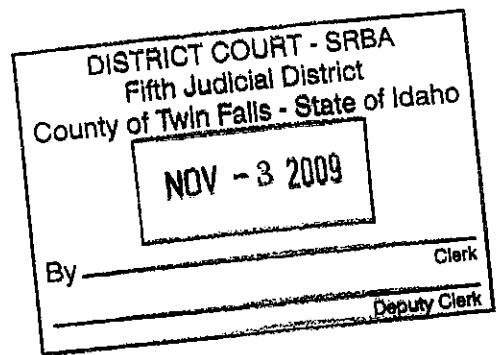


RECEIVED
NOV 05 2009
DEPARTMENT OF
WATER RESOURCES



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 73-167, 73-2058, 73-2169 and
Case No. 39576) 73-10003
) (Whittier)
)
) SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. The Director recommended the claims to Judi and Larry Whittier, HC 62, Box 2161, May, Idaho, 83253, for 2.4 cfs, 1.32 cfs, 3.56 cfs and 4.63 cfs from the Pahsimeroi River to irrigate a combined total of 364 acres in Custer County from April 1 to October 31 with priority dates of January 4, 1904, March 7, 1910, April 25, 1949, and April 25, 1949, based on a decree, license or beneficial use.

The Whittiers filed an *Objection* in subcases 73-167 on March 20, 2007, objecting to quantity and place of use. IDWR identified 73-2058, 73-2169 and 73-10003 as uncontested overlapping claims.

IDWR filed an *Amended Director's Report, Subcases 73-00167, 73-02058, 73-10003 and 73-02169* on September 23, 2009. No one filed an objection.

Conclusions of Law

The Whittiers are entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the *Amended Director's Report* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-167, 73-2058, 73-2169 and 73-10003*.

DATED November 3, 2009.

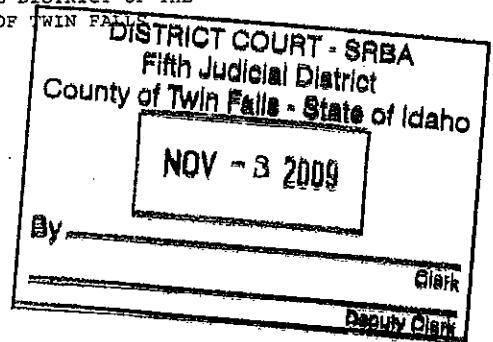
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

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

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

Water Right 73-00167



NAME AND ADDRESS: JUDI A WHITTIER
LARRY D WHITTIER
HC 62 BOX 2161
MAY, ID 83253

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 3.20 CFS

PRIORITY DATE: 01/04/1904

POINT OF DIVERSION: T12N R24E S32 SWNW Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.20 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T12N R24E S21	NENE 3.3 NWNE 33.0
		SWNE 40.0 SENE 26.0
		NENW 40.0 SENW 37.0
	179.3 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 357.3 acres in a single irrigation season. Combined Right Nos.: 73-167, 73-2058, 73-2169 & 73-10003. The rights listed below are limited to the irrigation of a combined total of 179.3 acres in a single irrigation season. Combined Right Nos.: 73-167 & 73-2058. This right is limited to the irrigation of 160.0 acres within the place of use described above in a single irrigation season.

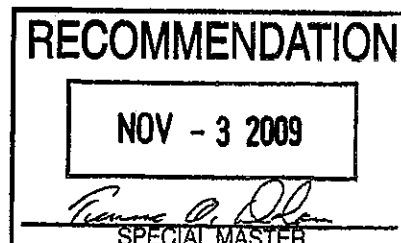
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



In Re SRBA

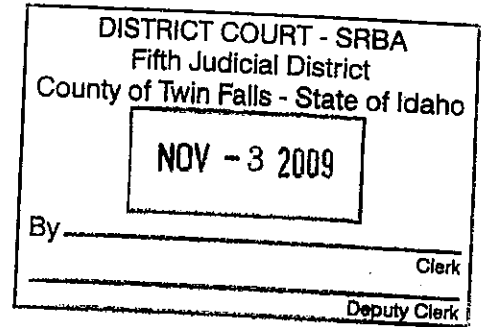
Case No. 39576

Water Right 73-02058

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 73-02169



NAME AND ADDRESS: JUDI A WHITTIER
LARRY D WHITTIER
HC 62 BOX 2161
MAY, ID 83253

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 3.56 CFS

PRIORITY DATE: 04/25/1949

POINT OF DIVERSION: T12N R24E S05 LOT 5 (SWNW) (Rediversion) Within Custer County
S08 NENW (Rediversion)
S17 SENE (Injection)
S32 SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.56 CFS

PLACE OF USE: Irrigation Within Custer County
T12N R24E S05 LOT 3 (NENW) 30.0 LOT 4 (NWNW) 40.0
SENE 38.0 NESW 40.0
S06 LOT 1 (NENE) 30.0
178.0 Acres Total

The rights listed below are limited to the irrigation of a combined total of 357.3 acres in a single irrigation season.
Combined Right Nos.: 73-167, 73-2058, 73-2169 & 73-10003.

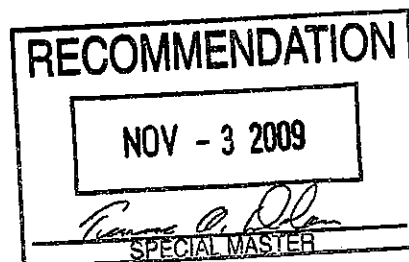
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 73-10003

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho NOV - 3 2009 By _____ Clerk Deputy Clerk
--

NAME AND ADDRESS: JUDI A WHITTIER
LARRY D WHITTIER
HC 62 BOX 2161
MAY, ID 83253

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 4.63 CFS

PRIORITY DATE: 04/25/1949

POINT OF DIVERSION: T12N R24E S05 LOT 5 (SWNW) (Rediversion) Within Custer County
S08 NENW (Rediversion)
S17 SENE (Injection)
S32 SWNW
SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.63 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T12N R24E S05 LOT 3 (NENW) 30.0	LOT 4 (NWNW) 40.0
		SENE 38.0
	S06 LOT 1 (NENE) 30.0	NESW 40.0
	S21 NENE 3.3	NWNE 33.0
		SENE 26.0
		SENE 37.0
	357.3 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 357.3 acres in a single irrigation season.
Combined Right Nos.: 73-167, 73-2058, 73-2169 & 73-10003.

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
Fifth Judicial District

RECOMMENDATION NOV - 3 2009 <i>Thomas A. Olson</i> SPECIAL MASTER
--

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

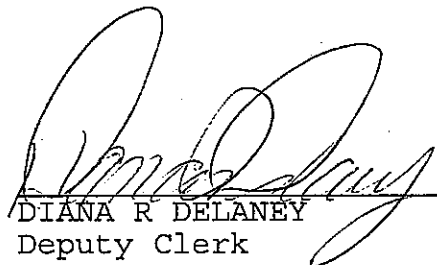
Water Right(s): 73-00167
73-02058 73-02169 73-10003

On November 04, 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 November 04, 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

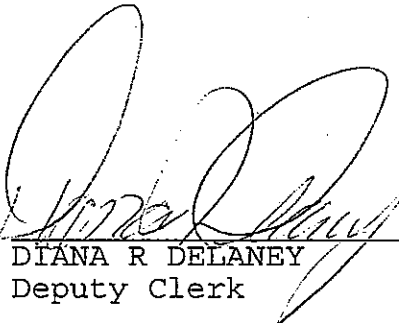
Water Right(s): 73-00167
73-02058 73-02169 73-10003

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 November 04, 2009, with sufficient first-class postage prepaid to the following:

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

JUDI A WHITTIER
LARRY D WHITTIER
HC 62 BOX 2161
MAY, ID 83253
Phone: 208-876-4474



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
11/04/09