

**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. 85-11054

) (previously disallowed)

) **STANDARD FORM 5** / *Amended Claim*  
) *Domestic & Stockwater*

) **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.

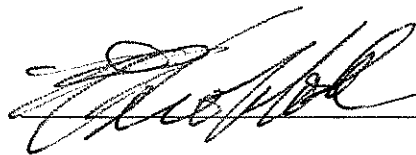
**CLAIMANT/OBJECTOR**

Theodore (Ted) & Dawn Jacobs

Theodore Jacobs      10-12-05  
Theodore Jacobs      Date

Dawn Jacobs      10-12-2005  
Dawn Jacobs      Date

**IDWR Concurrence:**

 10/12/05  
Date

Senior Water Resource Agent

 10/12/05  
Date

Candice M. McHugh  
Deputy Attorney General  
Attorney for IDWR

## CERTIFICATE OF MAILING

I certify that on 10-12, 2005, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, Idaho 83303-2707

*Hand-delivered*

2. Copies to:

Theodore & Dawn Jacobs  
2287 Jacobs Road  
Nezperce, ID 83543

*Hand-delivered*

IDWR Repository  
P.O. Box 83720  
Boise, ID 83720

  
\_\_\_\_\_  
Signature of person mailing the form

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

RIGHT NUMBER: 85-11054

NAME AND ADDRESS: THEODORE JACOBS  
2287 Jacobs Road  
NEZPERCE, ID 83543

DAWN JACOBS  
2287 Jacobs Road  
NEZPERCE, ID 83543

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.09 CFS

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

PRIORITY DATE: 06/30/1898

POINT OF  
DIVERSION: T33N R01E S13 SWSE Within LEWIS County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

1/01 12/31

0.04 CFS

STOCKWATER

1/01 12/31

0.05 CFS

PLACE OF USE: DOMESTIC and STOCKWATER USE Within LEWIS County  
T33N R01E S13 SESE

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 quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use