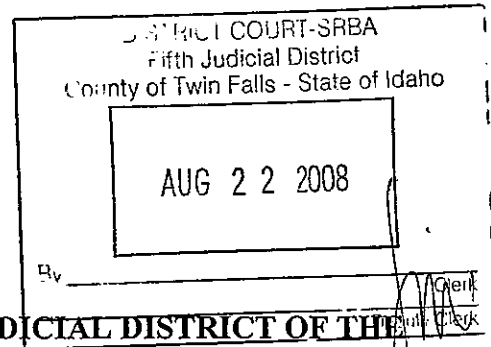




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

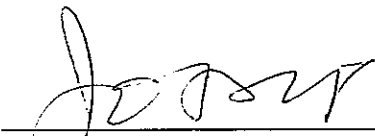
In Re SRBA) Subcase No.: 74-15661
Case No. 39576) ORDER OF AMENDED PARTIAL
DECREE
_____)

A *Partial Decree* for the above-captioned water right claim was issued on January 26, 2007. On February 12, 2007, the claimant filed a *Motion to Set Aside Partial Decree*. On July 29, 2007, a *Special Master's Report and Recommendation* was filed recommending that the *Partial Decree* be set aside. No Challenges were filed to the *Special Master's Report and Recommendation*.

On September 21, 2007, the Court issued an *Order Granting Motion to Set Aside Partial Decree and Request for Amended Director's Report*. On May 8, 2008, an *Amended Director's Report* was filed. Notice was pursuant to Docket Sheet procedure. No objections were filed.

Therefore, IT IS ORDERED that the above-captioned water right is hereby decreed as set forth in the *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decree* is replaced and superseded thereby.

Dated August 22, 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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-15661

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

AUG 22 2008

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

By _____ Clerk
Deputy Clerk

SOURCE: LITTLE TIMBER CREEK TRIBUTARY: BIG TIMBER CREEK

QUANTITY: 1.00 CFS

Right Nos. 74-55 and 74-15661 are limited to a total combined
diversion rate of 6.2 cfs.

PRIORITY DATE: 03/15/1983

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 S26 NWNE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.00 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T15N R25E S14	SWNE 19.0 SWNW 8.2
		SENE 35.0 NESW 22.0
		NWSW 12.0 SWSW 16.0
		SESW 1.0 NWSE 38.0
		SWSE 4.0
	S15	SESE 6.0
	161.2 Acres Total	

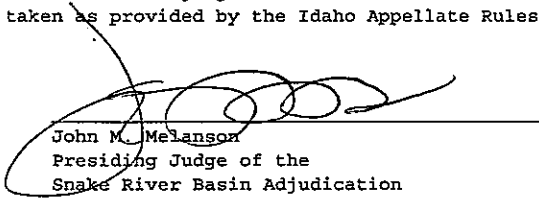
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is based upon an enlargement of Right No. 74-55
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
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.



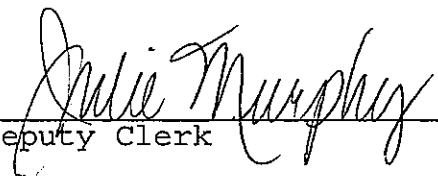
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE was mailed on August 22, 2008, with sufficient first-class postage to the following:

F JAMES WHITTAKER
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

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".