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MAR 20 2006

DEPARTMENT OF  
WATER RESOURCESIN 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.: 45-10410

STANDARD FORM 5

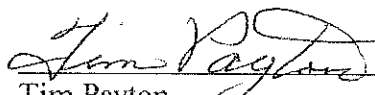
STIPULATED ELEMENTS OF A  
WATER RIGHT

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.

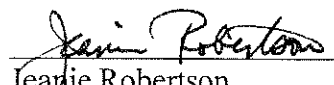
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

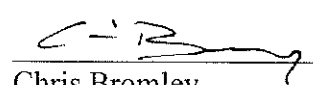
**The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.**

OBJECTOR:

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

IDWR CONCURRENCE:

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

 2/17/06  
Chris Bromley Date  
Deputy Attorney General  
Attorney for IDWR

01/12/2006

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

RIGHT NUMBER: 45-10410

NAME AND ADDRESS: JACOBSEN FAMILY TRUST  
2009 N 1450 E  
PROVO UT 84604

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 0.026 CFS

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

PRIORITY DATE: 04/01/1881

POINT OF  
DIVERSION: T14S R22E S14 SESESE Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE              | PERIOD OF USE | QUANTITY  |
|-----------------------------|---------------|-----------|
| DOMESTIC                    | 3/15-11/15    | 0.026 CFS |
| Domestic use is for 1 lawn. | 2/28 11/15    |           |

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

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

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.

PROPERTY IS ALSO KNOWN AS PART OF LOT 1, BLK 14, OAKLEY TOWNSITE. PARCEL NO. OK002014001B.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-78E.

## CERTIFICATE OF SERVICE

I certify that on March 17<sup>th</sup>, 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

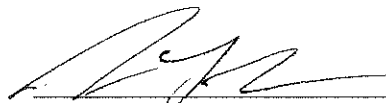
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

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

Jacobsen Family Trust  
2009 N 1450 E  
Provo, UT 84604

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



Signature of person or attorney mailing the form