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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 OCT 26 PM 2 13

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

ORDER OF PARTIAL DECREES

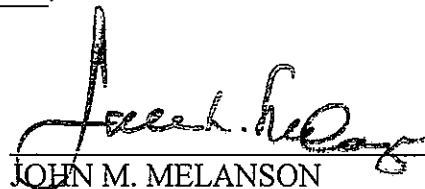
Subcases: See Attached Exhibit A
(Whittaker)

On August 17, 2009, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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 wholly adopts them as its own.

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

DATED October 26, 2009.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A - F JAMES WHITTAKER

Subcase Nos:

74-02088

74-02095

74-02148

74-15660

74-15663

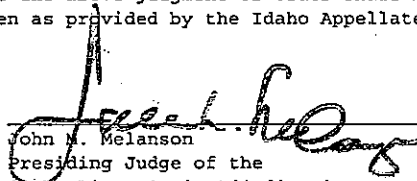
DISTRICT COURT - SRBA
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Aug-18-2009

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
TWIN FALLS CO., IDAHO
FILED
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In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-02095

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

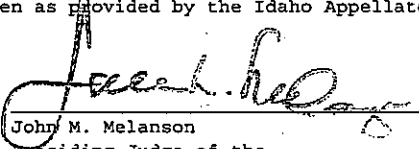
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 103 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 340 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED 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

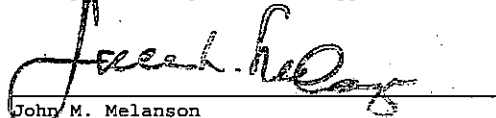
THE DISTRICT COURT - SRBA
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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 74-15660

DISTRICT COURT - SRB
TWIN FALLS CO., IDAHO
FILED
2009 OCT 26 PM 2 14

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.

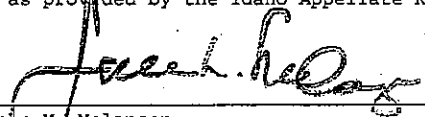
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.


Joan 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
TWIN FALLS CO., IDAHO
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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) 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	SWNW 22.0
	S02	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	SESE 30.0
	S35	SESW 14.0	SWSE 30.0
	S36	NENE 2.0	NWNE 5.0
		NESW 2.0	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

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.

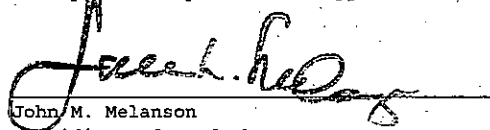
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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John M. Melanson
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 October 26, 2009, with sufficient first-class postage to the following:

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

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~~

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

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

