

MAR 20 2006

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

Subcase No.: 45-81H

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER RIGHT

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Tim Payton 3-13-06
Tim Payton Date
President, Birch Creek Water Users Association

Jeanie Robertson 2/23/06
Date
Sr. Water Resource Agent

STANDARD FORM 5

01/05/2006

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

RIGHT NUMBER: 45-81H

NAME AND ADDRESS: KATHY PAYTON
478 W 1900 S
OAKLEY ID 83346

TIM PAYTON
478 W 1900 S
OAKLEY ID 83346

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 0.150 CFS

PRIORITY DATE: 04/01/1881

POINT OF
DIVERSION: T14S R22E S14 SESESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3/15 — 11/15	0.150 CFS
	2/28 11/15	

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R22E S33	SWNW	1.00	T13S R22E S33	NWSW	37.00
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38 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 38 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-80H, 45-81H, 45-82H, & 45-2252.

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

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-81E.

CERTIFICATE OF SERVICE

I certify that on March 17, 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

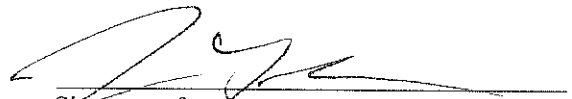
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

Tim Payton
Kathy Payton
478 W 1900 S
Oakley, ID 83346

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


Signature of person or attorney mailing the form