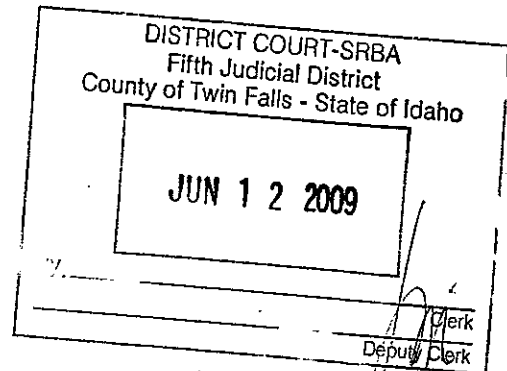


RECEIVED

JUN 16 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

Case No. 39576

ORDER OF AMENDED PARTIAL DECREES

SUBCASES: 74-00340A, 74-00340B,
74-01829 & 74-15656
(Whittaker)

On April 15, 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 *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decrees* are replaced and superseded thereby.

DATED June 12, 2008.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

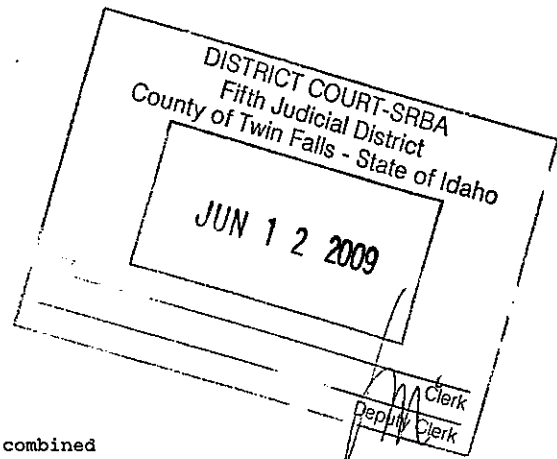
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

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

Water Right 74-00340A



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

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.80 CFS

The rights listed below are limited to a total combined
diversion rate of 10.22 cfs.
Combined Right Nos. 74-337, 74-340A, 74-340B, 74-1829, 74-2308,
74-15655, and 74-15656.

PRIORITY DATE: 10/03/1887

POINT OF DIVERSION: T15N R25E S05 SENE Within Lemhi County
S08 NENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.80 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T16N R25E S26	SESW 40.0
	S34	NENE 40.0
		NWNE 40.0
		SENE 40.0
		NWSE 40.0
		SESE 37.0
	S35	SWNE 38.0
		NWNW 38.0
		SENW 36.0
		NWSW 40.0
		SESW 5.3
		NWSE 21.0
	716.3 Acres Total	

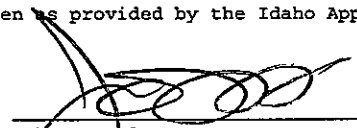
This right is limited to the irrigation of 150.8 acres within the
place of use described above in a single irrigation season.
Place of use does not include federal public lands.
The rights listed below are limited to the irrigation of a
combined total of 716.3 acres in a single irrigation season.
Combined Right Nos.: 74-337, 74-340A, 74-340B, 74-1829, 74-2308,
74-15655, and 74-15656.

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
AMENDED

In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-00340B

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

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 2.50 CFS

The rights listed below are limited to a total combined
diversion rate of 10.22 cfs.
Combined Right Nos. 74-337, 74-340A, 74-340B, 74-1829, 74-2308,
74-15655, and 74-15656.

PRIORITY DATE: 10/03/1887

POINT OF DIVERSION: T15N R25E S05 SENE Within Lemhi County
S08 NENW
T16N R25E S28 SWSE

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

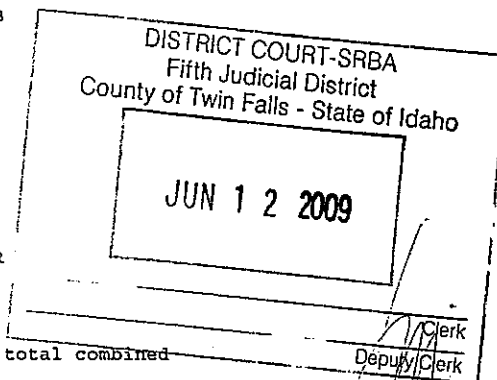
Water may not be diverted from the point of diversion in the
SWSE, s28, T16N, R25E after May 15 of each year.

PLACE OF USE: Irrigation Within Lemhi County
T16N R25E S26 SESW 40.0
S34 NENE 40.0 NWNE 40.0
SWNE 31.0 SENE 40.0
NESE 40.0 NWSE 40.0
SWSE 35.0 SESE 37.0
S35 NWNE 38.0 SWNE 38.0
NENW 40.0 NWNW 38.0
SWNW 40.0 SENW 36.0
NESW 40.0 NWSW 40.0
SWSW 37.0 SESW 5.3
NWSE 21.0
716.3 Acres Total

This right is limited to the irrigation of 117.6 acres within the
place of use described above in a single irrigation season.
Place of use does not include federal public lands.
The rights listed below are limited to the irrigation of a
combined total of 716.3 acres in a single irrigation season.
Combined Right Nos.: 74-337, 74-340A, 74-340B, 74-1829, 74-2308,
74-15655, and 74-15656.

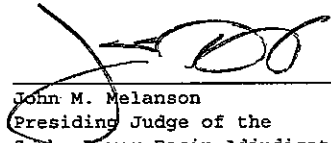
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-01829

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

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 2.22 CFS

The rights listed below are limited to a total combined
diversion rate of 10.22 cfs.
Combined Right Nos. 74-337, 74-340A, 74-340B, 74-1829, 74-2308,
74-15655, and 74-15656.

PRIORITY DATE: 07/02/1928

POINT OF DIVERSION: T15N R25E S05 SENE Within Lemhi County
S08 NENW

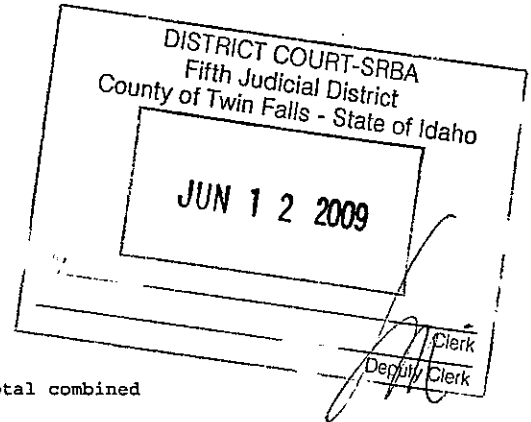
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.22 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T16N R25E S26	SESW 40.0
	S34	NENE 40.0
		SWNE 31.0
		NESE 40.0
		SWSE 35.0
	S35	NWNE 38.0
		NENW 40.0
		SWNW 40.0
		NESW 40.0
		SWSW 37.0
		NWSE 21.0
	716.3 Acres Total	

This right is limited to the irrigation of 150.8 acres within the
place of use described above in a single irrigation season.
Place of use does not include federal public lands.
The rights listed below are limited to the irrigation of a
combined total of 716.3 acres in a single irrigation season.
Combined Right Nos.: 74-337, 74-340A, 74-340B, 74-1829, 74-2308,
74-15655, and 74-15656.

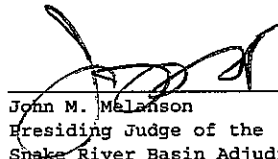
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576)
) I.R.C.P. 54(b) FOR
) Water Right 74-15656

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

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.02 CFS

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 10.22 CFS.
COMBINED RIGHT NOS.: 74-337, 74-340A, 74-340B, 74-1829,
74-2308, 74-15655, AND 74-15656.

PRIORITY DATE: 03/15/1983

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: T15N R25E S05 SENE Within Lemhi County
S08 NENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.02 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T16N R25E S26	SESW 40.0
	S34	NENE 40.0
		SWNE 31.0
		NESE 40.0
		SWSE 35.0
	S35	SESE 37.0
		NWNE 38.0
		SWNE 38.0
		NENW 40.0
		NWNW 38.0
		SWNW 40.0
		SENW 36.0
		NESW 40.0
		NWSW 40.0
		SWSW 37.0
		SESW 5.3
		NWSE 21.0
	716.3 Acres Total	

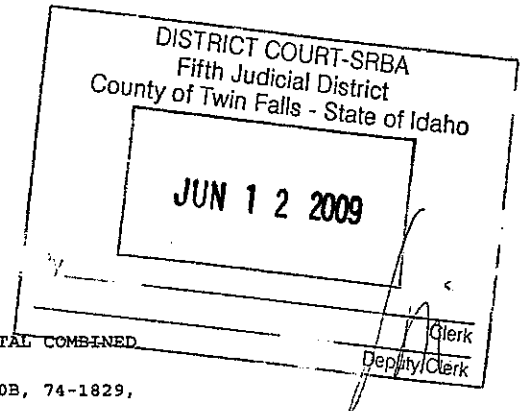
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 716.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 74-337, 74-340A, 74-340B, 74-1829, 74-2308,
74-15655, AND 74-15656.

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 74-2308,
74-337, 74-340A, 74-340B, AND 74-1829 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



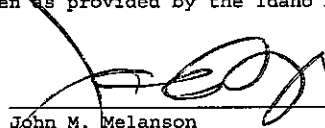
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on June 12, 2009, with sufficient first-class postage to the following:

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

PAULA J WHITTAKER

83 BIG EIGHT MILE RD

PO BOX 240

LEADORE, ID 83464

Phone: 208-768-2491

