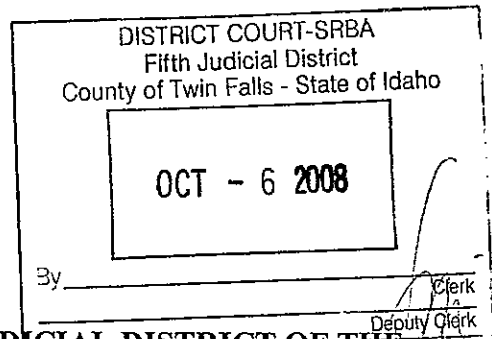




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

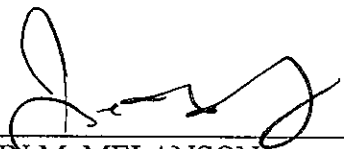
|                |   |                           |
|----------------|---|---------------------------|
| In Re SRBA     | ) | ORDER OF PARTIAL DECREE   |
|                | ) |                           |
| Case No. 39576 | ) | For Water Right: 74-01771 |
|                | ) |                           |
|                | ) |                           |

On July 2, 2008, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. 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 Recommendation* and wholly adopts them as its own.

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

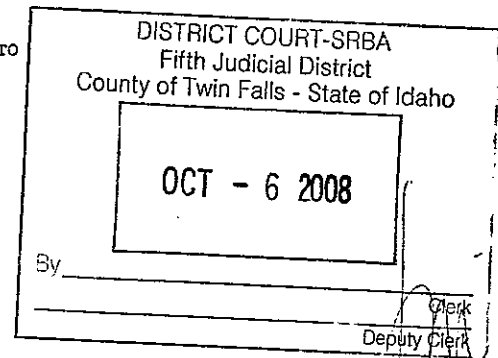
DATED October 6, 2008.

  
\_\_\_\_\_  
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

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 74-01771



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

SOURCE: EIGHTEENMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.36 CFS

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION: T14N R27E S27 SESE Within Lemhi County  
S35 NENE

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 03-15 TO 11-15 | 1.36 CFS |

| PLACE OF USE:     | Irrigation | Within Lemhi County |
|-------------------|------------|---------------------|
| T14N R27E S21     | NENE 20.0  | NWNE 7.0            |
|                   | SENE 18.0  | NESE 21.0           |
|                   | SESE 16.0  |                     |
| S22               | NESW 12.0  | NWSW 33.0           |
|                   | SWSW 22.0  | SESW 14.0           |
| S26               | SESW 1.0   |                     |
| S27               | SWNE 11.9  | NENW 11.0           |
|                   | NWNW 22.0  | SWNW 22.0           |
|                   | SENW 36.1  | NESE 8.2            |
|                   | NWSE 7.8   | SWSE 11.0           |
| S28               | NENE 4.0   |                     |
| S34               | NENE 20.0  | NWNE 14.0           |
| S35               | NWNE 31.0  | NENW 15.0           |
|                   | NWNW 1.0   |                     |
| 379.0 Acres Total |            |                     |

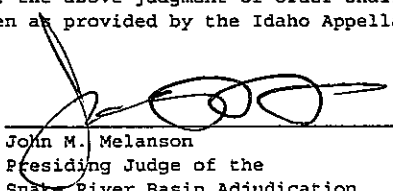
This right authorizes the irrigation of 91.4 total acres.  
Place of use does not include federal public lands.  
This right is limited to the irrigation of 91.4 acres within the  
place of use described above in a single irrigation season.

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.



\_\_\_\_\_  
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 DECREE was mailed on October 06, 2008, 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

ORDER

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Deputy Clerk