

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 Rights: 74-39A
(Split into 74-15859 and 74-15860)

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 74724

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☒ split of water right ☐ change in ownership

☐ other

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 16 January 09

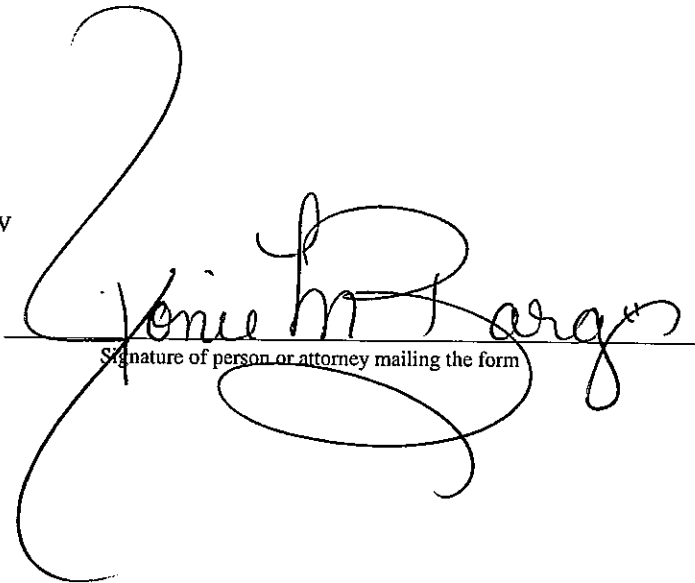
Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 9, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Leadore Land Partners LTD Partnership
C/O Karl Tyler
3663 N Reserve
Missoula MT 59808
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

01/05/2009

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER

74-39A

CLAIM DISPOSITION REASON

Disallowed

Split into: 74-15859 & 74-15860

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

RIGHT NUMBER: 74-15859

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: 1.390 CFS

PRIORITY DATE: 06/10/1901

POINT OF DIVERSION:

T16N R26E S33 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.390 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T16N R26E S20	NWSW	25.00	T16N R26E S20	SWSW	40.00
T16N R26E S20	SESW	19.70	T16N R26E S29	NWNW	31.80
T16N R26E S29	SWNW	2.30	T16N R26E S30	NENE	40.00
T16N R26E S30	SWNE	40.00	T16N R26E S30	SENE	31.10
T16N R26E S30	NENW	40.00	T16N R26E S30	SENW	25.50
T16N R26E S30	NESW	0.70	T16N R26E S30	NESE	4.30
T16N R26E S30	NWSE	35.20			

335.6 ACRES TOTAL

This right is limited to the irrigation of 256.8 acres within the place of use described above in a single irrigation season.

Right Nos. 74-15213 and 74-15859 are limited to the irrigation of a combined total of 256.8 acres in a single irrigation season.

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

The right holder shall accomplish the change authorized by transfer 74724 within one year(s) of December 31, 2008.

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

Failure of the right holder to comply with the conditions of transfer 74724 is cause for the Director to rescind approval of the transfer.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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Use of water under this right will be regulated by watermasters with responsibility for the distribution of water among appropriators within the water districts. At the time of this approval, this water right is within State Water District Nos. 74 and 74W.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

01/02/2009

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

The right holder shall accomplish the change authorized by transfer 74724 within one year of the date of December 31, 2008.

is

Failure of the right holder to comply with the conditions of transfer 74724 cause for the Director to rescind approval of the transfer.

Diversion of water from the Lemhi River is limited to those times water is available for diversion under this right from Big Timber creek.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).