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JAN 29 2013

DEPT. OF WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN 28 2013
By _____
Clerk 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

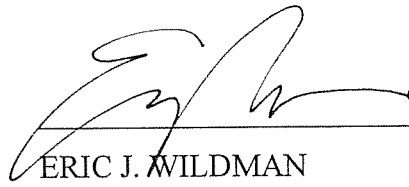
Case No. 39576

) Water Right Nos.: 74-39A, 74-15859 & 74-
) 15860
)
) NOTICE OF COURT'S INTENT TO
) CORRECT CLERICAL ERRORS, AND
) NOTICE OF HEARING THEREON
)
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On May 3, 2011, a *Final Order Disallowing Water Right Claim* was issued in subcase no. 74-39A. On that same date, *Partial Decrees* were issued for water right claims 74-15859 and 74-15860. On January 14, 2013, the Idaho Department of Water Resources ("Department") filed a *Request for Correction of Error* in each of the above-captioned subcases, requesting that this Court correct certain errors in the *Final Order Disallowing Water Right Claim* and the *Partial Decrees* (please see the Department's *Requests for Correct of Error* in the above-captioned subcases for a description and explanation of the alleged errors). The Department attached amended recommendations for the above-captioned water right claims to their *Requests*, recommending that water right claim 74-39A be partially decreed consistent with the amended recommendation and that water right claims 74-15859 and 74-15860 be decree disallowed. Therefore, it is the intent of the Court to correct the above-mentioned clerical errors in accordance with the corrected recommendations attached to the Department's *Request*. A draft of the proposed *Partial Decree* for water right claim 74-39A is attached hereto as Exhibit A.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **April 16, 2013, at 1:30 p.m.** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimant is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone participation will be available by calling 1-215-446-0193 and when prompted entering code 406128 followed by the # sign. **However, no cell phones or speaker phones will be permitted as they interfere with our sound system making the proceeding difficult to accurately record.**

Dated: _____


ERIC J. WILDMAN
Presiding Judge
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 74-00039A

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

Diversion of water from the Lemhi River is limited to those times water is available for diversion under this right and priority from Big Timber Creek. Availability of water from the Lemhi River shall be determined based on the lesser of the flow in Big Timber Creek at the authorized point of diversion or at the mouth of Big Timber Creek.
Prior to the diversion and use of water under the approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

QUANTITY: 2.53 CFS

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
Rights 74-37, 74-39A, and 74-996 when combined shall not exceed a total diversion rate of 9.8 cfs.

PRIORITY DATE: 06/10/1901

POINT OF DIVERSION: T16N R26E S20 NWSE Within Lemhi County
S33 NWNW

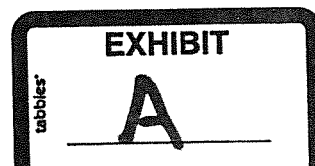
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.53 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T16N R26E S20	NWSW 25.3	SWSW 40.0
	SESW 27.8	SWSE 9.5
S29	NENE 2.5	NWNE 40.0
	SWNE 39.7	SENE 2.6
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 8.2	NWSW 32.7
	MWSE 5.6	
S30	NENE 40.0	SENW 36.7
	NESE 17.2	
487.8 Acres Total		

Rights 74-37, 74-39A and 74-996 when combined shall not exceed the irrigation of 487.8 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. 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.

DRAFT

Eric S. Wildman
Presiding Judge of the
Snake River Basin Adjudication

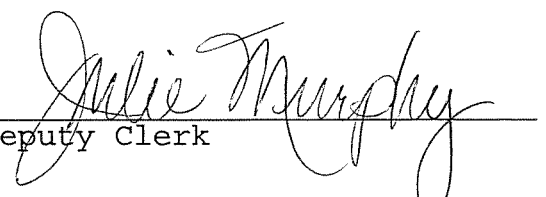
CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO CORRECT CLERICAL ERRORS AND NOTICE OF HEARING THEREON was mailed on January 28, 2013, with sufficient first-class postage to the following:

LEADORE LAND PARTNERS LTD

Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702-6049
Phone: 208-331-0950

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".