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JAN 30 2008

Department of Water Resources
Adjudication Bureau

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 25 2008	
By _____	Clerk
_____	Deputy Clerk

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: 74-00039B, 74-00063,
74-00072 and 74-15005

On October 23, 2007, 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 January 25, 2008.

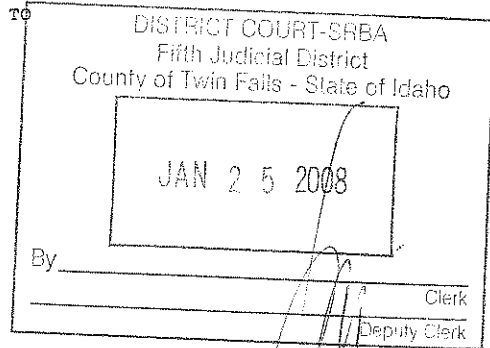


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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 74-00039B



NAME AND ADDRESS: F JAMES WHITTAKER
PAULA J WHITTAKER
PO BOX 240
LEADORE, ID 83464

SOURCE: BIG TIMBER CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 6.00 CFS
682.50 AFY

Rights 74-39B and 74-63 when combined shall not exceed a total diversion rate of 6.96 cfs and a total annual maximum diversion volume of 682.5 af at the field headgate.
Rights 74-39B, 74-63, 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 12.36 cfs and a total annual maximum diversion volume of 1235.5 af at the field headgate.

PRIORITY DATE: 06/10/1901

POINT OF DIVERSION: T15N R26E S19 NESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	6.00 CFS 682.50 AFY

PLACE OF USE:	Irrigation	Within Lemhi County
	T15N R26E S21	NENE 38.0 NWNE 35.0 SENE 40.0
	S22	NESE 6.0 NWNE 0.4 NENW 33.0 SWNW 40.0 NESW 15.6 NWSW 26.0
	353.0 Acres Total	

Rights 74-39B and 74-63 when combined shall not exceed a total irrigation of 195 acres in the place of use described above in a single irrigation season.

Rights 74-39B, 74-63, 74-72 and 74-15005 when combined shall not exceed a total irrigation of 353.0 acres.

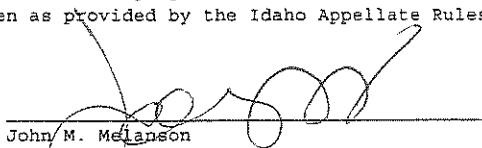
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Use of water under this water right will be regulated by the watermaster of State Water District No. 74-W.
The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-00063

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

JAN 25 2008

By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: F JAMES WHITTAKER
PAULA J WHITTAKER
PO BOX 240
LEADORE, ID 83464

SOURCE: BIG TIMBER CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.96 CFS
468.40 AFY

PRIORITY DATE: 07/18/1911

POINT OF DIVERSION: T15N R26E S19 NESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.96 CFS 468.40 AFY

PLACE OF USE:	Irrigation	Within Lemhi County
	T15N R26E S21	NENE 38.0 NWNE 35.0 SENE 40.0 NESE 6.0
	S22	NWNE 0.4 NENW 33.0 SWNW 40.0 NESW 16.6
	353.0 Acres Total	

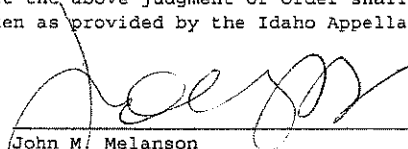
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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

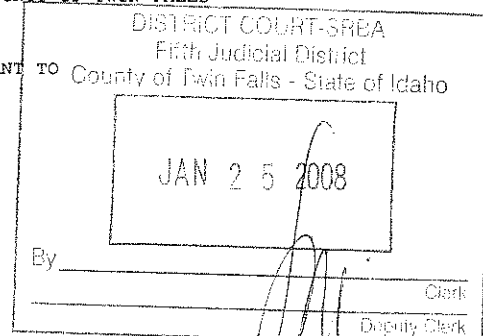
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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
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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 74-00072



NAME AND ADDRESS: F JAMES WHITTAKER
PAULA J WHITTAKER
PO BOX 240
LEADORE, ID 83464

SOURCE: UNNAMED STREAM TRIBUTARY: TEXAS CREEK

QUANTITY: 0.84 CFS
409.90 AFY

Rights 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 5.40 cfs, and a total annual maximum diversion volume of 551.0 af at the field headgate.
Rights 74-39B, 74-63, 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 12.36 cfs and a total annual maximum diversion volume of 1235.5 af at the field headgate.

PRIORITY DATE: 06/01/1883

POINT OF DIVERSION: T15N R26E S21 NWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.84 CFS 409.90 AFY

PLACE OF USE:	Irrigation	Within Lemhi County
	T15N R26E S21	NENE 38.0 SWNE 35.0 NESE 6.0
	S22	NWNE 0.4 NENW 33.0 SWNW 40.0 NESW 16.6
		NWNE 35.0 SENE 40.0 SWNE 3.0 NWNW 40.0 SENE 40.0 NWSW 26.0
	353.0 Acres Total	

Rights 74-39B, 74-63, 74-72 and 74-15005 when combined shall not exceed a total irrigation of 353.0 acres.
Rights 74-72 and 74-15005 when combined shall not exceed a total irrigation of 158.0 acres in the place of use described above in a single irrigation season.

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

Use of water under this water right will be regulated by the watermaster of State Water District No. 74-W.
The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
Prior to diversion of water under Rights 74-72 and 74-15005, the right holder shall provide and maintain a means of measurement acceptable to the watermaster for measuring the flow in Nez Perce Creek at the original points of diversion in NESW, S15 and S22, T14N, R26E.
Diversion of water under Rights 74-72 and 74-15005 is limited to those times water is available for diversion under these rights and priorities from Nez Perce Creek, and shall not exceed the

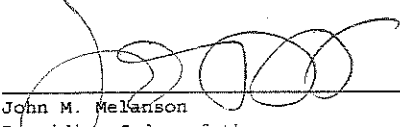
OTHER PROVISIONS (continued)

amount that remains undiverted in Nez Perce Creek that is ultimately allowed to reach Texas Creek.

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

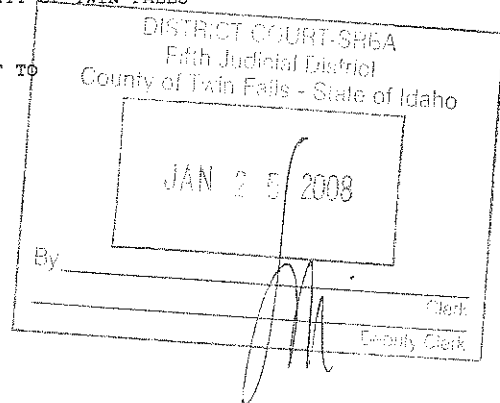
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-15005



NAME AND ADDRESS: F JAMES WHITTAKER
PAULA J WHITTAKER
PO BOX 240
LEADORE, ID 83464

SOURCE: UNNAMED STREAM TRIBUTARY: TEXAS CREEK

QUANTITY: 4.56 CFS
552.00 AFY

Rights 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 5.40 cfs, and a total annual maximum diversion volume of 553.0 af at the field headgate.

Rights 74-39B, 74-63, 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 12.36 cfs and a total annual maximum diversion volume of 1235.5 af at the field headgate.

PRIORITY DATE: 05/14/1920

POINT OF DIVERSION: T14N R26E S21 NWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.56 CFS 552.00 AFY

PLACE OF USE:	Irrigation	Within Lemhi County
	T15N R26E S21	NENE 38.0 NWNE 35.0 SENE 40.0
	S22	NESE 6.0 NWNE 0.4 SWNE 3.0 NENW 33.0 NWNW 40.0 SWNW 40.0 SENW 40.0 NESW 16.6 NWSW 26.0
	353.0 Acres Total	

Right 74-15005 is limited to the irrigation of 157.7 acres within the place of use described above in a single irrigation season.

Rights 74-39B, 74-63, 74-72 and 74-15005 when combined shall not exceed a total irrigation of 353.0 acres.

Rights 74-72 and 74-15005 when combined shall not exceed a total irrigation of 158.0 acres in the place of use described above in a single irrigation season.

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

Use of water under this water right will be regulated by the watermaster of State Water District No. 74-W.
The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Prior to diversion of water under Rights 74-72 and 74-15005, the right holder shall provide and maintain a means of measurement acceptable to the watermaster for measuring the flow in Nez Perce Creek at the original points of diversion in NESW, S15 and S22, T14N, R26E.

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

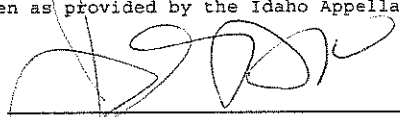
OTHER PROVISIONS (continued)

Diversion of water under Rights 74-72 and 74-15005 is limited to those times water is available for diversion under these rights and priorities from Nez Perce Creek, and shall not exceed the amount that remains undiverted in Nez Perce Creek that is ultimately allowed to reach Texas Creek.

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 DECREES was mailed on January 25, 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".