

SECTION 5

1 NE SENW

1 NE SE SW

12 NW SW NE (2 P.O.'s)

13 NW SW SE

18 NW SE NW

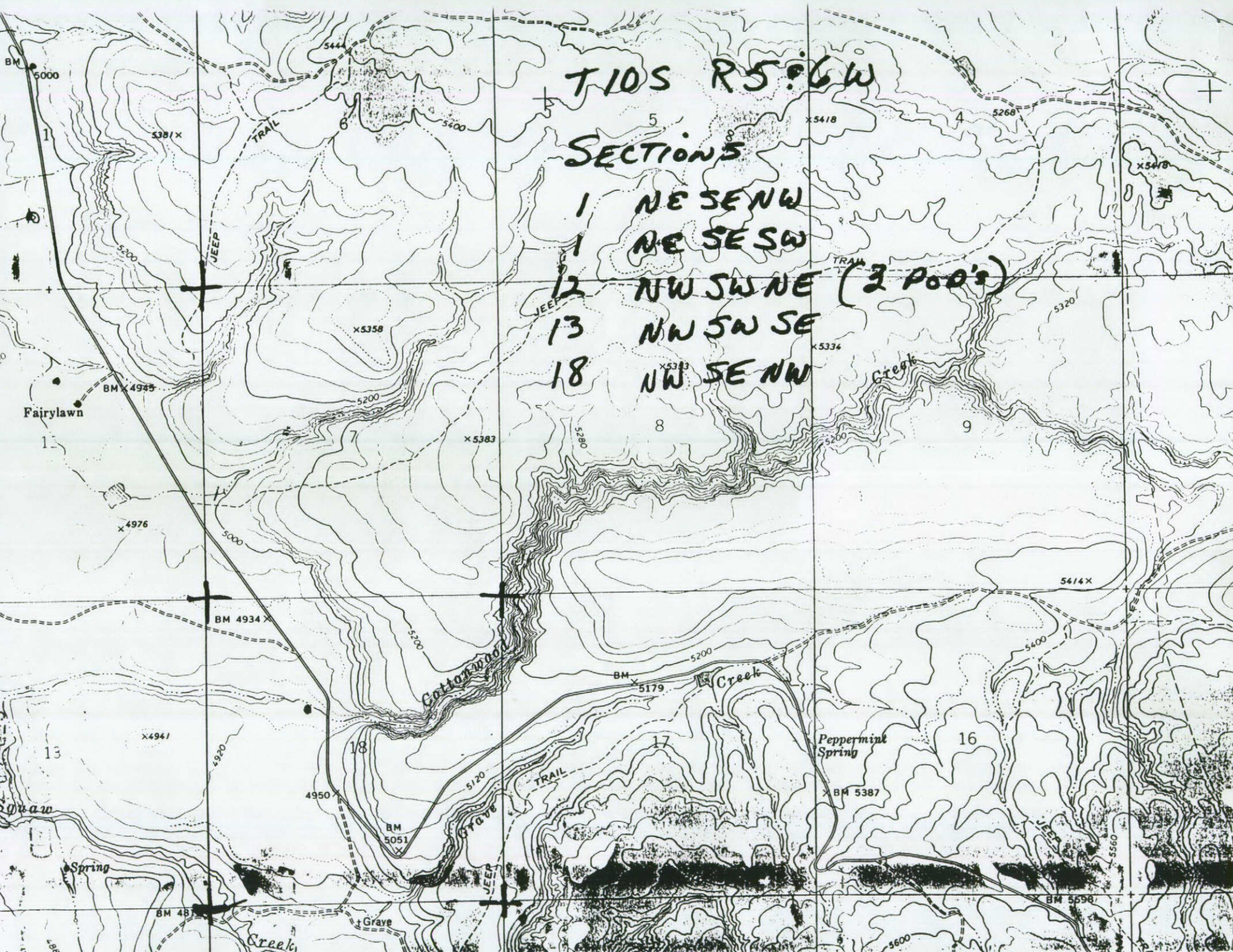
x5333

x5334

TRAIL

Creek

EEP



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A55-04074
Date Received: 12/14/1988
Receipt No: M002157
Received By:

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PAT PAYNE 503-586-2377
Address: P.O. BOX 114 97910
JORDAN VALLEY, OR
OR
Name: DANICE H. PAYNE 503-586-2377
Address: P.O. BOX 114 97910
JORDAN VALLEY, OR

2. Date of Priority: JUL 01, 1955

3. Source: SPRINGS Trib. to: OWYHEE RIVER, NORTH FO
SPRINGS COTTONWOOD CREEK
UNNAMED STREAM OWYHEE RIVER, NORTH FO
WELLS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	05W	18	NW	SE	NW		OWYHEE
	06W	1	NE	SE	NW		OWYHEE
			NE	SE	SW		OWYHEE
		12	NW	SW	NE		OWYHEE
			NW	SW	NE		OWYHEE
			NW	SW	NE		OWYHEE
		13	NW	SW	SE		OWYHEE
		18	NW	SE	NW		OWYHEE

5. Description of diverting works:
PONDS, SPRINGS, WELLS, PIPELINE, STOCK TANKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.070		

7. Total Quantity Appropriated is:
0.070 C.F.S. (and/or)

A55-04074

Page

1

A.F.A.

Date: 12/14/88

MICROFILMED

SEP 29 1992

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/300 RANGE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	05W	18	SE		NW		STOCK	
	06W	1	SE		NW		STOCK	
			SE		SW		STOCK	
		12	SW		NE		STOCK	
			SW		NE		STOCK	
			SW		NE		STOCK	
		13	SW		SE		STOCK	

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

SOURCES ARE SPRINGS, TRIB. OWYHEE R. N. FK.; SPRINGS, TRIB.
COTTONWOOD CK., TWO WELLS, AND A UNNAMED STREAM, TRIB OWYHEE R.N.
FK.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake R Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Pat Payne Date: Dec 14/1988

Date: _____

State of Idaho)
County of Owyhee) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of Dec 19 88

M. D. E. E. E.
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 9-2-1994

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 55-04074A

1998 JUL 20 AM 9:32
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED - _____

NAME AND ADDRESS: PAT & DANICE PAYNE
P O BOX 114
JORDAN VALLEY, OR 97910

SOURCE: SPRINGS TRIBUTARY: OWYHEE RIVER, NORTH FORK
SPRINGS COTTONWOOD CREEK
UNNAMED STREAM OWYHEE RIVER, NORTH FORK
GROUNDWATER

QUANTITY: 0.07 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/01/1955

POINT OF DIVERSION: T10S R05W S18 NWSENW Within Owyhee County
R06W S01 NESESW
S12 NWSWNE
S13 NWSWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.07 CFS

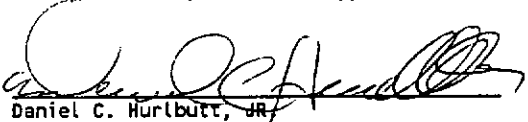
PLACE OF USE: Stockwater Within Owyhee County
T10S R05W S18 SENW
R06W S01 SESW
S12 SWNE
S13 SWSE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.


Daniel C. Hurlbutt, Jr.
Presiding Judge
Snake River Basin Adjudication

RECEIVED

JUL 22 1998

Department of Water Resources

1998 JUL 20 AM 9:32

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

) ORDER OF PARTIAL DECREE

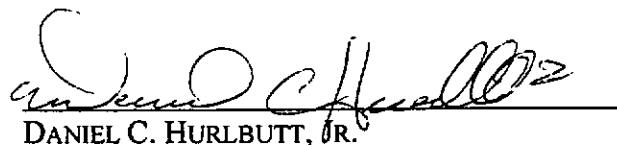
) For Water Right 55-04074A

On April 29, 1998, a *Special Master's Report and Recommendation* was filed for the above water right. 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 water right 55-04074A is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUL 20 1998.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

1998 JUL 20 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): 55-04074A

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 55-04074A was mailed
on July 20, 1998, with sufficient first-class postage prepaid
to the following:

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

PAT & DANICE PAYNE
P O BOX 114
JORDAN VALLEY, OR 97910

DIANA DELANEY

Chief Deputy Clerk

✓ RB

1998 APR 29 PM 3:45

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

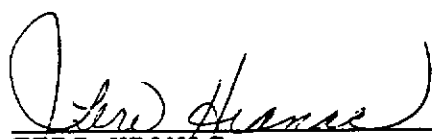
Water Right(s): 55-04074
55-04074A 55-04074B

On April 29, 1998, Special Master FRITZ X HAEMMERLE
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (A01), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party
to the adjudication including parties to the subcase, may file a Motion
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION
shall constitute a waiver of the right to challenge it before the
Presiding Judge.

DATED April 29, 1998.


TERI HRANAC
Deputy Clerk

1998 APR 29 PM 3:45

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	FOR WATER RIGHTS 55-04074,
	)	55-04074A, and 55-04074B

I. FINDINGS OF FACT

A notice of claim was filed for water right 55-04074 pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area and investigated and abstracted the notices of claim. The *Director's Report* contained a recommendation for the elements of this water right.

All objections to water right 55-04074 were resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the water right into A and B portions. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 55-04074 not be confirmed in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 55-04074A and 55-04074B be decreed with the elements as set forth in the attached *Partial Decrees*.

DATED: APR 29 1998



FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

1998 APR 29 PM 3:45

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 55-04074
55-04074A 55-04074B

CERTIFICATE OF MAILING

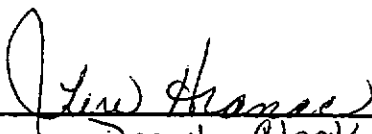
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 29, 1998, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
USDI BLM

Represented by:
U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

PAT & DANICE PAYNE
P O BOX 114
JORDAN VALLEY, OR 97910



Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
04/29/98

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 55-04074A

1998 APR 29 PM 3:45

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: PAT & DANICE PAYNE
P O BOX 114
JORDAN VALLEY, OR 97910

SOURCE: SPRINGS TRIBUTARY: OWYHEE RIVER, NORTH FORK
SPRINGS COTTONWOOD CREEK
UNNAMED STREAM OWYHEE RIVER, NORTH FORK
GROUNDWATER
QUANTITY: 0.07 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/01/1955

POINT OF DIVERSION: T10S R05W S18 NWSNW Within Owyhee County
R06W S01 NESEW
S12 NWSWNE
S13 NWSWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.07 CFS

PLACE OF USE: Stockwater Within Owyhee County
T10S R05W S18 SENW
R06W S01 SESW
S12 SWNE
S13 SWSE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

RECOMMENDATION

APR 29 1998

SPECIAL MASTER

T10S R56W

SECTIONS

1 NE SE NW

1 NE SE SW

12 NW SW NE (2 pools)

13 NW SW SE

18 NW SE NW

