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DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| JAN - 8 2010                                                                            |              |
| 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

Case No. 39576

ORDER OF PARTIAL DECREES

Subcases: 73-00167, 73-02058,  
73-02169 and 73-10003  
(Whittier)

On November 3, 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)*.

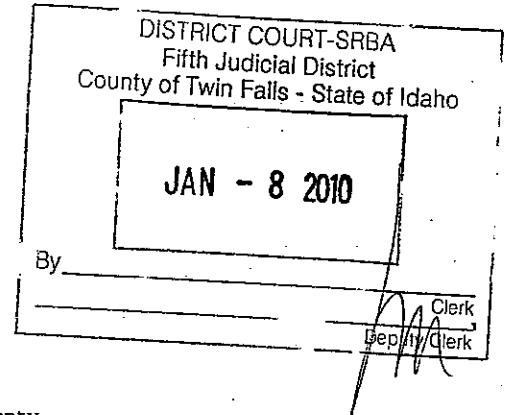
DATED January 8, 2010

  
ERIC C. 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 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<br>NWNE 33.0<br>SWNE 40.0<br>SENE 26.0<br>NENW 40.0<br>SENE 37.0 |
|               | 179.3 Acres Total |                                                                           |

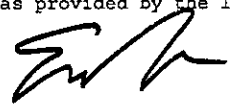
The rights listed below are limited to the irrigation of a combined total of 357.3 acres in a single irrigation season. Combined Right Nos.: 73-167, 73-2058, 73-2169 & 73-10003. The rights listed below are limited to the irrigation of a combined total of 179.3 acres in a single irrigation season. Combined 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.

  
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 73-02058

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

JAN - 8 2010

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: 1.32 CFS

PRIORITY DATE: 03/07/1910

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 | 1.32 CFS |

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

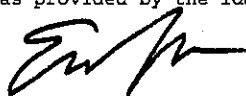
The rights listed below are limited to the irrigation of a combined total of 357.3 acres in a single irrigation season. Combined Right Nos.: 73-167, 73-2058, 73-2169 & 73-10003. The rights listed below are limited to the irrigation of a combined total of 179.3 acres in a single irrigation season. Combined Right Nos.: 73-167 & 73-2058. This right is limited to the irrigation of 66.0 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

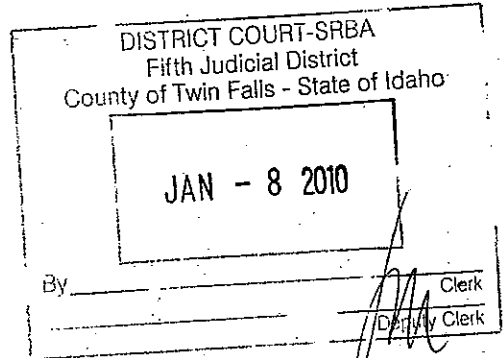
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.

  
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 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)  
S08 NENW (Rediversion)  
S17 SENE (Injection)  
S32 SWNW

Within Custer County

| 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                               |                      |

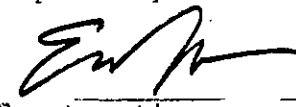
The rights listed below are limited to the irrigation of a  
combined total of 357.3 acres in a single irrigation season.  
Combined Right Nos.: 73-167, 73-2058, 73-2169 & 73-10003.

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

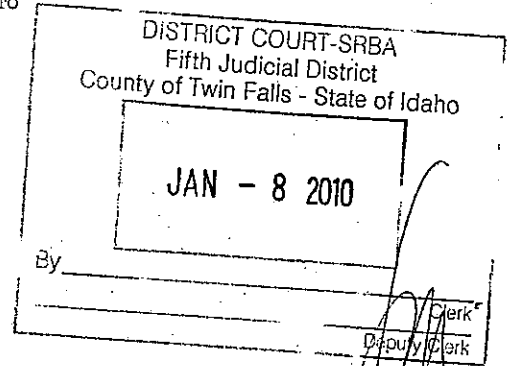
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance  
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above 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.

  
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 73-10003



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)  
S08 NENW (Rediversion)  
S17 SENE (Injection)  
S32 SWNW  
SWNW

Within Custer County

| 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                       | NESW 40.0            |
|               | S06 LOT 1 (NENE) 30.0           |                      |
|               | S21 NENE 3.3                    | NWNE 33.0            |
|               | SWNE 40.0                       | SENE 26.0            |
|               | NENW 40.0                       | 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.

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 January 08, 2010, with sufficient first-class postage to the following:

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

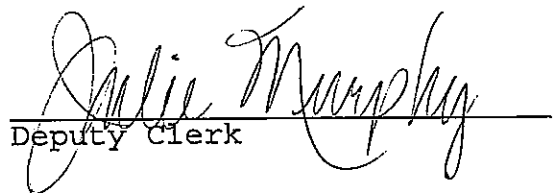
DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

ORDER

Page 1 1/08/10

FILE COPY FOR 00047

Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".