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June 23, 2008

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

RECEIVED

JUN 25 2008

**DEPARTMENT OF
WATER RESOURCES**

COPY

Re: Signed SF5 for Subcase Nos. 74-40 and 74-54

Dear Clerk:

Enclosed please find the signed copies of the SF5 forms for Subcase Nos. 74-40 and 74-54. Both forms have been signed all of the necessary parties, and we request the Court finalize this matter accordingly. If you have any questions, please let us know.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

c: ✓ IDWR Document Depository
Josephine P. Beeman
Purcell Partnership
Richard E. Foster
Kurt Bird

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JUN 25 2008

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	)	Subcase No.: 74-40
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Leadore Land Partners Ltd Partnership

Josephine P. Beeman 21 May 2008
Josephine P. Beeman Date

Attorney for Leadore Land Partners
Ltd Partnership

OBJECTOR:

F. James Whittaker

Robert L. Harris 6/11/2008
Robert L. Harris Date

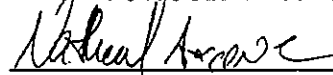
Attorney for F. James Whittaker

OBJECTOR:

Purcell Partnership

W. L. Purcell 6-14-08
For Purcell Partnership Date

IDWR CONCURRENCE:

 5/21/08

Nathaniel Arave

Date

Water Resource Agent

IDWR CONCURRENCE:

 5/21/08

Christopher M. Bromley

Date

Deputy Attorney General

Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-40

NAME AND ADDRESS: LEADORE LAND PARTNERS LTD PARTNERSHIP
C/O KARL TYLER
3663 N RESERVE
MISSOULA MT 59808

SOURCE: LITTLE TIMBER CREEK
~~BIG TIMBER CREEK~~

TRIBUTARY: BIG TIMBER CREEK
~~TRIBUTARY: LEMHI RIVER~~

QUANTITY: 4.200 CFS

~~Use of this right is limited to the diversion of 3.0 cfs from Little Timber Creek and 1.2 cfs from Big Timber Creek.~~

PRIORITY DATE: 06/01/1879

POINT OF
DIVERSION: T15N R25E S24 SWNW Within LEMHI County
~~T15N R26E S5 SENE Within LEMHI County~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	4.200 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T16N R25E S24	NENE	40.00	T16N R25E S24	NWNE	40.00
T16N R25E S24	SWNE	40.00	T16N R25E S24	SENE	36.00
T16N R25E S24	NESE	30.00	T16N R25E S24	NWSE	36.00
T16N R25E S24	SWSE	36.00	T16N R25E S24	SESE	20.00
T16N R26E S19	NESW	37.00	T16N R26E S19 Lot 3	NWSW	38.00
T16N R26E S19 Lot 4	SWSW	36.00	T16N R26E S19	SESW	40.00

429 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 74-41 AND 74-61 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 612.7 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 74-41 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 429.6 ACRES IN A SINGLE IRRIGATION SEASON.

This right authorizes the irrigation of 429.6 total acres.

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, Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CERTIFICATE OF SERVICE

I certify that on June 23, 2008, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Josephine P. Beeman
Beeman & Associates, P.C.
409 W. Jefferson St.
Boise, ID 83702

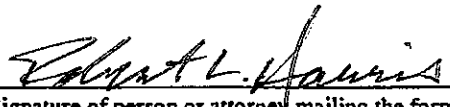
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Robert L. Harris
Holden Kidwell
P.O. Box 50130
Idaho Falls, ID 83450

☐ Overnight Mail
☒ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Purcell Partnership
c/o Allan, Betty & Kerry Purcell
98 Purcell Rd.
Leadore, ID 83464

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form