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APR 19 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
APR 18 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	)	Water Right Nos.: 74-39A
	)	
Case No. 39576	)	ORDER SETTING ASIDE FINAL
	)	ORDER DISALLOWING WATER
	)	RIGHT CLAIM
	)	
	)	ORDER OF PARTIAL DECREE
	)	
	)	
	)	

On May 3, 2011, a *Final Order Disallowing Water Right Claim* was issued in the above-captioned subcase. On January 14, 2013, the Idaho Department of Water Resources filed a *Request for Correction of Error*, requesting that this Court that this Court set aside the *Final Order Disallowing Water Right Claim* and recommending that the claim be partially decreed consistent with the amended recommended attached to its *Request*. This Court filed a *Notice of Court's Intent to Correct Clerical Error* on January 28, 2013. A hearing was held on April 16, 2013, and no objections were filed.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1. The *Final Order Disallowing Water Right Claim* entered on May 3, 2011, is hereby set aside.
2. The above-captioned water right shall be **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated: April 18, 2013



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIn Re SRBA)
)
Case No. 39576)
_____)PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 74-00039A

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 18 2013

By _____

Clerk

Deputy Clerk

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	

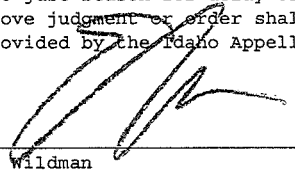
Rights 74-37, 74-39A and 74-996 when combined shall not exceed the irrigation of 487.8 acres.

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.



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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE FINAL ORDER DISALLOWING WATER RIGHT CLAIM / ORDER OF PARTIAL
DECREE was mailed on April 18, 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".