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DEPARTMENT OF
WATER RESOURCES

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

JAN 23 2009

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

Subcase No.: 74-15787

(Whittaker)

ORDER OF PARTIAL DECREE

On March 21, 2008, the Idaho Department of Water Resources filed a *Late Claims/Miscellaneous Claims Director's Report for Irrigation and Other Water Rights*, which included a recommendation for the above-captioned water right. On September 5, 2008, the Idaho Department of Water Resources filed an *Amended Director's Report* notifying the Court of an enlargement advertisement, where no protest was filed, for the above-captioned water right. No objections were filed to the *Amended Director's Report* and the time for filing objections has now expired.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set for in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED

January 23, 2009

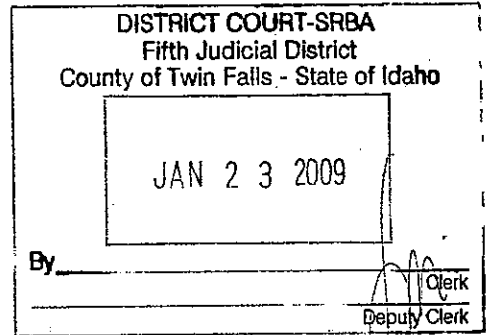
JOHN M. MELANSON

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-15787



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: 4.13 CFS

Right Nos. 74-349, 74-1105, 74-338B and 74-15787 are limited to
a total combined diversion rate of 9.20 cfs.

PRIORITY DATE: 12/31/1982

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 LOT 10 (NWSE) Within Lemhi County
T16N R25E S33 NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.13 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T16N R25E S28	SWNW 40.0	SENW 35.0
	NESW 32.0	NWSW 40.0
	SWSW 38.0	SESW 14.0
S29	SWNE 40.0	SENE 40.0
	SWNW 34.0	SENW 40.0
	NESW 40.0	NWSW 18.0
	SWSW 15.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 39.0	SESE 18.0
S32	NENE 16.0	NENW 38.0
	NWNW 36.0	
S33	NWNW 31.0	
	724.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 724 acres in a single irrigation season.
Combined Right Nos.: 74-349, 74-388B, 74-1105, 74-15787, 15788,
74-157, 74-369, 74-1136.

This right is limited to the irrigation of 398.6 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 right is based upon an enlargement of Right Nos. 74-349,
74-338B, and 74-1105 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
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY

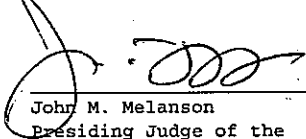
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2009 JAN 23 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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): 74-15787

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 74-15787 was mailed
on January 23, 2009, with sufficient first-class postage prepaid
to the following:

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

JULIE MURPHY
Chief Deputy Clerk