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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SFDA
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 74-1771
	)	(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 the claim to F. James Whittaker, 83 Big Eight Mile Road, P.O. Box 240, Leadore, Idaho, 83464, for 1.36 cfs from Eighteenmile Creek to irrigate 93 acres in Lemhi County from March 15 to November 15 with a priority date of April 1, 1919, based on a decree.

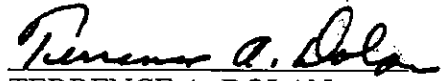
Mr. Whittaker filed an *Objection* on May 4, 2006, objecting to point of diversion and place of use. The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on June 30, 2006, objecting to place of use.

On June 16, 2007, F. James and Paula Whittaker and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to amend the claimants, point of diversion and place of use and to add the remark: "Place of use does not include federal public lands."

Conclusions of Law

The Whittakers are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 74-1771*.

DATED July 2, 2008.

A handwritten signature in black ink, appearing to read "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	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 74-01771

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

SOURCE: EIGHTEENMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.36 CFS

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION: T14N R27E S27 SESE Within Lemhi County
S35 NENE

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.36 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T14N R27E S21	NENE 20.0	NWNE 7.0
		SENE 18.0	NESE 21.0
		SESE 16.0	
	S22	NESW 12.0	NWSW 33.0
		SWSW 22.0	SESW 14.0
	S26	SESW 1.0	
	S27	SWNE 11.9	NENW 11.0
		NWNW 22.0	SWNW 22.0
		SENW 36.1	NESE 8.2
		NWSE 7.8	SWSE 11.0
	S28	NENE 4.0	
	S34	NENE 20.0	NWNE 14.0
	S35	NWNE 31.0	NENW 15.0
		NWNW 1.0	
	379.0 Acres Total		

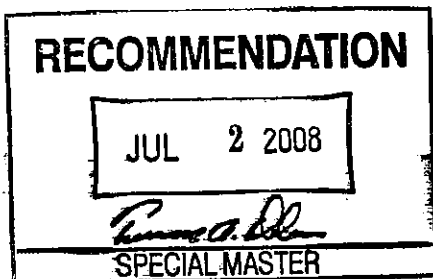
This right authorizes the irrigation of 91.4 total acres.
Place of use does not include federal public lands.
This right is limited to the irrigation of 91.4 acres within the
place of use described above in a single irrigation season.

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.



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

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DISTRICT COURT-SP3A
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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 74-01771

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 July 02, 2008, with sufficient first-class postage prepaid to the following:

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

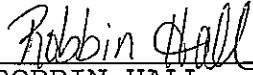
UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

F JAMES WHITTAKER
PO BOX 240
LEADORE, ID 83464

CERTIFICATE OF MAILING

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07/02/08

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



ROBBIN HALL
Deputy Clerk

DISTRICT COURT-SEBA
TWIN FALLS CO. IDAHO
DISTRICT OF THE

In Re SRBA)
)
Case No. 39576)
)
)

Water Right(s) : 74-01771

ROBBIN HALL
Deputy Clerk