

04/19/2006

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

RIGHT NUMBER: 25-14177

NAME AND ADDRESS: HI WILLOW RANCH CORP
C/O TOM LOERTSCHER
1357 BONE RD
IONA ID 83427

SOURCE: WILLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/28/1884

POINT OF DIVERSION:

T01S R40E S4 NWNWNE Lot 2 End of Stream Flow Within BONNEVILLE County

T01S R40E S16 SESESW Begin of Stream Flow Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within BONNEVILLE County

T01S R40E S03 Lot 4 NWNW	T01S R40E S03 NWSW
T01S R40E S03 SWSW	T01S R40E S04 Lot 1 NENE
T01S R40E S04 Lot 2 NWNE	T01S R40E S04 Lot 3 NENW
T01S R40E S04 Lot 5 NESE	T01S R40E S04 NWSE
T01S R40E S09 Lot 1 NENE	T01S R40E S09 Lot 2 SENE
T01S R40E S09 Lot 3 NESE	T01S R40E S09 Lot 4 SESE
T01S R40E S10 NWNW	T01S R40E S10 SWNW
T01S R40E S10 NWSW	T01S R40E S16 NENE
T01S R40E S16 NWNE	T01S R40E S16 SWNE
T01S R40E S16 NESW	T01S R40E S16 SESW
T01S R40E S16 NWSE	

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SRBA

SUBCASE SUMMARY REPORT 25-14177

[Return to SRBA Home Page](#)

SRBA
01-16-2007

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 25-14177 FILE#: 00240
CLAIMANT: LOERTSCHER, THOMAS F
1357 BONE RDIONA ID 83427
STATUS: OBJECTION DUE SPECIAL MASTER: BILYEU, BRIGETTE
WATER SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER****** PARTIES INVOLVED ******

THOMAS F LOERTSCHER C PRO SE

****** ROA ENTRIES ******

10-07-2005	MOTION TO FILE LATE/AMENDED NOTICE OF CLAIM	MG	01-18-2006
10-07-2005	NOTICE SETTING HEARING - LATE CLAIM	HH	01-17-2006 0130
10-07-2005	NOTICE OF CLAIM TO A WATER RIGHT		
01-17-2006	HEARING HELD - LATE CLAIM	HH	01-17-2006 0130
01-17-2006	MINUTES FILED		
01-18-2006	ORDER GRANTING MOTION TO FILE LATE CLAIM		
01-18-2006	LATE CLAIM FORWARDED TO IDWR		01-18-2006
04-19-2006	STATUS CONFERENCE HELD RE: LATE CLAIM	HH	04-19-2006 0930
04-19-2006	MINUTES		
04-19-2006	LATE CLAIM AROSE FROM 25-55B & 25-227		
04-21-2006	ORDER SETTING DEADLINES AND STATUS CONFERENCE		
04-21-2006	DEADLINE TO FILE DIRECTOR'S REPORT	ZS	05-23-2006 0445
04-21-2006	DEADLINE TO FILE OBJECTION	ZS	06-22-2006 0445
04-21-2006	DEADLINE TO FILE RESPONSE	ZS	07-06-2006 0445
04-21-2006	STATUS CONFERENCE/ HEARING	US	07-12-2006 0900
04-24-2006	DIRECTOR'S REPORT FILED		
04-25-2006	DIRECTOR'S REPORT FILED		
	CHANGE: PLU		
07-12-2006	HEARING HELD	HH	07-12-2006 0900
07-12-2006	MINUTES		

[Return to SRBA Home Page](#)



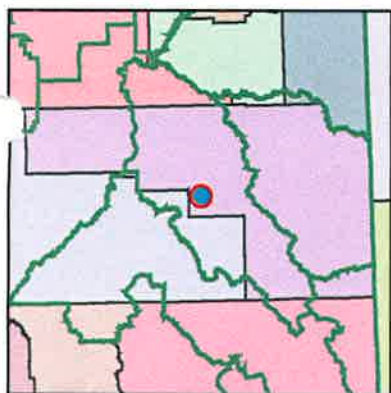
Idaho Department of Water Resources

SRBA Recommendation:

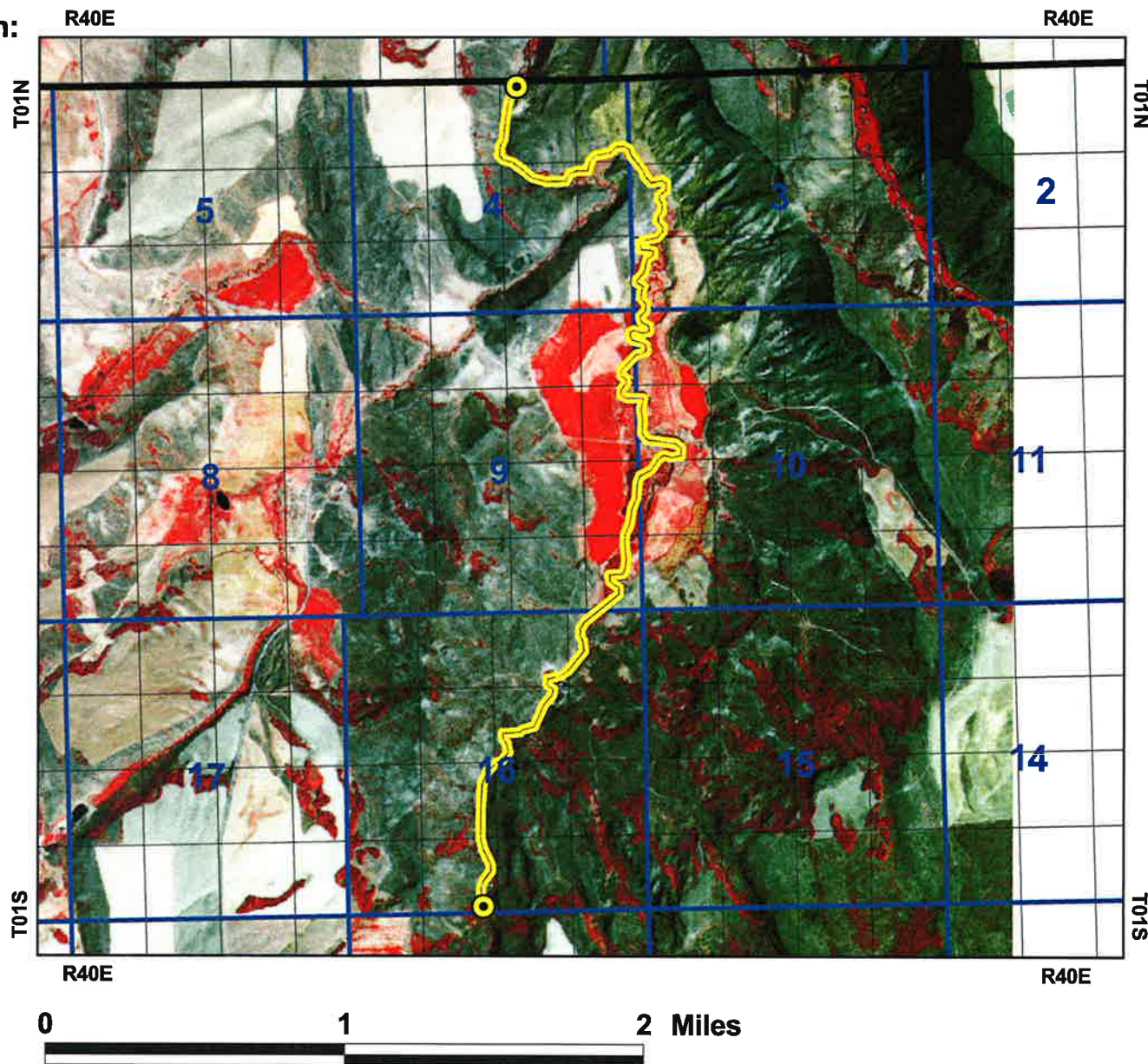
25-14177

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Bonneville County
IDWR Basin 25



Prepared by E. Carlsen
On Wednesday, April 19, 2006
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 10, 2006

HI WILLOW RANCH CORP
C/O TOM LOERTSCHER
1357 BONE RD
IONA ID 83427

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #25-14177

Dear Claimant:

Thank you for paying the claim filing fee promptly. I have enclosed your receipt #C080136 for the filing fees you paid. Please retain the receipt for your records.

This Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4921 if you have any questions.

Sincerely,

Donald V. Shaff, MPA
Adjudication Bureau Chief

DVS:ss:region

Enclosure:

Receipt #C080136

RECEIVED
OCT 12 2005
Department of 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 39576

Subcase 25-14177
(Insert water right number)

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read SRBA Administrative Order 1, Rules of Procedure (amended Sept. 30, 1996).

My name is THOMAS F. LOERTSCHER

My address is 1357 BOWE RD
IOWA ID 83427

My phone number is: Work _____ Home 208-522-3072

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

MISCOMMUNICATION WITH TOUR AGENT

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☒ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 25.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on JANUARY 17, 2006 1:30 PM
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDAHO

County of BONNEVILLE

THOMAS F. LERTSCHER being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Thomas F. Lertscher
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on October 05, 2005
(Insert Date)



Katy Jackson
Notary Public for Idaho, Bonneville
Residing at: Idaho Falls
My Commission expires: 3/31/2011

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on Oct 6, ~~199~~²⁰⁰⁵, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)


Signature of person or attorney mailing the form

RECEIVED

JAN 20 2006

DEPARTMENT OF
WATER RESOURCES

Hi Willow Ranch Corp.

1357 Bone Rd
Iona, ID 83427

Clerk of the District Court
Snake River Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Re: Civil Case Number: 39576

Ident. Number: 25-14177

Please find enclosed a check in the amount of \$25.00 payable to the Department of Water Resources in payment of filing fee.

Sincerely,



Thomas F. Loertscher
President

received
1-19-06
SRBA

rec'd COB 0136
2-11-06

This Order Granting Motion to File Late
Claim was forwarded to you on 1-18-06.
J. Murphy

RECEIVED

JAN 19 2006

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 18 2006	
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

Subcase: 25-14177

Case No. 39576

**ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM**

On October 7, 2005, Thomas F. Loertscher, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on January 17, 2006. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for water right 25-14177 is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated January 18, 2006.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on January 18, 2006, with sufficient first-class postage to the following:

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

THOMAS F LOERTSCHER
1357 BONE RD
IONA, ID 83427
Phone: 208-522-3072

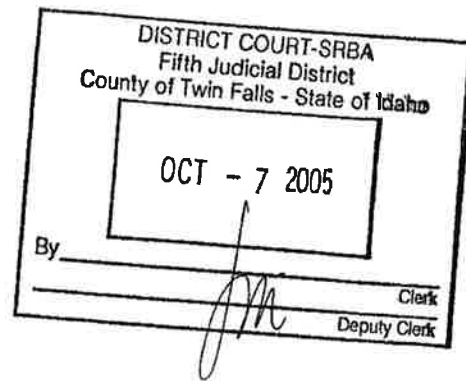
ORDER

Page 1 1/18/06

FILE COPY FOR 00240

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first name "Julie" being more prominent than the last name "Murphy".



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	)	Water Right Claim: 25-14177
	)	
Case No. 39576	)	NOTICE SETTING HEARING
	)	ON MOTION TO FILE LATE
	)	NOTICE OF CLAIM

On October 7, 2005, Thomas F. Loertscher filed a *Motion to File Late Notice of Claim* for the above-captioned water right.

NOTICE IS GIVEN that hearing on the *Motion to File Late Notice of Claim* is set for **Tuesday, January 17, 2006, at 1:30 p.m. (MST)**, at the **Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho**. Parties may participate by telephone by dialing the number 1-918-583-3445 and when prompted entering code 406128.

Failure to appear at the hearing, either in person or by telephone, may result in dismissal of your *Motion to File Late Notice of Claim*.

Dated October 7, 2005.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE SETTING HEARING ON MOTION TO FILE LATE NOTICE OF CLAIM was mailed on October 07, 2005, with sufficient first-class postage to the following:

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

THOMAS F LOERTSCHER
1357 BONE RD
IONA, ID 83427
Phone: 208-522-3072

NOTICE

Page 1 10/07/05

FILE COPY FOR 00240


Deputy Clerk

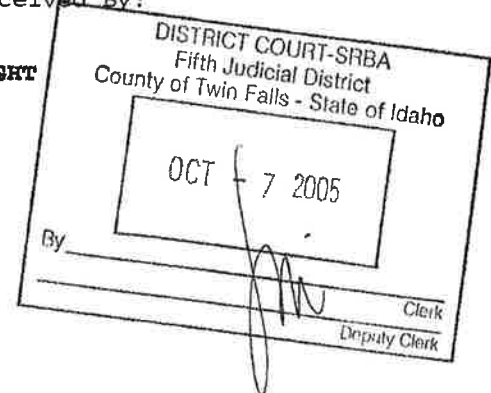
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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

CIVIL CASE NUMBER: 39576

Ident. Number 25-14177
Date Received: 10/3/2005
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**



1. Name of Claimant(s)

HI WILLOW RANCH CORP Phone: (208) 522-3072
C/O TOM LOERTSCHER
1357 BONE RD
IONA ID USA 83427

2. Date of Priority: 04/01/1874

3. Source: WILLOW CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot				County	Type
01S	40E	16	SW	SE	SW	BONNEVILLE	Beginning Point	
01S	40E	4	NW	NW	NE	2	BONNEVILLE	Ending Point

5. Description of diverting works:

Instream stock water

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.02 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
01S	40E	3	NW	SW	STOCKWATER	

			SW	SW		STOCKWATER
			NW	NW	4	STOCKWATER
01S	40E	4	NE	SE	5	STOCKWATER
			NE	NW	3	STOCKWATER
			NE	NE	1	STOCKWATER
			NW	NE	2	STOCKWATER
			NW	SE		STOCKWATER
			SE	SE	6	STOCKWATER
01S	40E	9	SE	NE	2	STOCKWATER
			NE	NE	1	STOCKWATER
			NE	SE	3	STOCKWATER
			SE	SE	4	STOCKWATER
			SW	SE		STOCKWATER
01S	40E	10	NW	NW		STOCKWATER
			SW	NW		STOCKWATER
			NW	SW		STOCKWATER
			SW	SW		STOCKWATER
01S	40E	16	SW	NE		STOCKWATER
			SE	NW		STOCKWATER
			NW	NE		STOCKWATER
			NW	SE		STOCKWATER
			NE	SW		STOCKWATER
			SW	SE		STOCKWATER
			SE	SW		STOCKWATER
			NE	NE		STOCKWATER

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

25-55B, 25-227

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 Organizations:

I do solemnly swear or affirm that I am PRESIDENT of _____
Title

Hi Willow Ranch Corp., that I have signed the foregoing
Organization

document in the space below as PRESIDENT of _____
Title

Hi Willow Ranch Corp and that the statements contained in the
Organization

foregoing document are true and correct.

Thomas J. Loutcher
Signature of Authorized Agent

PRESIDENT Hi Willow Ranch Corp
Title and Organization

10/5/2005
Date

State of Idaho

County of Bonneville) SS.

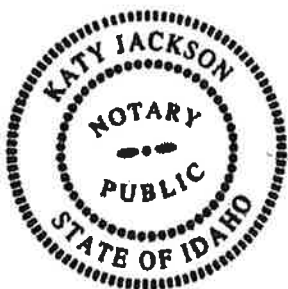
Subscribed and sworn (or affirmed) before me this 05 day of OCTOBER 2005.

Katy Jackson

Notary Public

Residing at Bonneville, Idaho Falls

My commission Expires 3/31/11



RECEIVED

OCT 12 2005

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

Department of Water Resources

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 25-14177
Date Received: 10/3/2005
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

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C/O TOM LOERTSCHER
1357 BONE RD
IONA ID USA 83427

2. Date of Priority: 04/01/1874

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Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.02 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
01S	40E	3	NW	SW	STOCKWATER	

			SW	SW		STOCKWATER
			NW	NW	4	STOCKWATER
01S	40E	4	NE	SE	5	STOCKWATER
			NE	NW	3	STOCKWATER
			NE	NE	1	STOCKWATER
			NW	NE	2	STOCKWATER
			NW	SE		STOCKWATER
			SE	SE	6	STOCKWATER
01S	40E	9	SE	NE	2	STOCKWATER
			NE	NE	1	STOCKWATER
			NE	SE	3	STOCKWATER
			SE	SE	4	STOCKWATER
			SW	SE		STOCKWATER
01S	40E	10	NW	NW		STOCKWATER
			SW	NW		STOCKWATER
			NW	SW		STOCKWATER
			SW	SW		STOCKWATER
01S	40E	16	SW	NE		STOCKWATER
			SE	NW		STOCKWATER
			NW	NE		STOCKWATER
			NW	SE		STOCKWATER
			NE	SW		STOCKWATER
			SW	SE		STOCKWATER
			SE	SW		STOCKWATER
			NE	NE		STOCKWATER

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? Yes

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25-55B, 25-227

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 Organizations:

I do solemnly swear or affirm that I am PRESIDENT of _____ Title

Hi Willow Ranch Corp. that I have signed the foregoing Organization

document in the space below as PRESIDENT of _____ Title

Hi Willow Ranch Corp and that the statements contained in the Organization

foregoing document are true and correct.

Thomas J. Loutch
Signature of Authorized Agent

PRESIDENT Hi Willow Ranch Corp
Title and Organization

10/5/2005
Date

State of Idaho

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 05 day of OCTOBER 2005.

Katy Jack

Notary Public

Residing at Bonneville, Idaho Falls

My commission Expires 3/3/11

