

RECEIVED

AUG 18 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - Snake River Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 17 2009	
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) Subcases 74-2088, 74-2095, 74-2148,
Case No. 39576) 74-15660 and 74-15663
) (Whittaker)
)
) 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 claims 74-2088, 74-2095 and 74-2148 to F. James and Paula Whittaker, P.O. Box 240, Leadore, Idaho, 83464, for 2 cfs, 2.5 cfs, and .6 cfs from Big Timber Creek and Basin Creek to irrigate 76 acres, 103 acres and 19 acres in Lemhi County from March 15 to November 15 with priority dates of April 25, 1910, July 22, 1910, and July 6, 1912, based on a decree. The Director recommended claims 74-15660 and 74-15663 be disallowed: "No lawful appropriation shown."

Mr. Whittaker filed *Objections* in subcases 74-15560 and 74-15663 on May 4, 2006, objecting to the claims not being recommended as claimed. On June 20, 2008, IDWR fled a *Notice of Completed Administrative Proceeding* in subcases 74-15660 and 74-15663 for "enlargement advertisement – no protest filed."

On March 17, 2009, the Whittakers and the United States of America, Department of Agriculture, Forest Service, with IDWR's concurrence, filed *Standard Forms 5* in subcases 74-15660 and 74-15663. The same date, the Whittakers, with IDWR's concurrence, filed *SF-5s* in subcases 74-2088, 74-2095 and 74-2148 as uncontested overlaps.

Conclusions of Law

The Whittakers are entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 74-2088, 74-2095, 74-2148, 74-15660 and 74-15663*.

DATED August 17, 2009.


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

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 17 2009	
By _____	Clerk
Deputy Clerk	

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 74-02088

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

SOURCE: BASIN CREEK TRIBUTARY: BIG TIMBER CREEK

QUANTITY: 2.00 CFS

RIGHT NOS. 74-2088, 74-15662 AND 74-15663 ARE LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.00 CFS.
THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 5.1 CFS. COMBINED RIGHT NOS.: 74-2088, 74-2095, 74-2148,
74-15332 AND 74-15663.

PRIORITY DATE: 04/25/1910

POINT OF DIVERSION: T14N R25E S02 NENW Within Lemhi County
T15N R25E S36 NWSW
SWSW
NESE
SESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.00 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T14N R25E S02	NWNE 32.0
	T15N R25E S25	SWSE 25.0 SESE 30.0
	S35	SESW 14.0 SWSE 30.0
	S36	NENE 2.0 NWNE 5.0
		NESW 2.0 NWSW 35.0
		SWSW 35.0 SESW 6.0
	216.0 Acres Total	

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 76.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 340 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 74-2088, 74-2095, 74-2148, 74-15662 AND
74-15663.
RIGHT NOS. 74-2088, 74-15662 AND 74-15663 ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 216 ACRES IN A SINGLE
IRRIGATION SEASON.

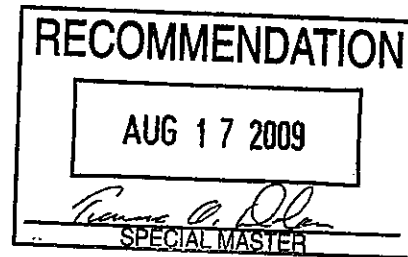
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 74-02095

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 17 2009	
By _____	Clerk
_____	Deputy Clerk

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

SOURCE: BASIN CREEK TRIBUTARY: BIG TIMBER CREEK

QUANTITY: 2.50 CFS

RIGHT NOS. 74-2095, 74-15662 AND 74-15663 ARE LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.00 CFS.
THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 5.10 CFS. COMBINED RIGHT NOS.: 74-2088, 74-2095, 74-2148,
74-15662 AND 74-15663.

PRIORITY DATE: 07/22/1910

POINT OF DIVERSION: T14N R25E S01 NWSW Within Lemhi County
S02 SENE
T15N R25E S35 SESE
S36 SENE
NWSW
SWSW

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

PLACE OF USE:	Irrigation	Within Lemhi County
	T14N R25E S01	NWNW 27.0 SWNW 20.0
	S02	NENE 32.0 SENE 24.0
	T15N R25E S25	NENE 2.0 NWNE 5.0
		NESW 2.0 NWSW 35.0
		SWSW 35.0 SESW 6.0
		SWSE 25.0 SESE 30.0
	243.0 Acres Total	

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 103 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 340 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 74-2088, 74-2095, 74-2148, 74-15662 AND
74-15663.
RIGHT NOS. 74-2095, 74-15662 AND 74-15663 ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 250 ACRES IN A SINGLE
IRRIGATION SEASON.

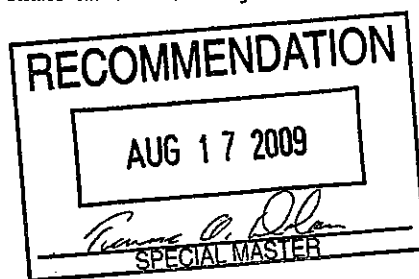
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

AUG 17 2009

By _____ Clerk

Deputy Clerk

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-02148

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

SOURCE: BASIN CREEK TRIBUTARY: BIG TIMBER CREEK

QUANTITY: 0.60 CFS

RIGHT NOS. 74-2148, 74-15662 AND 74-15663 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.6 CFS.
THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.1 CFS. COMBINED RIGHT NOS.: 74-2088, 74-2095, 74-2148, 74-15662 AND 74-15663.

PRIORITY DATE: 07/06/1912

POINT OF DIVERSION: T14N R25E S02 NWSE Within Lemhi County
S35 SESE
T15N R25E S36 SENE
NWSW
SWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.60 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T14N R25E S02	SWNE 12.0	NENW 7.0
T15N R25E S25	SWSE 25.0	SESE 30.0
S36	NENE 2.0	NWNE 5.0
	NESW 2.0	NWSW 35.0
	SWSW 35.0	SESW 6.0
159.0 Acres Total		

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 19.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 340 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 74-2088, 74-2095, 74-2148, 74-15662 AND 74-15663.
RIGHT NOS. 74-2149, 74-15662 AND 74-15663 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 159 ACRES IN A SINGLE IRRIGATION SEASON.

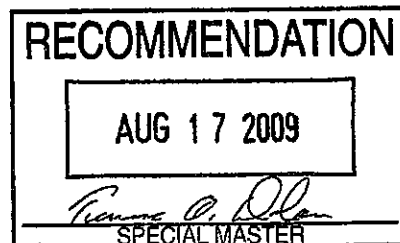
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

AUG 17 2009

By _____ Clerk

Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 74-15660

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

SOURCE: BIG TIMBER CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.48 CFS

RIGHT NOS. 74-15660 AND 74-1103 ARE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.48 CFS.

PRIORITY DATE: 12/31/1982

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: T14N R26E S05 SWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.48 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T14N R26E S05	NWNW 19.0 SWNW 15.4
	S06	NENE 8.7 SENE 0.8
	S31	SESE 7.6
	S32	SWSW 2.6
	54.1 Acres Total	

RIGHT NOS. 74-1103 AND 74-15660 ARE LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 54.1 ACRES IN A SINGLE IRRIGATION SEASON.

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

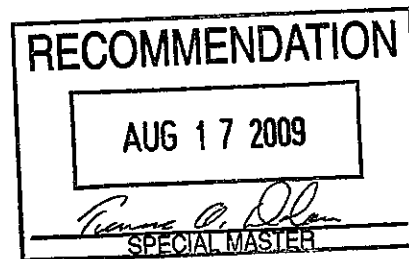
THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 74-1103
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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

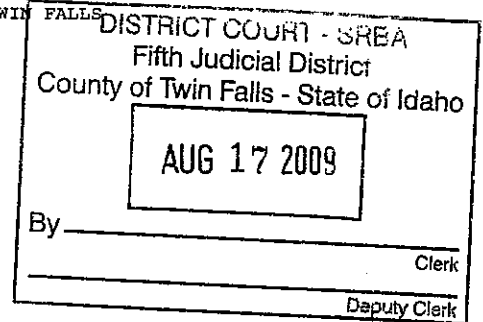


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 74-15663



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

SOURCE: BASIN CREEK TRIBUTARY: BIG TIMBER CREEK

QUANTITY: 0.93 CFS

RIGHT NOS. 74-2088, 74-15662, AND 74-15663 ARE LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.00 CFS.

RIGHT NOS. 74-2095, 74-15662 AND 74-15663 ARE LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.50 CFS.

RIGHT NOS. 74-2148, 74-15662 AND 74-15663 ARE LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.60 CFS.

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 5.1 CFS.

COMBINED RIGHT NOS.: 74-2088, 74-2095, 74-2148, 74-15662 AND
74-15663

PRIORITY DATE: 03/15/1982

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:	T14N R25E S01	NWSW	Within Lemhi County
	S02	SENE	
		NENW	
		NWSE	
	S35	SESE	
	S36	SENE	
		NWSW	
		SWSW	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	5.10 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T14N R25E S01	NWNW 27.0
	S02	SWNW 22.0
		NENE 32.0
		NWNE 32.0
		SWNE 12.0
		SENE 24.0
		NENW 7.0
	S36	SWSW 35.0
		SESW 6.0
	T15N R25E S25	SWSE 25.0
	S35	SESE 30.0
		SWSE 30.0
	S36	NENE 2.0
		NWNE 5.0
		NWSW 35.0
	340.0 Acres Total	

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 340 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 74-2088, 74-2095, 74-2148, 74-15662 AND

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

PLACE OF USE (continued)

74-15663.

RIGHT NOS. 74-2088, 74-15662 AND 74-15663 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 216 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 74-2095, 74-15662 AND 74-15663 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 243 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 74-2148, 74-15662 AND 74-15663 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 159 ACRES IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 74-2088, 74-2095 AND 74-2148 PURSUANT TO SECTION 42-1425, IDAHO CODE.

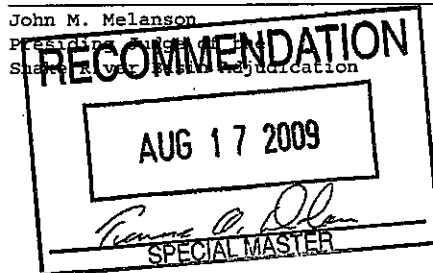
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

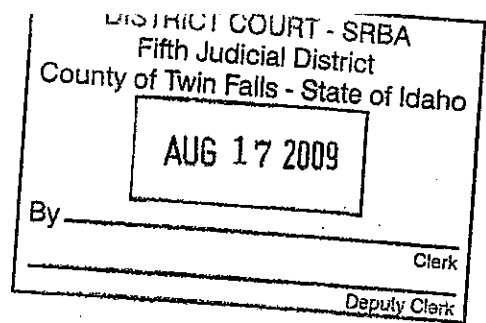
RULE 54(b) CERTIFICATE

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

President, Idaho State
Sharecroppers Union





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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

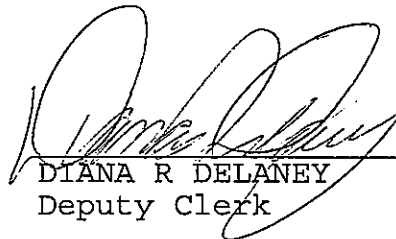
Water Right(s): 74-02088
74-02095 74-02148 74-15660
74-15663

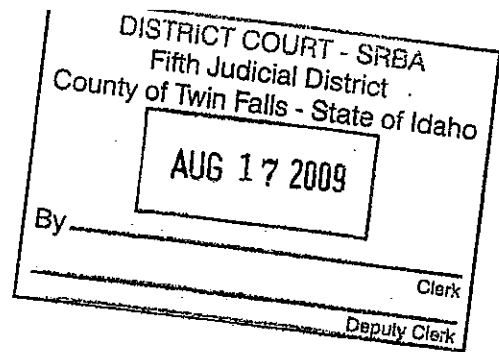
On August 17, 2009, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 August 17, 2009.


DIANA R DELANEY
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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 74-02088
74-02095 74-02148 74-15660
74-15663

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 August 17, 2009, 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

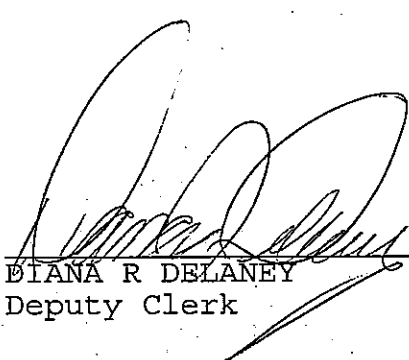
CERTIFICATE OF MAILING

PAGE 1
08/17/09

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

F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE, ID 83464
Phone: 208-768-2491



BIANA R DELANEY
Deputy Clerk