

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                            )  
\_\_\_\_\_)                                         Water Right 45-00092A

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

SOURCE:                       CRITCHFIELD SPRINGS   TRIBUTARY: BIRCH CREEK

QUANTITY:                   2.00   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)  
                                              S33               SWSWNW

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 TO 11-15 | 2.00   CFS |

|               |                                       |                      |
|---------------|---------------------------------------|----------------------|
| PLACE OF USE: | Irrigation                            | Within Cassia County |
|               | T13S R22E S33               SWNW 33.0 | NWSW 1.5             |
|               | 34.5   Acres Total                    |                      |

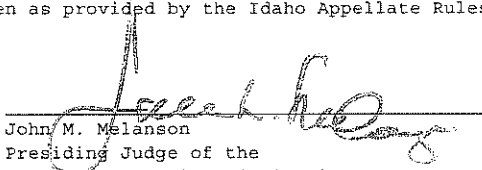
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 34.5 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 45-80G, 45-81G, 45-82G, & 45-92A.

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. I.C. SECTION 42-1412(6).

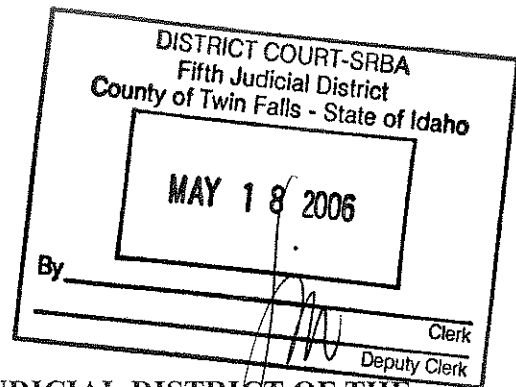
RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

RECEIVED  
MAY 9 2006  
DEPARTMENT OF  
WATER RESOURCES



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

) ORDER OF PARTIAL DECREES

) SUBCASES: 45-77AA, *et al.*

) [see list of 83 subcases attached]

) (Birch Creek Water Users Association)

82 jm

On March 22, 2006, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED May 18, 2006.

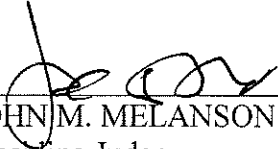
  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

EXHIBIT A - BIRCH CREEK WATER USERS ASSN

Subcase Nos:

|            |           |
|------------|-----------|
| 45-00077AA | 45-00082K |
| 45-00077L  | 45-00086D |
| 45-00077M  | 45-00086E |
| 45-00077N  | 45-00086F |
| 45-00077P  | 45-00087E |
| 45-00077Q  | 45-00088  |
| 45-00077R  | 45-00092A |
| 45-00077S  | 45-00156  |
| 45-00077T  | 45-10006  |
| 45-00077U  | 45-10007  |
| 45-00077X  | 45-10008  |
| 45-00077Y  | 45-10249  |
| 45-00077Z  | 45-10410  |
| 45-00078A  | 45-10598  |
| 45-00078G  | 45-10630  |
| 45-00078H  | 45-10688  |
| 45-00078J  | 45-10689  |
| 45-00078K  | 45-10690  |
| 45-00078L  | 45-10765  |
| 45-00078M  | 45-10766  |
| 45-00078Q  | 45-10767  |
| 45-00078R  | 45-10788  |
| 45-00078T  | 45-10891  |
| 45-00078U  | 45-11004  |
| 45-00079A  | 45-11104  |
| 45-00079J  | 45-11149  |
| 45-00079K  | 45-11152  |
| 45-00079L  | 45-11495  |
| 45-00079M  | 45-13639  |
| 45-00079N  | 45-13754  |
| 45-00079P  | 45-13755  |
| 45-00079Q  | 45-13756  |
| 45-00079R  |           |
| 45-00079S  |           |
| 45-00079T  |           |
| 45-00079U  |           |
| 45-00080A  |           |
| 45-00080G  |           |
| 45-00080H  |           |
| 45-00080J  |           |
| 45-00080K  |           |
| 45-00081A  |           |
| 45-00081G  |           |
| 45-00081H  |           |
| 45-00081J  |           |
| 45-00081K  |           |
| 45-00082A  |           |
| 45-00082G  |           |
| 45-00082H  |           |
| 45-00082J  |           |

(Subcase list: BIRCHCREEK)

5/18/06

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on May 18, 2006, with sufficient first-class postage to the following:

TIM PAYTON, PRESIDENT

Represented by:  
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ORDER

(Certificate of mailing continued)

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(Certificate of mailing continued)

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A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".