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DEPARTMENT OF
WATER RESOURCES

2007 DEC -5 PM 12:09

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

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 74-14980
	)	(Whittaker)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claim 74-14980 to F. James and Paula Whittaker, 83 Big Eight Mile Road, P.O. Box 240, Leadore, Idaho, 83464 for .97 cfs from Big Timber Creek to irrigate 42.7 acres in Lemhi County from March 15 to November 15 with a priority date of June 1, 1982, based on beneficial use.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on June 30, 2006, objecting to place of use. On November 8, 2007, IDWR filed a *Notice of Completed Administrative Proceeding* for a change in place of use. On November 15, 2007, the United States filed a *Notice of Voluntary Dismissal of Objection* based on the *NCAP*. The Special Master entered an *Order Dismissing Objection* on November 21, 2007.

Conclusions of Law

The Whittakers are entitled to a partial decree adjudicating a water right as described in the *NCAP* and the attached *Special Master Recommendation for Partial Decree for Water Right 74-14980*.

DATED December 5, 2007.

A handwritten signature in cursive script, reading "Terrence A. Dolan".

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)
)
Case No. 39576)
_____) Water Right 74-14980

NAME AND ADDRESS: F JAMES WHITTAKER
 PAULA J WHITTAKER
 83 BIG EIGHT MILE RD
 PO BOX 240
 LEADORE, ID 83464

SOURCE: BIG TIMBER CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.97 CFS

RIGHTS 74-14980, 74-15003 AND 74-15004 WHEN COMBINED SHALL NOT
EXCEED A TOTAL DIVERSION RATE OF 6.4 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 ABOVE.

PRIORITY DATE: 06/01/1982

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, TAHT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T15N R26E S20 SWNW Within Lemhi County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
 Irrigation 03-15 TO 11-15 0.97 CFS

PLACE OF USE: Irrigation Within Lemhi County
 T15N R26E S21 NWSE 1.0 SWSE 13.5
 SESE 16.0
 S27 NWNW 3.8 SWNW 3.8
 SENW 0.9
 S28 NENE 3.7
 42.7 Acres Total

THE USE OF WATER WITHIN SWNW, S27, T15N, R26E IS LIMITED TO THE
E 1/2 OF THE NE 1/4 OF THAT PLACE OF USE AND DOES NOT INCLUDE
FEDERAL PUBLIC LAND.

RIGHTS 74-14980 AND 74-15003 WHEN COMBINED SHALL NOT EXCEED
THE IRRIGATION OF 178.9 ACRES.

THIS RIGHT IS FOR AN ENLARGEMENT OF 42.7 ACRES WITHIN THE
PLACE OF USED DESCRIBED FOR THIS RIGHT.

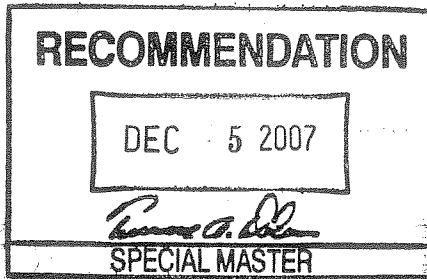
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 74-15003
AND 74-15004 PURSUANT TO SECTION 42-1426, IDAHO CODE.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

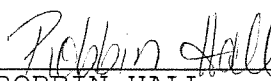
Water Right(s) : 74-14980

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 December 05, 2007, with sufficient first-class postage prepaid to the following:

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

F JAMES WHITTAKER
PAULA J WHITTAKER
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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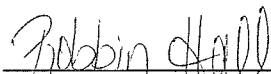
In Re SRBA	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
Case No. 39576	)	RECOMMENDATION
	)	
_____	)	Water Right(s): 74-14980

On December 05, 2007, Special Master TERRENCE A. DOLAN 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 December 05, 2007.



ROBBIN HALL
Deputy Clerk