

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

2009 JAN 12 PM 3 01

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JAN 14 2009
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

)

Water Rights: 74-37

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

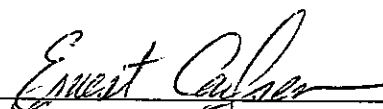
☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

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: 6 Jan 09

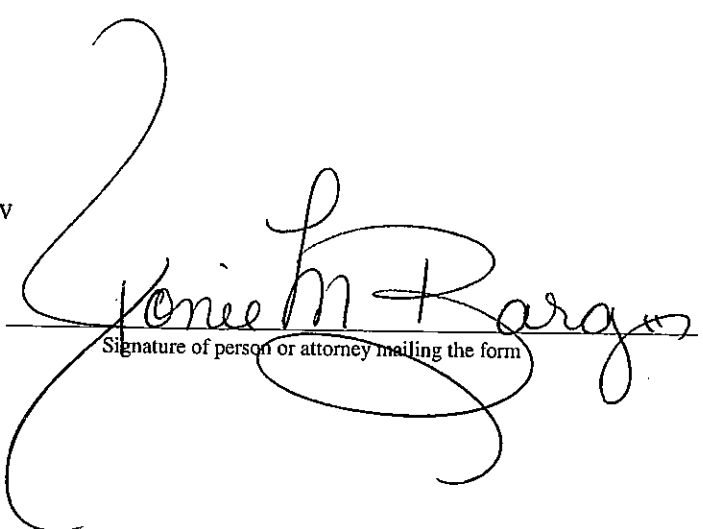


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 9, 2009, 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

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

RIGHT NUMBER: 74-37

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: 3.350 CFS

PRIORITY DATE: 09/01/1874

POINT OF DIVERSION:

T16N R26E S20 NWSE 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	3.350 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T16N R26E S20	SESW	8.20	T16N R26E S20	SWSE	5.80
T16N R26E S29	NENE	2.60	T16N R26E S29	NWNE	39.80
T16N R26E S29	SWNE	39.80	T16N R26E S29	SENE	2.80
T16N R26E S29	NENW	40.00	T16N R26E S29	NWNW	9.30
T16N R26E S29	SWNW	29.50	T16N R26E S29	SENW	40.00
T16N R26E S29	NESW	8.10	T16N R26E S29	NWSW	33.00
T16N R26E S29	NWSE	5.70	T16N R26E S30	SENE	9.50
T16N R26E S30	NESE	17.10			

291.2 ACRES TOTAL

Right Nos. 74-37 and 74-15860 are limited to the irrigation of a combined total of 291.2 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 291.2 acres in a single irrigation season. Combined Right Nos.: 74-37, 74-15213 & 74-15860

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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).

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

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.

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.