

DEPARTMENT OF  
WATER RESOURCES

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

FEB - 1 2012

By \_\_\_\_\_

JUDICIAL DISTRICT OF THE  
COUNTY OF TWIN FALLS

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**

**Case No. 39576**

## ORDER OF PARTIAL DECREES

**Subcases: 45-10482, 45-10483  
and 45-10484  
(Whittle)**

On December 19, 2011, 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)***.

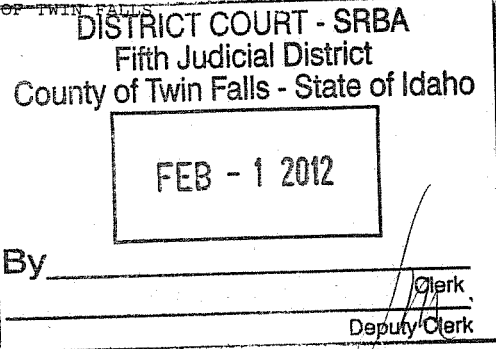
DATED February 1, 2012

ERIC J. WILDMAN  
Presiding Judge  
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 45-10482



NAME AND ADDRESS: JAMES D WHITTLE  
2116 S 500 W  
OAKLEY, ID 83346

SOURCE: GOOSE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 5.90 AFY

Pursuant to agreement with the Oakley Canal Company water is stored under this right from April 15 to July 20 inclusive whenever Goose Creek water rights with a priority date of 4/1/1876 are in priority (deliverable). The storage volume is calculated by multiplying the historic diversion rate of 0.0312 cfs by 1.9835 times the number of days the right is in priority (deliverable).

PRIORITY DATE: 04/01/1876

POINT OF DIVERSION: T14S R22E S17 NWSW (Rediversion) Within Cassia County  
S19 NWSW (Rediversion)  
NENE

Water is rediverted under this right from Goose Creek into the West Canal and the East Canal.

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE          | PERIOD OF USE  | QUANTITY |
|-------------------------|----------------|----------|
| Irrigation Storage      | 01-01 TO 12-31 | 5.90 AFY |
| Irrigation from Storage | 03-15 TO 11-15 | 5.90 AFY |

Water is stored pursuant to agreement with the Oakley Canal Company, which agreement may be subject to future modification or termination.

Pursuant to agreement with the Oakley Canal Company, irrigation water is stored and delivered from April 15 to July 20 inclusive.

PLACE OF USE: Irrigation from Storage Within Cassia County  
T14S R22E S05 NESW 20.0 NESE 14.0  
NWSE 15.0  
49.0 Acres Total

Right Nos. 45-10482, 45-10483 and 45-10484 are limited to the irrigation of a combined total of 49 acres in a single irrigation season.

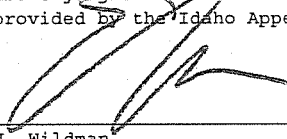
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Future modifications of the agreement with the Oakley Canal Company, if any, shall not result in enlargement of this 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.



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Eric J. Wildman  
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 45-10483

|                                                                                                                |
|----------------------------------------------------------------------------------------------------------------|
| <b>DISTRICT COURT - SRBA</b><br><b>Fifth Judicial District</b><br><b>County of Twin Falls - State of Idaho</b> |
| <b>FEB - 1 2012</b>                                                                                            |
| By _____<br>Clerk-<br>Deputy Clerk                                                                             |

NAME AND ADDRESS: JAMES D WHITTLE  
2116 S 500 W  
OAKLEY, ID 83346

SOURCE: GOOSE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 64.30 AFY

Pursuant to agreement with the Oakley Canal Company water is stored under this right from April 15 to July 20 inclusive whenever Goose Creek water rights with a priority date of 4/27/1880 are in priority (deliverable). The storage volume is calculated by multiplying the historic diversion rate of 0.3375 cfs by 1.9835 times the number of days the right is in priority (deliverable).

PRIORITY DATE: 04/27/1880

POINT OF DIVERSION: T14S R22E S17 NWSW (Rediversion) Within Cassia County  
S19 NWSW (Rediversion)  
NENE

Water is rediverted under this right from Goose Creek into the West Canal and the East Canal.

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE          | PERIOD OF USE  | QUANTITY  |
|-------------------------|----------------|-----------|
| Irrigation Storage      | 01-01 TO 12-31 | 64.30 AFY |
| Irrigation from Storage | 03-15 TO 11-15 | 64.30 AFY |

Water is stored pursuant to agreement with the Oakley Canal Company, which agreement may be subject to future modification or termination.

Pursuant to agreement with the Oakley Canal Company, irrigation water is stored and delivered from April 15 to July 20 inclusive.

PLACE OF USE:

|                         |           |                      |
|-------------------------|-----------|----------------------|
| Irrigation from Storage |           | Within Cassia County |
| T14S R22E S05           | NESW 20.0 | NESE 14.0            |
|                         | NWSE 15.0 |                      |
| 49.0 Acres Total        |           |                      |

Right Nos. 45-10482, 45-10483 and 45-10484 are limited to the irrigation of a combined total of 49 acres in a single irrigation season.

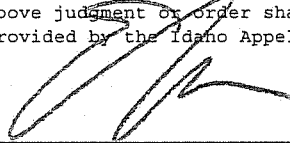
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Future modifications of the agreement with the Oakley Canal Company, if any, shall not result in enlargement of this 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.



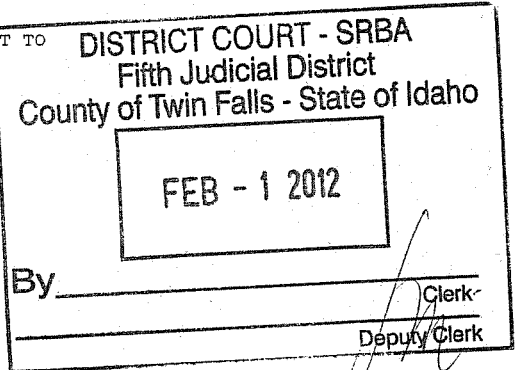
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Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

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 45-10484



NAME AND ADDRESS: JAMES D WHITTLE  
2116 S 500 W  
OAKLEY, ID 83346  
SOURCE: GOOSE CREEK TRIBUTARY: SNAKE RIVER  
QUANTITY: 83.30 AFY

The storage volume for this right is the maximum that may be stored under this right pursuant to agreement with Oakley Canal Company. The actual volume stored varies from year to year. Pursuant to agreement with the Oakley Canal Company water is stored under this right whenever the U.S. Geological Survey stream gaging station on Goose Creek located in T15S, R21E, S13, NENE, together with the U.S. Geological Survey gaging station on Trapper Creek located in T14S, R21E, S34, SENW, measure a combined total flow of 10,185 Idaho miner's inches (207.3 cfs) or higher. The storage volume is calculated by multiplying 0.60 cfs by 1.9835 times the number of days the gages measure a combined total flow of 10,185 inches (207.3 cfs) or higher.

PRIORITY DATE: 03/31/1887

POINT OF DIVERSION: T14S R22E S17 NWSW (Rediversion) Within Cassia County  
S19 NWSW (Rediversion)  
NENE

Water is rediverted under this right from Goose Creek into the West Canal and the East Canal.

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE          | PERIOD OF USE  | QUANTITY  |
|-------------------------|----------------|-----------|
| Irrigation Storage      | 01-01 TO 12-31 | 83.30 AFY |
| Irrigation from Storage | 03-15 TO 11-15 | 83.30 AFY |

Water is stored pursuant to agreement with the Oakley Canal Company, which agreement may be subject to future modification or termination.

Pursuant to agreement with the Oakley Canal Company stored irrigation water is deliverable from April 15 to July 20 inclusive.

PLACE OF USE:

|                         |           |                      |
|-------------------------|-----------|----------------------|
| Irrigation from Storage |           | Within Cassia County |
| T14S R22E S05           | NESW 20.0 | NESE 14.0            |
|                         | NWSE 15.0 |                      |
| 49.0 Acres Total        |           |                      |

Right Nos. 45-10482, 45-10483 and 45-10484 are limited to the irrigation of a combined total of 49 acres in a single irrigation season.

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

Future modifications of the agreement with the Oakley Canal Company, if any, shall not result in enlargement of this 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

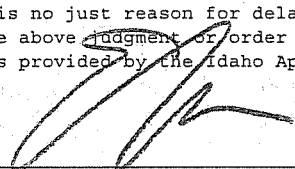
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.

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Eric J. Wildman  
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 February 01, 2012, with sufficient first-class postage to the following:

OAKLEY CANAL COMPANY

Represented by:  
WILLIAM A. PARSONS  
137 W 13TH ST  
PO BOX 910  
BURLEY, ID 83318  
Phone: 208-878-8382

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

JAMES D WHITTLE  
2116 S 500 W  
OAKLEY, ID 83346

BRUCE BEDKE  
JARED K BEDKE  
42 E BASIN RD  
OAKLEY, ID 83346  
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