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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 OCT 17 AM 11 22

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 74-2291
Case No. 39576) (Leadore Land Partners Ltd Partnership)
)
) ORDER GRANTING UNITED
) STATES' OBJECTION and
) SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claim 74-2291 to Leadore Land Partners Ltd Partnership, c/o Karl Tyler, 3663 N. Reserve, Missoula, Montana, 59808, for 1.2 cfs from Eighteenmile Creek for irrigation of 55 acres in Lemhi County from March 15 to November 15 with a priority date of November 6, 1944, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on June 30, 2006, objecting to place of use (6 acres of federal public land). A status conference was held by telephone conference on July 12, 2007, but the claimant failed to appear. The United States moved for entry of an ***Order to Show Cause*** requiring the claimant to appear by telephone on October 11, 2007, and show cause why the United States' *Objection* should not be granted.

The claimant failed to appear at the October 11, 2007 hearing and the United States moved for entry of an order granting its *Objection*. IDWR agent Nathaniel Arave re-calculated the quantity at 1.07 cfs with the 6 acres of federal public land removed from the place of use.

Order

THEREFORE, IT IS ORDERED that the United States' *Objection* is **granted**.

Conclusions of Law

The Leadore Land Partners Ltd Partnership is entitled to a partial decree adjudicating a water right for claim 74-2291 for 1.07 cfs to irrigate 49 acres as described in the attached *Special Master Recommendation for Partial Decree for Water Right 74-2291*.

DATED October 17, 2007.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 74-02291

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 October 17, 2007, with sufficient first-class postage prepaid to the following:

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

LEADORE LAND PARTNERS LTD
PARTNERSHIP
C/O KARL TYLER
3663 N RESERVE
MISSOULA, MT 59808
Phone: 406-721-2438

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

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10/17/07

KARL LUFKIN
29 TYLER LANE
LEADORE, ID 83464

A handwritten signature in cursive script that reads "Robbin Hall". The signature is written in dark ink and is positioned above a horizontal line.

ROBBIN HALL
Deputy Clerk

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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

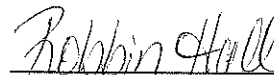
Water Right(s): 74-02291

On October 17, 2007, Special Master TERRENCE A. DOLAN 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 October 17, 2007.



ROBBIN HALL
Deputy Clerk