

RECEIVED
DEC 12 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
DEC 11 2012	
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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT: 21-12358
	)	
_____	)	

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

Objections and Responses were filed by various parties. A *Motion to File Amended Notice of Claim* was filed on August 19, 2010 by multiple claimants to assert a recovered water/recharge theory (hereafter "rec/rec"). That theory and the related *Amended Claims* were later withdrawn by the claimants in consolidated subcase 00-92020.

Subsequently, IDWR reviewed its *Director's Reports* for the rec/rec subcases to ensure that it had included the elements from prior decrees, licenses and transfers. This subcase was identified by IDWR as needing changes and was placed on the list of rec/rec subcases set for trial.

An *Amended Director's Report* was filed for this water right on May 30, 2012. The *Amended Director's Report* was placed on the Docket Sheet. No objection was filed to the *Amended Director's Report*, and the time for filing such objections has now expired. In addition, a Status Conference was held on July 18, 2012. The parties agreed that this subcase be

recommended and decreed with the elements of the *Amended Director's Report*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: December 11, 2012.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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

DEC 11 2012

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 21-12358

NAME AND ADDRESS: PORTIA R LOOSLI
S LYNN LOOSLI
3140 E 1100 N
ASHTON, ID 83420

SOURCE: GROUND WATER

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 3.20 CFS
962.50 AFY

The rights listed below are limited to a total combined diversion rate of 7.02 cfs. Combined Right Nos.: 21-41G, 21-51B, 21-12358, 21-12977, 21-12978.
This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa at the field headgate for irrigation of the place of use.

PRIORITY DATE: 04/01/1948

POINT OF DIVERSION: T08N R41E S13 SENE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-15 TO 10-15	3.20 CFS 962.50 AFY

PLACE OF USE:	Irrigation	Within Fremont County
T08N R41E S12	SWSE 6.4	SESE 6.8
S13	NENE 40.0	NWNE 37.0
	SWNE 36.0	SENE 38.0
LOT 3	(SWNW) 31.0	SENE 40.0
LOT 5	(NESW) 13.0	LOT 4 (NWSW) 20.0
S14 LOT 1	(NESE) 10.0	
278.2 Acres Total		

Use of the rights listed below is limited to the irrigation of a combined total of 278.2 acres in a single irrigation season. Combined Right Nos.: 21-12358, 21-41G, 21-51B, 21-12977, 21-12978.

This right is limited to the irrigation of 275 acres within the place of use described above in a single irrigation season.

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

Each year prior to commencing diversion and use of water from the well, the rightholder shall obtain the express written certification of Water District No. 01 watermaster that the rightholder has dedicated and assigned 275 acre feet of stored water for use by the watermaster to release into Henrys Fork River to mitigate depletion of river flow resulting from

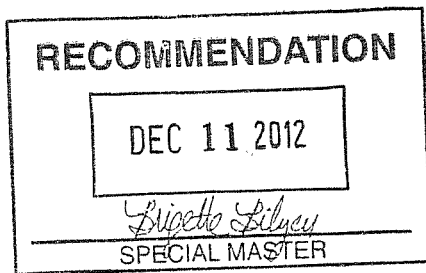
OTHER PROVISIONS (continued)

diversion of ground water when this right is not in priority. Operation of the well at any time without the written certification of the watermaster shall be a violation of Section 42-351, 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).

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.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

DEC 11 2012

By

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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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

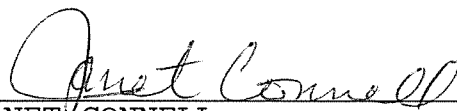
Water Right(s): 21-12358

On December 11, 2012, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED December 11, 2012.


JANET CONNELL
Deputy Clerk

DISTRICT COURT - SRBA
 Fifth Judicial District
 County of Twin Falls - State of Idaho
 DEC 11 2012
 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
Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 21-12358

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 11, 2012, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

AMERICAN FALLS RESERVOIR

Represented by:
CRAIG D HOBDEY
HOBDEY LAW OFFICE PLLC
125 5TH AVE
PO BOX 176
GOODING, ID 83330-0176
Phone: 208-934-4429

CERTIFICATE OF MAILING

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12/11/12

FREMONT-MADISON IRRIGATION
PORTIA R LOOSLI
S LYNN LOOSLI

Represented by:
JERRY R RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

MILNER IRRIGATION DISTRICT
Represented by:
JOHN K SIMPSON
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

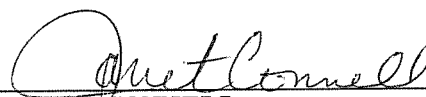
A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
Represented by:
ROGER D LING
PO BOX 623
RUPERT, ID 83350-0623
Phone: 208-434-2717

MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY
Represented by:
TRAVIS L THOMPSON
195 RIVER VISTA PL STE 204
TWIN FALLS, ID 83301-3029
Phone: 208-733-0700

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT
Represented by:
W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318-0248
Phone: 208-678-3250

CERTIFICATE OF MAILING

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JANET CONNELL 12/11/12
Deputy Clerk