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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Objector Tim Payton

**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. 45-2063
	)	
Case No. 39576	)	NOTICE OF WITHDRAWAL OF
	)	OBJECTION
	)	
	)	
	)	

COMES NOW, the above-named Objector, Tim Payton ("Payton"), by and through his attorneys, pursuant to Rule 41(a)(1) of the Idaho Rules of Civil Procedure and moves this Court for an Order Granting Withdrawal of its Objection in the above-referenced matter.

Payton hereby voluntarily withdraws his objection previously filed in this matter and having done so prior to any response being filed, requests that an order of dismissal be entered by the Court, pursuant to I.R.C.P. 41(a)(1). Payton previously filed an objection to this claim in order to resolve various issues surrounding all claims filed on Birch Creek, including the season of use for irrigation and reference to a 1992 Water Rotation Agreement. However, upon further review, the issues surrounding the other Birch Creek claims have been resolved through separate Standard Form 5s, and the claim of the Oakley Canal Company (45-2063) does not have those same issues.

CERTIFICATE OF SERVICE

I certify that on March 17th, 2006, I served a true and correct copy of the foregoing **NOTICE OF WITHDRAWAL OF OBJECTION** upon the following individuals by the method indicated as follows:

Original hand delivered to:

Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

Copies mailed to:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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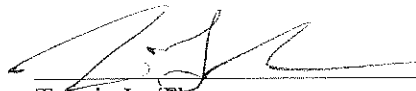


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Accordingly, a withdrawal of the objection is appropriation in this case. Counsel for Payton has discussed the withdrawal of the objection with counsel for the Oakley Canal Company who agrees with this course of action.

DATED this 17th day of March 2006.

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

Attorneys for Objector Tim Payton