

**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.: 74-54
	)	
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
Attorney for Leadore Land Partners
Ltd Partnership

OBJECTOR:

F. James Whittaker

Robert L. Harris 6/11/2008
Robert L. Harris
Attorney for F. James Whittaker

OBJECTOR:

Purcell Partnership

Illan Purcell 6-14-08
For Purcell Partnership

OBJECTOR:

Richard E. Foster

Richard E. Foster 6-14-08
Richard E. Foster

OBJECTOR:

Kurt Bird

Kurt Bird 6-13-08

Kurt Bird

Date

IDWR CONCURRENCE:

Nathaniel Arave 5/21/08

Nathaniel Arave

Date

Water Resource Agent

IDWR CONCURRENCE:

C-B 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: 74-54

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

SOURCE: BIG TIMBER CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 11/12/1909

Pursuant to a call in times of scarcity, the diversion of water under the following water rights listed below shall not be subject to curtailment by water right 74-54:
Water Rights: 74-56, 74-59A, 74-63, 74-398, 74-399, 74-1103, 74-1801, 74-1834, 74-7165, and 74-15003

POINT OF DIVERSION: T15N R26E S8 NWNE Within LEMHI County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	3.200 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T15N R26E S03	SWNW	40.00	T15N R26E S03	NWSW	40.00
T15N R26E S04	SENE	40.00	T15N R26E S04	NESE	40.00

160 ACRES TOTAL

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

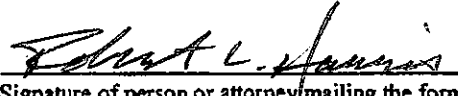
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Richard E. Foster
P.O. Box 55
Leadore, ID 83464

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

Kurt Bird
56 Lower Texas Creek Road
Leadore, ID 83464

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



Signature of person or attorney mailing the form