

01/03/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-77P

NAME AND ADDRESS: UTAUNA A HALE
395 W POPLAR
OAKLEY ID 83346

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 0.006 CFS

PRIORITY DATE: 03/01/1875

POINT OF
DIVERSION: T14S R22E S14 SESESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15-11/15	0.006 CFS
	2/28 11/15	

PLACE OF USE: IRRIGATION Within CASSIA County
T13S R22E S33 SWSW 1.10
1.1 ACRES TOTAL

CB
X
2P

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1.1 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-77P, 45-78G, & 45-79J.

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. Section 42-1412(6), Idaho
Code.

The operation and use of this water right is also subject to the terms and
conditions of the Water Rotation Agreement ("Agreement") entered into
by certain users on 10 September, 1992. The Agreement was filed and
recorded in the office of the Cassia County Recorder on 27 May, 1993
as Instrument No.: 224804; the provisions of such Agreement to apply
fully to this water right.

CB
X

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

PROPERTY IS ALSO KNOWN AS PART OF LOT 2, BLK 24, OAKLEY
TOWNSITE. PARCEL NO. RPOK002024004A.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-77J.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM OAKLEY CANAL CO.

CERTIFICATE OF SERVICE

I certify that on Mar 12, 2006, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

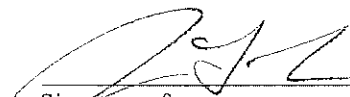
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Tim Payton
President, Birch Creek Waterusers
c/o Travis Thompson
113 Main Avenue West, Suite 303
Twin Falls, ID 83301-6167

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Utauna A. Hale
Jimmy L. Hale
395 W. Popular
Oakley, ID 83346

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form