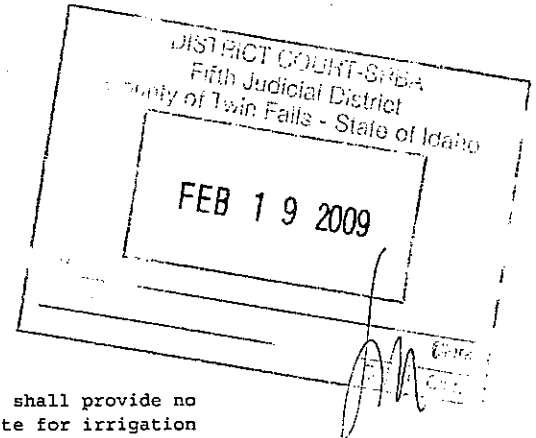


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 74-15006



NAME AND ADDRESS: F JAMES WHITTAKER  
PAULA J WHITTAKER  
PO BOX 240  
LEADORE, ID 83464

SOURCE: UNNAMED STREAM TRIBUTARY: TEXAS CREEK

QUANTITY: 1.68 CFS  
203.00 AFY

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.  
Rights 74-378B, 74-15004 and 74-15006 when combined shall not exceed a total annual maximum diversion volume of 481.3 af at the field headgate.

PRIORITY DATE: 05/14/1920

POINT OF DIVERSION: T15N R26E S21 SESE Within Lemhi County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|----------------------------|----------------|----------------|------------------------|
|                            | Irrigation     | 03-15 TO 11-15 | 1.68 CFS<br>203.00 AFY |

| PLACE OF USE: | Irrigation        | Within Lemhi County   |
|---------------|-------------------|-----------------------|
|               | T15N R26E S21     | SESE 13.0             |
|               | S22               | NESW 0.9<br>SWSW 40.0 |
|               | S27               | NENW 14.0             |
|               | S28               | NENE 7.0              |
|               | 137.5 Acres Total |                       |

This right is limited to the irrigation of 58.0 acres within the place of use described above in a single irrigation season.  
Rights 74-378B, 74-15004 and 74-15006 when combined shall not exceed the irrigation of 137.5 acres.

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

Use of water under this water right will be regulated by the watermaster of State Water District No. 74-W.  
The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.  
Prior to diversion of water under Right 74-15006, the right holder shall provide and maintain a means of measurement acceptable to the watermaster for measuring the flow in Nez Perce Creek at the original points of diversion in NESW, S15 and S22, T14N, R26E.  
Diversion of water under Right 74-15006 from the Unnamed Stream, also known as Warm Spring Creek, is limited to those times water is available for diversion under this right and priority from Nez Perce Creek, and shall not exceed the amount that remains undiverted in Nez Perce Creek that is ultimately allowed to reach Texas Creek.

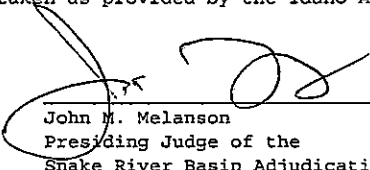
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

RECEIVED

FEB 20 2009

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| FEB 19 2009                                                                             |
| By _____<br>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

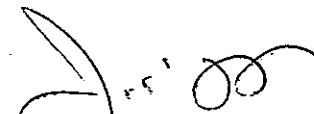
Subcases: See Attached Exhibit A  
(F. James & Paula J. Whittaker)

On December 24, 2008, 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 19, 2009.



JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

EXHIBIT A - F JAMES & PAULA J WHITTAKER

Subcase Nos:

74-00118  
74-00138  
74-00349  
74-00369  
74-00378B  
74-01105  
74-01136  
74-15003  
74-15004  
74-15006

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on February 19, 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

~~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  
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