code.

Please note, a refund of \$50 will be requested and sent to Donald J. Chisholm from the State Controller's Office. Removing a name from the water right due to the death of an individual does not require a filing fee.

Also note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within **120 days** of the change. Water right forms are available from any office of the Department, or at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please feel free to contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Donald J. Chisholm
Water District No. 43B

MEMORANDUM

TO: Sascha Marston
FROM: Jean Hersley
DATE: March 22, 2017
RE: Refund: ownership change

Please refund \$50. Fee not required

NAME: DONALD J CHISHOLM

ADDRESS: PO BOX 1118
BURLEY ID 83318

RECEIPT #: C103061

Thank you.

Jean

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, February 23, 2017 2:17 PM
To: 'chisholm@pmt.org'
Subject: change of ownership water right 43-4084 and 43-7121

Mr. Chisholm,

The Department of Water Resources received your request for an ownership change for Delia L Lovingfoss. Ms. Lovingfoss is already listed as an owner of these water rights. To remove Walter Jean Lovingfoss' as a current owner of the water rights, the Department may use a copy of the death certificate, which doesn't require any fees.

Please send a copy of the Mr. Lovingfoss' death certificate and the Department will update the ownership records of these water rights and request a refund. If the Department doesn't receive the information within 14 days, the water rights will be updated with the information sent. If you have any questions, please contact me at the number below.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

Hersley, Jean

From: Hersley, Jean
Sent: Friday, February 24, 2017 9:59 AM
To: 'chisholm@pmt.org'
Subject: RE: change of ownership water right 43-4084 and 43-7121

As soon as I receive the documents regarding the Lovingfoss', I will update the ownership and request a refund. Thank you.

In regards to the ownership of water rights 45-2631 and 45-10000, I will need the Notice of Change in Water Right Ownership form also. The problem is Mr. Price can't sign the form. One of the personal representatives of his estate will have to sign for him. I'll also need the document that names Mr. Price's representatives. Photocopies are fine for all documents. Please let me know if you have any other questions. Thank you.

Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942

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

From: chisholm@pmt.org [mailto:chisholm@pmt.org]
Sent: Friday, February 24, 2017 9:54 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Re: change of ownership water right 43-4084 and 43-7121

Thanks, Jean. Delia will bring in a certified copy of Jean's death certificate, and I will get it to you early next week.

I have another estate for which I need to have the deceased spouse's interest changed to the surviving spouse on your records. Bertha Price and Eugene F. Price are record owners of water rights licenses 45-2631 and 45-10,000. Bertha died in 2009. The personal representative deeded her interests to Eugene. We didn't notify IDWR. Eugene has since died. His children are personal representatives of his estate. Can I send you a copy of the deed from Bertha's estate to Eugene and a copy of Bertha's death certificate to have Bertha's name removed from the record of ownership? I can include a copy of Eugene's Letters Testamentary. I have a photocopy of Bertha's death certificate, but not a certified copy. Will a photocopy of Bertha's death certificate suffice. Because Eugene died, we do not have a personal representative for Bertha's estate.

The personal representatives of Eugene's estate have not decided whether to sell or distribute the farm and water rights to the heirs, but we know we will have to have the water rights transferred when either of those events occurs.

Don

On Thu, 23 Feb 2017 21:16:47 +0000, "Hersley, Jean"

<Jean.Hersley@idwr.idaho.gov> wrote:

> Mr. Chisholm,

>

> The Department of Water Resources received your request for an

> ownership change for Delia L Lovingfoss. Ms. Lovingfoss is already
> listed as an owner of these water rights. To remove Walter Jean
> Lovingfoss' as a current owner of the water rights, the Department may
> use a copy of the death certificate, which doesn't require any fees.
>
> Please send a copy of the Mr. Lovingfoss' death certificate and the
> Department will update the ownership records of these water rights and
> request a refund. If the Department doesn't receive the information
> within 14 days, the water rights will be updated with the information
> sent. If you have any questions, please contact me at the number below.

>
> _Jean Hersley_
>
> _Idaho Dept Water Resources_
>
> _Technical Records Specialist II_
>
> _208-287-4942_

Donald J. Chisholm
Attorney at Law
223 East Main Street
P.O. Box 1118
Burley, Idaho 83318
Telephone (208) 678-9181
Fax: (208) 878-4998
Email: chisholm@pmt.org

February 27, 2017

Jean Hersley
Idaho Department of Water Resources
650 Addison Avenue West, Suite 500
Twin Falls, Idaho 83301-5858

Re: Change of Ownership of Water Rights 43-4084 and 43-7121 for
Delia Lovingfoss

Dear Jean,

On the 21st day of February, 2017, we sent you a change of ownership form for the water rights referred to above and a \$50.00 check for the transfer fees to delete Walter Jean Lovingfoss as a joint owner of the water rights referred to above for his surviving spouse, Delia.

On February 23, 2017, you sent me an email indicating that all you need is a copy of the death certificate for Walter Jean Lovingfoss to remove his name as a current owner. With this letter I am enclosing a certified copy of the death certificate of Walter Jean Lovingfoss. Please delete his name as an owner of the water right referred to above and send me a refund as you indicated in your email to me of February 24, 2017.

Very Truly Yours,


Donald J. Chisholm

nw

Ec: death certificate

RECEIVED

MAR 01 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

MAR 06 2017

DEPARTMENT OF
WATER RESOURCES

RECEIVED

FEB 23 2017

DEPARTMENT OF
WATER RESOURCES

Donald J. Chisholm
Attorney at Law
223 East Main Street
P.O. Box 1118
Burley, Idaho 83318
Telephone (208) 678-9181
Fax: (208) 878-4998
Email: chisholm@pmt.org

February 22, 2017

Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Transfer of Ownership of Water Rights - Delia L. Lovingfoss
and Walter Jean Lovingfoss to Delia L. Lovingfoss

Dear Sir or Madam:

With this letter I am enclosing the Notice of Change in Water
Right Ownership in the matter referred to above. Also enclosed
is my office check in the amount of \$50.00 for the transfer fee.

If you have any questions, please let me know.

Very Truly Yours,



Donald J. Chisholm

nw

Ec: notice