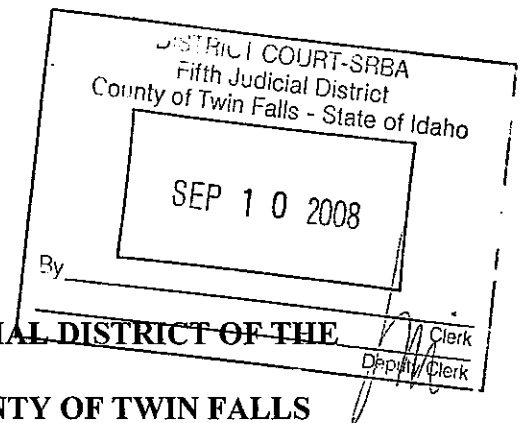




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

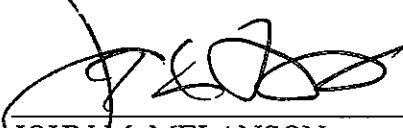
)  
) **Water Right: 74-00345**  
)  
) **ORDER OF PARTIAL DECREE**  
)  
)  
)

On January 23, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 74, Reporting Area 23, for Irrigation and Other Water Rights*, which included recommendations for the above named water right. No objections were filed and the time period for filing objections has expired.

On May 12, 2008, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court of a transfer for the above-named water right. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

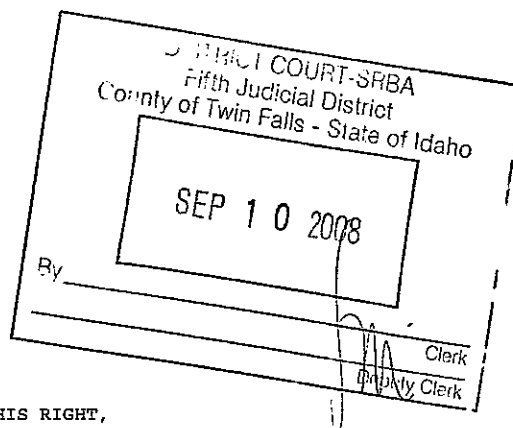
Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED September 10, 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 )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 74-00345



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

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

PRIOR TO THE DIVERSION AND USE OF WATER UNDER THIS RIGHT,  
THE RIGHT HOLDER SHALL COMPLY WITH ALL FISH SCREENING AND/OR  
FISH PASSAGE REQUIREMENTS OF THE IDAHO DEPARTMENT OF FISH AND  
GAME.

QUANTITY: 7.04 CFS

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE  
NOR MORE THAN 3.5 AFA PER ACRE AT THE FIELD HEADGATE FOR  
IRRIGATION OF THE LANDS ABOVE.

RIGHT NOS. 74-345 AND 74-15682 ARE LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 7.04 CFS.

RIGHT NOS. 74-345 AND 74-15682 ARE LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 359.0 ACRES IN A SINGLE IRRIGATION SEASON.

PRIORITY DATE: 12/06/1909

POINT OF DIVERSION: T15N R25E S05 LOT 8 (SENE ) Within Lemhi County  
T16N R25E S28 SWSE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 7.04 CFS |

| PLACE OF USE: | Irrigation        | Within Lemhi County |
|---------------|-------------------|---------------------|
|               | T16N R25E S26     | NENE 38.0 SWNE 41.0 |
|               |                   | SENE 25.0 SWNW 40.0 |
|               |                   | SENW 41.0 NESW 40.0 |
|               |                   | NESE 38.0 NWSE 40.0 |
|               |                   | SWSE 35.0 SESE 21.0 |
|               | 359.0 Acres Total |                     |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 311 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

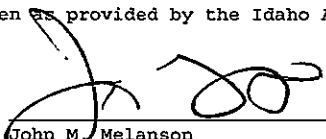
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

DIVERSION OF WATER FROM THE POINT OF DIVERSION IN SENE SEC. 5  
T15N R25E B.M. IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR  
DIVERSION UNDER THIS RIGHT AND PRIORITY FROM THE POINT OF  
DIVERSION IN SWSE SEC. 28 T16N R25E B.M.

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

2008 SEP 10 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): 74-00345

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 74-00345 was mailed  
on September 10, 2008, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

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

JAMES WHITTAKER  
83 BIG EIGHT MILE RD  
PO BOX 240  
LEADORE, ID 83464

JULIE MURPHY  
Chief Deputy Clerk