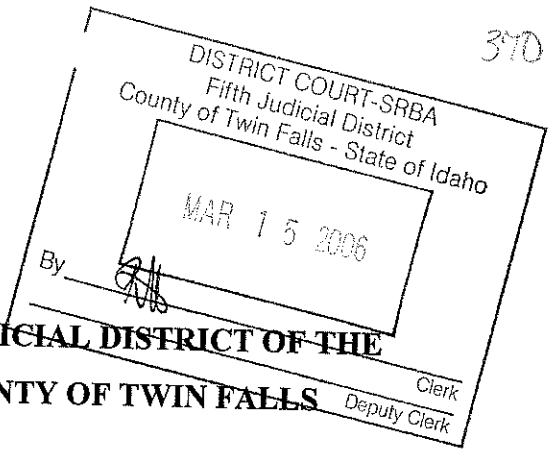


370



**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.: 45-79P
	)	(Uncontested Overlap)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

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.

OBJECTOR:

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

IDWR CONCURRENCE:

Jeanie Robertson 3/1/06
for Jeanie Robertson Date
Sr. Water Resource Agent

Chris Bromley 2/28/06
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

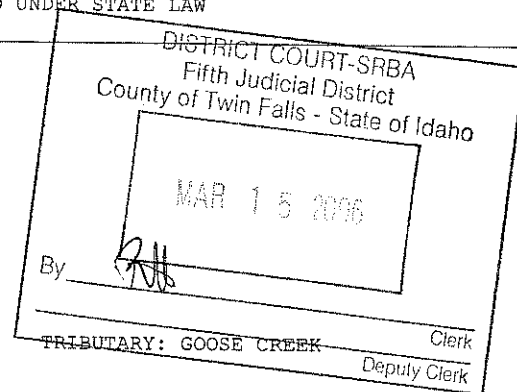
02/27/2006

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

RIGHT NUMBER: 45-79P
NAME AND ADDRESS: GLENN ROSE
1896 S 500 W
OAKLEY ID 83346-9741

MARCA ROSE
RT 1 BOX 1-1
OAKLEY ID 83346

SOURCE: BIRCH CREEK
QUANTITY: 0.001 CFS



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.

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

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	3/15 11/15	0.001 CFS
✓ Domestic use is for 1 lawn.	02/28 11/15	

PLACE OF USE: DOMESTIC Within CASSIA County
T13S R22E S33 SWSW

USE OF THIS RIGHT WITH RIGHT NOS. 45-77V & 45-78N 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:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

PROPERTY IS ALSO KNOWN AS PART OF LOT 2, BLK 11, OAKLEY
TOWNSITE. PARCEL NO. RPOK002011003A.

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

- 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 _____, 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

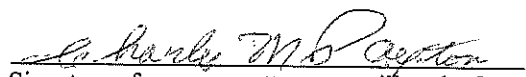
☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Glenn Rose
1896 S. 500 W.
Oakley, ID 83346-9741

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

Marca Rose
Rt 1 Box 1-1
Oakley, ID 83346

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


Signature of person or attorney mailing the form