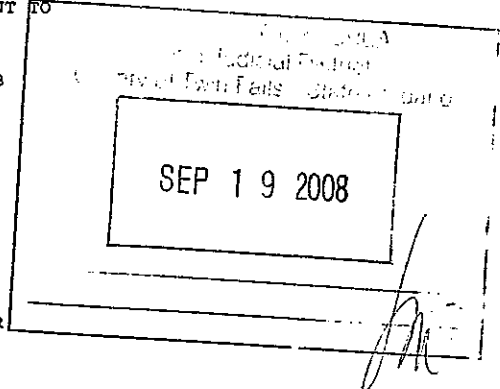


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 74-00340B



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 SENE
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	SES	40.0
	NENE	40.0
	SWNE	31.0
	NESE	40.0
	SWSE	35.0
	NWNE	38.0
	NENW	40.0
	SWNW	40.0
	NESW	40.0
	SWSW	37.0
S34	NWSE	21.0
S35		
716.3 Acres Total		

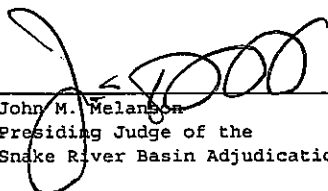
This right is limited to the irrigation of 117.6 acres within the
place of use described above in a single irrigation season.
Place of use does not include federal public lands.
The rights listed below are limited to the irrigation of a
combined total of 716.3 acres in a single irrigation season.
Combined 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.

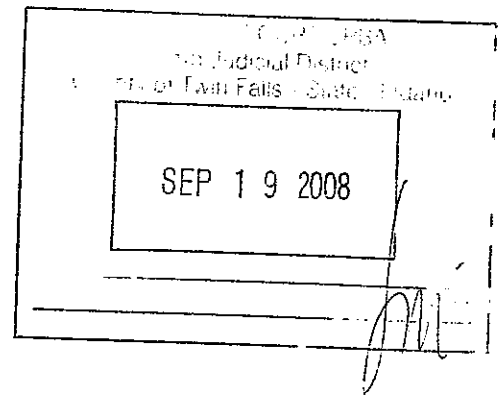


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

SEP 23 2008

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 PARTIAL DECREES

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

On June 19, 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 September 19, 2008.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A (F. JAMES WHITTAKER)

Subcase Nos:

74-00337
74-00340A
74-00340B
74-01829
74-02308
74-15656

CERTIFICATE OF MAILING

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