

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SHBA
 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

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

WATER RIGHT NOS.: 21-41G and 21-51B

I. FINDINGS OF FACT

A notice of claim was filed for each of these water rights 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 recommendations for the elements of these water rights.

Objections were filed in subcases 21-41G and 21-51B by Lynn Loosli. The *Objections* were resolved on June 25, 2009 with the filing of *Stipulations*. All parties to the subcase and IDWR are signatories to the *Stipulation*. However, the *Stipulations* contain a combined use limitation of 8.42 cfs which is inconsistent with the combined use limitation contained in *Partial Decrees* for 21-12977 and 21-12978 and the *Amended Director's Report* for 21-12358.

An *Amended Director's Report* was filed for 21-12358 with a combined use limit of 7.02 cfs. Water rights 21-12977 and 21-12978 were ***Partially Decreed*** with a combined use limit of 7.02 cfs.

The Court issued an *Order to Show Cause* on October 12, 2012. The purpose of the *Order to Show Cause* was to determine whether these rights should be decreed with a combined use limit of 7.02 cfs. A hearing was held on November 7, 2012.

The claimants Lynn and Portia Loosli appeared at the hearing. The claimants explained that they had no opposition to these water rights being recommended with a combined use of 7.02 cfs consistent with the **Order to Show Cause**.

II. CONCLUSIONS OF LAW

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

DATED: December 11, 2012.



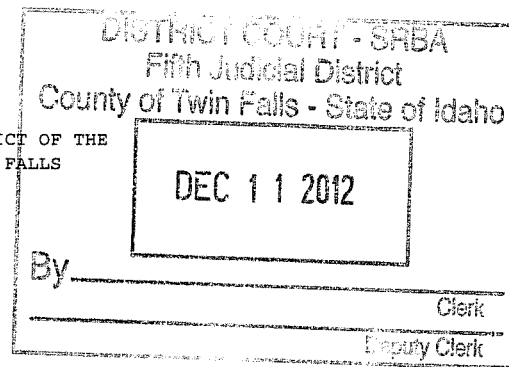
BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 21-00041G



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

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 3.42 CFS

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

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION: T08N R42E S20 SWSW Within Fremont County

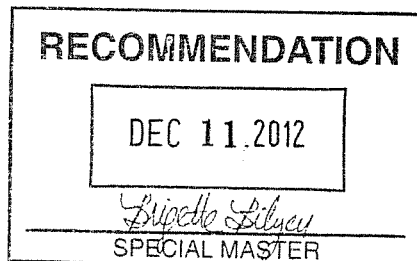
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.42 CFS

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 SENW 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 153 acres within the
place of use described above in a single irrigation season.

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

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



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DEPARTMENT OF
WATER RESOURCES

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

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 21-00051B

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

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 4.22 CFS

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

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION: T08N R42E S20 SWSW Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.22 CFS

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 65 acres within the
 place of use described above in a single irrigation season.

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

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

RECOMMENDATION
 DEC 11 2012

 SPECIAL MASTER

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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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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

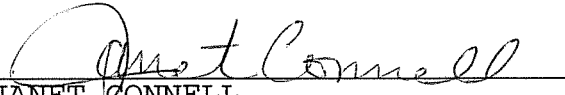
Water Right(s): 21-00041G
21-00051B

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.

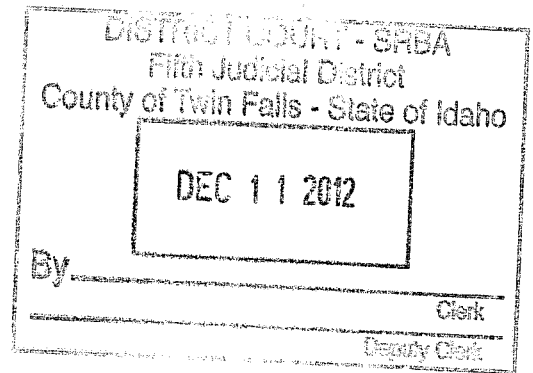
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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

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WATER RESOURCES



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): 21-00041G
21-00051B

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

LYNN LOOSLI
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


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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12/11/12