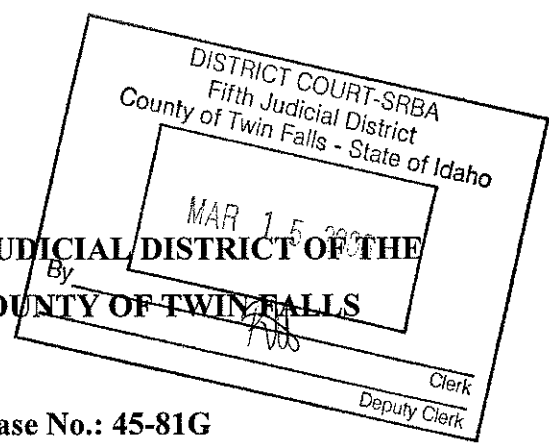


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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No.: 45-81G

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

OBJECTOR:

Charles M. Payton or Elizabeth Payton 3-14-06
Charles M. Payton or Date
Elizabeth Payton

IDWR CONCURRENCE:

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

Chris Bromley 2/14/06
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

01/05/2006

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

RIGHT NUMBER: 45-81G

NAME AND ADDRESS: CHARLES M PAYTON
495 N LINCOLN
OAKLEY ID 83346

ELIZABETH PAYTON
495 N LINCOLN
OAKLEY ID 83346

DISTRICT COURT-SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 15 2006	
By <u>RH</u>	Clerk
	Deputy Clerk

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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15-11/15	0.150 CFS
	2/28 11/15	

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R22E S33	SWNW	33.00	T13S R22E S33	NWSW	1.50
34.5 ACRES TOTAL					

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 34.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-80G, 45-81G, 45-82G, & 45-92A.

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 _____, 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

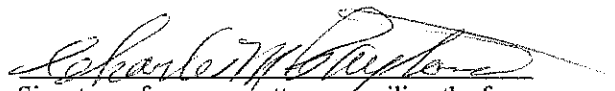
☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

Charles M. Payton
Elizabeth Payton
495 N. Lincoln
Oakley, ID 83346

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


Signature of person or attorney mailing the form