

January 13, 2009
Leadore, Idaho 83464

Special Master Dolan
Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 14 2009	
By _____	Clerk
_____	Deputy Clerk

Dear Special Master Dolan,

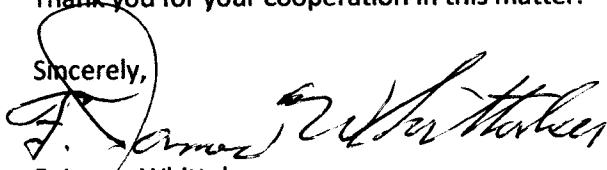
On reviewing some of our water rights, (74-340A, 74-340B, 74-1829 & 74-15656) I noticed that the Point of Diversion had been incorrectly listed as, the SENE, instead of the NENW of Sec 8, T15N, R25E.

As these rights have already been decreed, please set them aside so the Point of Diversion can be corrected.

I am enclosing information from the Idaho Department of Water Resources, agreeing that there is an error and copies of the decrees with the error underlined.

Thank you for your cooperation in this matter.

Sincerely,


F. James Whittaker
83 Big Eight Mile Road
PO Box 240
Leadore, Idaho 83464
208-768-2491



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

January 5, 2009

RE: Point of Diversion

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

Dear Mr. Whittaker,

I'm writing this letter in response to our conversation this morning. It appears you are correct the legal description for the point of diversion is incorrect for water rights 74-340A, 74-340B, 74-1829 & 74-15656 it should be the NENW sec. 8 T 15N R25E. These water rights were decreed by the SRBA court on September 19, 2008. I do not have the authority to change a court decree. As a result I suggest writing a letter to Special Master Dolan requesting to set aside these partial decrees for the purpose of correcting the point of diversion, at the address below:

Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

If you have any questions or concerns please contact me at the number listed below.

Respectfully Submitted,



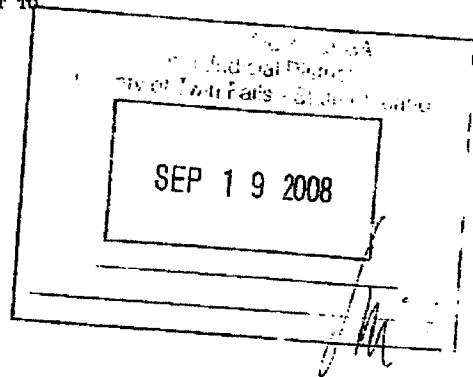
Nate Arave

Sr. Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Drive Suite A
Idaho Falls, Id 83402-1718
(208)-525-7161

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 74-00340A



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

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.80 CFS

The rights listed below are limited to a total combined
diversion rate of 10.22 cfs.
Combined Right Nos. 74-337, 74-340A, 74-340B, 74-1829, 74-2308,
74-15655, and 74-15656.

PRIORITY DATE: 10/03/1987

POINT OF DIVERSION: T15N R25E S05 SENE Within Lemhi County
S08 SENE *NENW of Section 8*

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.80 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T16N R25E S26 S34 S35	SESW 40.0	NWNE 40.0
	NENE 40.0	SENE 40.0
	SWNE 31.0	NWSE 40.0
	NESE 40.0	SESE 37.0
	SWSE 35.0	SWNE 38.0
	NWNE 38.0	NWNW 38.0
	NENW 40.0	SENE 36.0
	SWNW 40.0	NWSW 40.0
	NESW 40.0	SESW 5.3
	SWSW 37.0	
	NWSE 21.0	
	716.3 Acres Total	

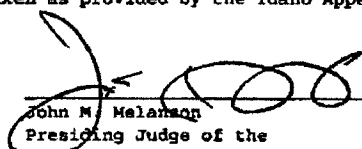
This right is limited to the irrigation of 150.8 acres within the
place of use described above in a single irrigation season.
Place of use does not include federal public lands.
The rights listed below are limited to the irrigation of a
combined total of 716.3 acres in a single irrigation season.
Combined Right Nos.: 74-337, 74-340A, 74-340B, 74-1829, 74-2308,
74-15655, and 74-15656.

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

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 74-00340B

SEP 19 2008

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

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 2.50 CFS

The rights listed below are limited to a total combined
diversion rate of 10.22 cfs.
Combined Right Nos. 74-337, 74-340A, 74-340B, 74-1829, 74-2308,
74-15655, and 74-15656.

PRIORITY DATE: 10/03/1887

POINT OF DIVERSION: T15N R25E S05 SENE Within Lemhi County
S08 SENE NENW Section 8
T16N R25E S28 SWSE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	2.50 CFS

Water may not be diverted from the point of diversion in the
SWSE, S28, T16N, R25E after May 15 of each year.

PLACE OF USE:

Irrigation	Within Lemhi County
T16N R25E S26	SESW 40.0
S34	NENE 40.0
	SWNE 31.0
	NESE 40.0
	SWSE 35.0
S35	NWNE 38.0
	NENW 40.0
	SWNW 40.0
	NESW 40.0
	SWSW 37.0
	NWSE 21.0
	NNNE 40.0
	SENE 40.0
	NWSE 40.0
	SESE 37.0
	SWNE 38.0
	NNNW 38.0
	SENW 36.0
	NNSW 40.0
	SESW 5.3
716.3 Acres Total	

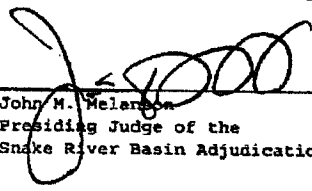
This right is limited to the irrigation of 117.6 acres within the
place of use described above in a single irrigation season.
Place of use does not include federal public lands.
The rights listed below are limited to the irrigation of a
combined total of 716.3 acres in a single irrigation season.
Combined Right Nos.: 74-337, 74-340A, 74-340B, 74-1829, 74-2308,
74-15655, and 74-15656.

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATS 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 74-00340B

SEP 19 2008

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

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 2.50 CFS

The rights listed below are limited to a total combined
diversion rate of 10.22 cfs.
Combined Right Nos. 74-337, 74-340A, 74-340B, 74-1829, 74-2308,
74-15655, and 74-15656.

PRIORITY DATE: 10/03/1887

POINT OF DIVERSION: T15N R25E S05 SENE Within Lemhi County
S08 SENE, NENW of Sect. 8
T16N R25E S28 SWSE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	2.50 CFS

Water may not be diverted from the point of diversion in the
SWSE, S28, T16N, R25E after May 15 of each year.

PLACE OF USE:

Irrigation	Within Lemhi County
T16N R25E S26	SESW 40.0
S34	NENE 40.0
	SWNE 31.0
	NESE 40.0
	SWSE 35.0
S35	NWNE 38.0
	NENW 40.0
	SNNW 40.0
	NESW 40.0
	SWSW 37.0
	NWSE 21.0
716.3 Acres Total	

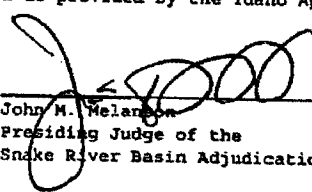
This right is limited to the irrigation of 117.6 acres within the
place of use described above in a single irrigation season.
Place of use does not include federal public lands.
The rights listed below are limited to the irrigation of a
combined total of 716.3 acres in a single irrigation season.
Combined Right Nos.: 74-337, 74-340A, 74-340B, 74-1829, 74-2308,
74-15655, and 74-15656.

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.



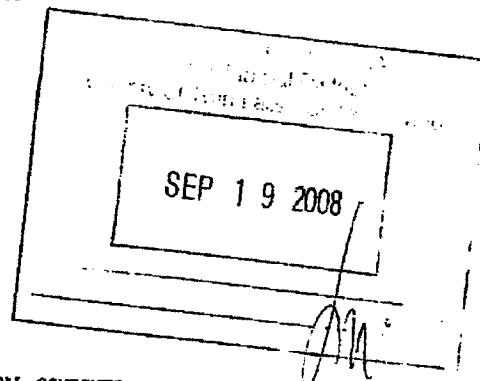
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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 74-15656



NAME AND ADDRESS:

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

SOURCE:

BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY:

1.02 CFS

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 10.22 CFS.

COMBINED RIGHT NOS.: 74-337, 74-340A, 74-340B, 74-1829,
74-2308, 74-15655, AND 74-15656.

PRIORITY DATE:

03/15/1983

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT 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 R25E S05 SENE Within Lemhi County
S08 SENE *NENW Section 8*

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
03-15 TO 11-15

QUANTITY
1.02 CFS

PLACE OF USE:

Irrigation

T16N R25E S26
S34

SESW 40.0
NENE 40.0
SWNE 31.0
NESE 40.0
SWSE 35.0
NWNE 38.0
NENW 40.0
SNNW 40.0
NESW 40.0
SWSW 37.0
NWSE 21.0

Within Lemhi County

NWNE 40.0
SENE 40.0
NWSE 40.0
SESE 37.0
SWNE 38.0
NNNW 38.0
SENW 36.0
NWSW 40.0
SESW 5.3

716.3 Acres Total

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 716.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 74-337, 74-340A, 74-340B, 74-1829, 74-2308,
74-15655, AND 74-15656.

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 74-2308,
74-337, 74-340A, 74-340B, AND 74-1829 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

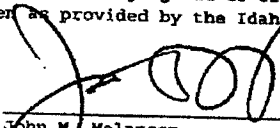
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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