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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR - 8 2011
By _____ Clerk

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 74-39A (split into 74-15859 and 74-15860)
Case No. 39576) (Leadore Land Partners LTD Partnership)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION
)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Part I Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended 74-39A to Leadore Land Partners LTD Partnership, c/o Karl Tyler, 3663 N. Reserve, Missoula, Montana, 59808, for 2.53 cfs from Big Timber Creek to irrigate 626.8 acres in Lemhi County from March 15 to November 15 with a priority date of June 10, 1901, based on a decree.

IDWR filed a *Notice of Completed Administrative Proceeding* on January 12, 2009, splitting 74-39A into 74-15859 and 74-15860 but with no change in ownership. No one objected to the *NCAP* or the Director's amended recommendations.

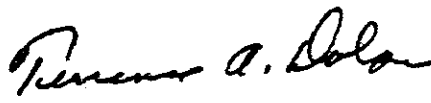
Conclusions of Law

1. Leadore Land Partners is entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 74-15859 and 74-15860*.
2. The claimant is **not** entitled to water rights for claim 74-39A because of the split.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 74-39A be **disallowed**.

DATED March 8, 2011.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 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: 1.39 CFS

PRIORITY DATE: 06/10/1901

POINT OF DIVERSION: T16N R26E S33 NWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.39 CFS

PLACE OF USE:	Irrigation	Within Lemhi County	
	T16N R26E S20	NWSW 25.0 SESW 19.7 S29 NWNW 31.8 S30 NENE 40.0 SENE 31.1 SENW 25.5 NESE 4.3	SWSW 40.0 SWNW 2.3 SWNE 40.0 NENW 40.0 NESW 0.7 NWSE 35.2
	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.

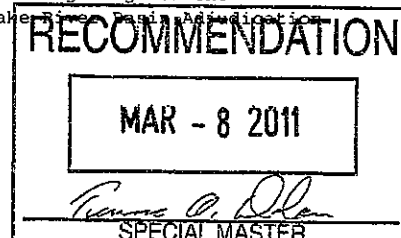
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Reclamation



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-15860

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: 1.14 CFS

PRIORITY DATE: 06/10/1901

POINT OF DIVERSION: T16N R26E S20 NWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.14 CFS

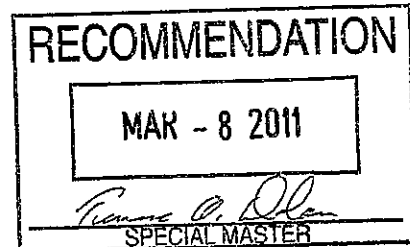
PLACE OF USE:	Irrigation		Within Lemhi County
	T16N R26E S20	SESW 8.2	SWSE 5.8
	S29	NENE 2.6	NWNE 39.8
		SWNE 39.8	SENE 2.8
		NENW 40.0	NWNW 9.3
		SWNW 29.5	SENW 40.0
		NESW 8.1	NWSW 33.0
		NWSE 5.7	
	S30	SENE 9.5	NESE 17.1
	291.2 Acres Total		

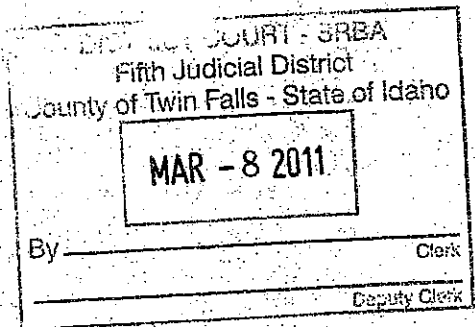
Right Nos. 74-37 and 74-15860 are limited to the irrigation of a combined total of 291.2 acres in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 291.2 acres in a single irrigation season. Combined Right Nos.: 74-37, 74-15213 & 74-15860.

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

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 Nos. 74 and 74W.

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. I.C. SECTION 42-1412(6).





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

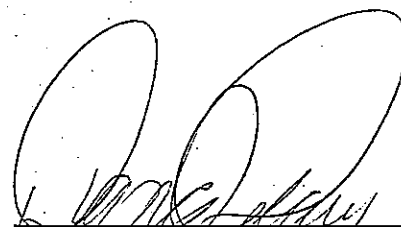
Water Right(s) : 74-00039A
74-15859 74-15860

On March 08, 2011, Special Master ERIC J WILDMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

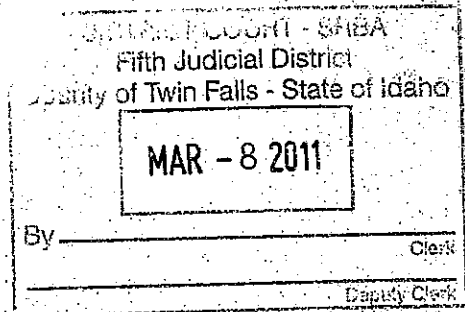
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 March 08, 2011.



DIANA R DELANEY
Deputy Clerk



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)
)

CERTIFICATE OF MAILING

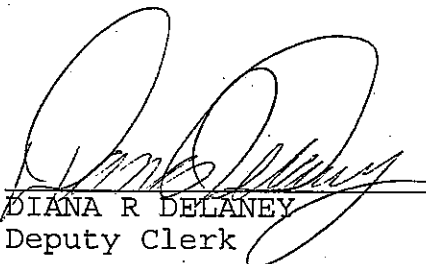
Water Right(s): 74-00039A
74-15859 74-15860

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 March 08, 2011, with sufficient first-class postage prepaid to the following:

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

LEADORE LAND PARTNERS LTD
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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