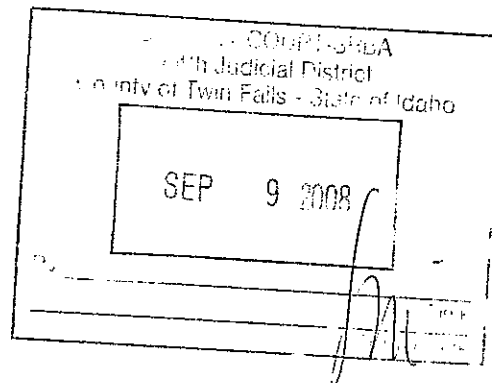


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

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

Water Right 74-00378A



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

SOURCE: TEXAS CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 3.83 CFS

PRIORITY DATE: 04/01/1887

POINT OF DIVERSION: T15N R26E S27 NESE Within Lemhi County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 03-15 TO 11-15 | 3.83 CFS |

| PLACE OF USE: | Irrigation        | Within Lemhi County                              |
|---------------|-------------------|--------------------------------------------------|
|               | T15N R26E S22     | NENE 36.0<br>SENE 36.0<br>NWSE 33.0<br>SESE 21.0 |
|               | S27               | NENE 34.0<br>NENW 15.0                           |
|               | 298.0 Acres Total | SWNE 14.0<br>NESE 29.0<br>SWSE 40.0<br>NWNE 40.0 |

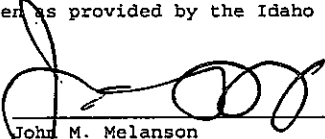
This right authorizes the irrigation of 298.1 total acres.

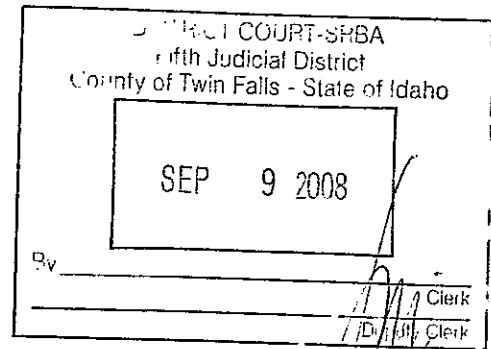
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 May 22, 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 9, 2008.

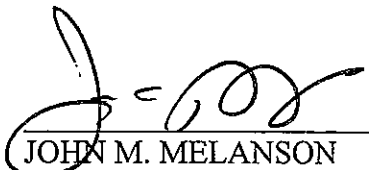
  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

EXHIBIT A (F JAMES & PAULA J WHITTAKER)

Subcase Nos:

74-00088  
74-00089  
74-00090  
74-00132  
74-00133  
74-00378A  
74-01101  
74-01772  
74-02006  
74-02091A  
74-02124  
74-15061

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on September 09, 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