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DEPARTMENT OF
WATER RESOURCES

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

JUN - 4 2012

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

) Subcase Nos: 74-00037, 74-00038 and
) 74-00996

Case No. 39576

) ORDER OF PARTIAL DECREES
)
)
)

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's Report* included recommendations for the above-captioned water right claims. On September 14, 2009, the Director filed *Amended Director's Reports* for the above-captioned water right claims.

On March 7, 2011, a *Special Master's Report and Recommendation* was filed for the above-captioned water right claims. The *Special Master's Report and Recommendation* provided that no objections were filed to the above-captioned water right claims, but indicated the claims had been withheld from *Partial Decree* because they related to certain overlapping and contested "high flow" claims claimed in Basin 74. The *Special Master's Report and Recommendation* recommended further that *Partial Decrees* be issued for the above-captioned water rights with the elements set forth in the attached *Special Master's Recommendation for Partial Decrees for Water Rights*. With respect to the respective place of use elements, the *Special Master's Report and Recommendation* recommended the following combined use remarks:

74-37: "Rights 74-37, 74-39A, 74-996 and 74-15213 when combined shall not exceed the irrigation of 487.8 acres."

74-38: "Rights 74-38 and 74-15212 when combined shall not exceed the irrigation of 139 acres."

74-996: "Rights 74-37, 74-39A, 74-996 and 74-15213 when combined shall not exceed the irrigation of 487.8 acres."

Water Rights 74-15212 and 74-15213, referred to in the above-quoted combined use remarks, were “high flow” claims.

On April 3, 2012, this Court entered a *Final Order Disallowing Water Right Claims* (“*Final Order*”) in subcase nos. 74-15051, et al. The contents of the *Final Order* are incorporated herein by reference. Among other things, the *Final Order* disallowed water right claims 74-15212 and 74-15213. Therefore, although no objections have been filed to the recommendations for the above-captioned water right claims, the Court finds the references to water rights 74-15212 and 74-15213 in the above-quoted combined use remarks to be inappropriate.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master’s Report and Recommendation* and wholly adopts them as its own, with the exception that the Court will make the following changes to the to the above-quoted combined use remarks to reflect the disallowal of water right claims 74-15212 and 74-15213:

74-37: Rights 74-37, 74-39A, and 74-996 ~~and 74-15213~~ when combined shall not exceed the irrigation of 487.8 acres.

74-38: Rights ~~74-38 and 74-15212~~ when combined shall not exceed the irrigation of ~~139~~ acres.

74-996: Rights 74-37, 74-39A, and 74-996 ~~and 74-15213~~ when combined shall not exceed the irrigation of 487.8 acres.

Therefore, IT IS ORDERED that the above-captioned water rights be **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

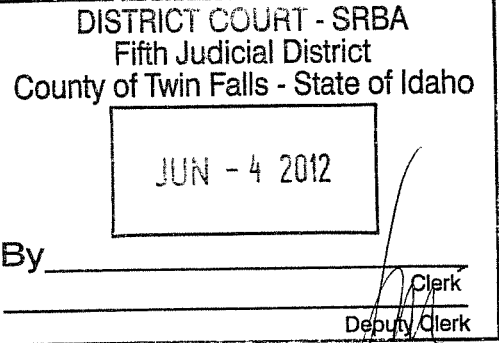
Dated June 4, 2012



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
Case No. 39576) I.R.C.P. 54(b) FOR
)
) Water Right 74-00037



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 from
Big Timber Creek.

QUANTITY: 3.35 CFS

Prior to the diversion of water under this approval, the right
holder shall provide a means of measurement acceptable to the
department for measuring the flow in Big Timber Creek at the
original point of diversion, at the mouth of Big Timber Creek,
and at the point of diversion from the Lemhi River.
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 lands herein.

PRIORITY DATE: 09/01/1874

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	3.35 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	SENE 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.

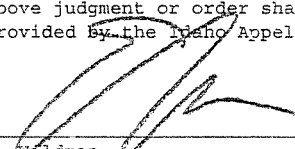
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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

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 74-00038

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN - 4 2012	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: LEADORE LAND PARTNERS LTD
PARTNERSHIP
C/O KARL TYLER
3663 N RESERVE
MISSOULA, MT 59808

SOURCE: LITTLE TIMBER CREEK TRIBUTARY: BIG TIMBER CREEK

QUANTITY: 3.84 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 lands herein.

PRIORITY DATE: 06/01/1892

POINT OF DIVERSION: T15N R25E S24 SWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.84 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T16N R26E S30	SWNE 40.0 NENW 40.0
		SENE 25.5 NESW 7.7
		NWSE 25.8
	139.0 Acres Total	

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

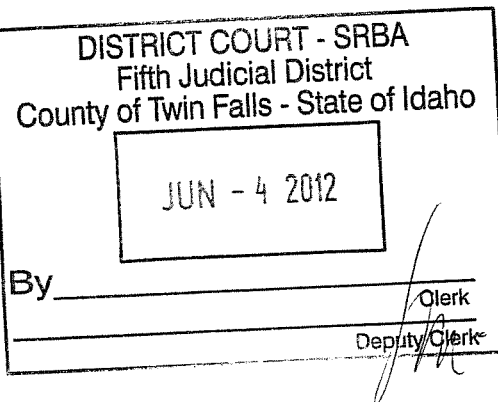
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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. Whidman
Presiding Judge of the
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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-00996



NAME AND ADDRESS: LEADORE LAND PARTNERS LTD
PARTNERSHIP
C/O KARL TYLER
3663 N RESERVE
MISSOULA, MT 59808

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 8.32 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 lands herein.
Rights 74-37, 74-39A and 74-996 when combined shall not exceed a
total diversion rate of 9.8 cfs.

PRIORITY DATE: 09/10/1918

POINT OF DIVERSION: T16N R26E S28 SESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	8.32 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	SENE 36.7
	NESE 17.2	
487.8 Acres Total		

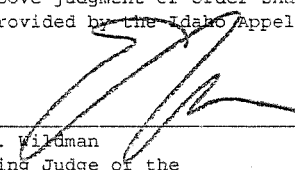
Rights 74-37, 74-39A and 74-996 when combined shall not
exceed the irrigation of 487.8 acres.

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 OF PARTIAL DECREES was mailed on June 04, 2012, with sufficient first-class postage to the following:

LEADORE LAND PARTNERS LTD

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

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

ORDER

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FILE COPY FOR 00323

Deputy Clerk

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".