

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.: 45-10008

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER RIGHT

OBJECTOR:

IDWR CONCURRENCE:

01/12/2006

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

RIGHT NUMBER: 45-10008

NAME AND ADDRESS: ILIA C RANDELL
PO BOX 59
OAKLEY ID 83346

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 0.010 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.269 CFS AT THE POINT OF MEASUREMENT IN THE SESESE OF SECTION 14, T14S, R22E. COMBINED RIGHT NOS.: 45-79A, 45-79J, 45-79K, 45-79L, 45-79M, 45-79N, 45-79P, 45-79Q, 45-79R, 45-79S, 45-79T, 45-79U, 45-10008, 45-10249, 45-10690, 45-10754, 45-10767, 45-10891, AND 45-11104.

PRIORITY DATE: 12/05/1882

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>
DOMESTIC	<u>3/15-11/15</u>	0.010 CFS
Domestic use is for 1 lawn.	<u>2/28 11/15</u>	

PLACE OF USE: DOMESTIC Within CASSIA County

T13S R22E S33 SESW

USE OF THIS RIGHT WITH RIGHT NOS. 45-10006 & 45-10007 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 0.5 ACRES IN A SINGLE IRRIGATION SEASON.

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

PROPERTY ALSO KNOWN AS PART OF LOT 2, BLOCK 22, OAKLEY TOWNSITE. PARCEL NO. RPOK002022003B.

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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-79G.

CERTIFICATE OF SERVICE

I certify that on March 17th, 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

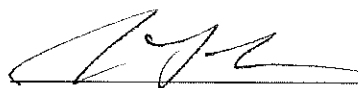
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

Ilia C Randell
PO Box 59
Oakley, ID 83346

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



Signature of person or attorney mailing the form