

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
MAR 15 2006
By [Signature] Clerk
Deputy Clerk

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.: 45-92A
)
)
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 / CLAIMANT:

OBJECTOR / CLAIMANT:

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

Elizabeth Payton 3-14-06
Elizabeth Payton Date

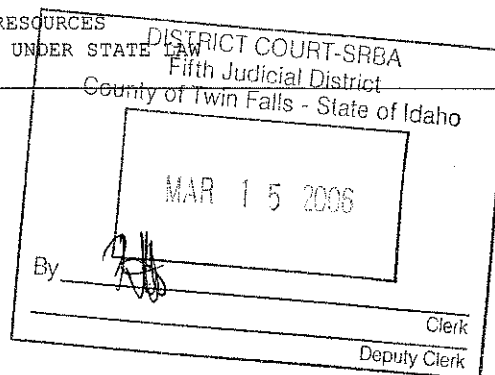
IDWR CONCURRENCE:

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

02/28/2006

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



RIGHT NUMBER: 45-92A
NAME AND ADDRESS: ELIZABETH PAYTON
495 N LINCOLN
OAKLEY ID 83346

CHARLES M PAYTON
495 N LINCOLN
OAKLEY ID 83346

SOURCE: CRITCHFIELD SPRINGS

TRIBUTARY: BIRCH CREEK

QUANTITY: 2.000 CFS

The amount of water diverted under this water right may not exceed 33.3% or 1/3 of the stream flow of Critchfield Springs at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

PRIORITY DATE: 05/04/1881

POINT OF
DIVERSION: T14S R22E S14 SESESE Rediversion Within CASSIA County
T15S R23E S28 NWNWSE Injection Within CASSIA County
T15S R23E S33 SWSWNW Within CASSIA County

WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING
WATER DIVERTED UNDER THIS RIGHT INTO BIRCH CREEK AT THE POINT OF
INJECTION DESCRIBED ABOVE, AND DIVERTING AN EQUAL AMOUNT FROM
BIRCH CREEK AT THE POINT OF REDIVERSION DESCRIBED ABOVE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.000 CFS

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:

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.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF RE-DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

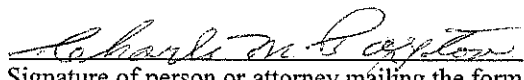
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

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

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