



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

July 30, 2008

Robert L. Harris
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405

RE: SRBA Subcase Nos. 22-13673 & 22-13674

Dear Rob:

I am enclosing an SF5 for each of the above-referenced subcases. Please review the documents, and if they are acceptable, please sign on the indicated signature lines and initial the recommendations. After signature, please file the original SF5 for water right number 22-13674 with the SRBA Court and provide copies to the parties. It is our understanding that you will obtain the signatures of Brian and Julie Boyle on the SF5 for water right number 22-13673.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in black ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

**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. 22-13673
	)	
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 which contains no changes to the Amended Director's Report filed with the Court on March 26, 2007. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

Brian Boyle

Date

Julie Boyle

Date

OBJECTOR(s):

Richard & Susan Jacobsen

Robert L. Harris Date
Attorney for Objectors

IDWR Concurrence:

Ernest Carlsen 7/30/08.
Ernest Carlsen Date
Water Resource Program Manager

Andrea L. Courtney 7/30/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

OK
EMC

RIGHT NUMBER: 22-13673

NAME AND ADDRESS: JULIE BOYLE
PO BOX 1085
VICTOR ID 83455

BRIAN BOYLE
PO BOX 1085
VICTOR ID 83455

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

PURPOSE AND
PERIOD OF USE:

T03N R45E S07	NESE	T03N R45E S07	NWSE
T03N R45E S07	SWSE		

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CERTIFICATE OF MAILING

I certify that on _____, 2008, 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

2. Copies to:

RICHARD & SUSAN JACOBSEN
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

BRIAN BOYLE
JULIE BOYLE
418 W. 900 S.
VICTOR, ID 83455

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

**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. 22-13674
	)	
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CLAIMANT(s)OBJECTOR(s):
Richard & Susan Jacobsen Family Trust

Robert L. Harris Date
Attorney for Claimants/Objectors

Ernest Carlsen 7/30/08.
Ernest Carlsen Date
Water Resource Program Manager

Andrea L. Courtney 7/30/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

03/19/2007

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

RIGHT NUMBER: 22-13674

NAME AND ADDRESS: RICHARD & SUSAN JACOBSEN FAMILY TRUST
C/O HOLDEN, KIDWELL, HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

ATN EMC

SOURCE: DRAKE CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 2.280 CFS

PRIORITY DATE: 06/01/1889

POINT OF

DIVERSION: T03N R45E S18 NWNWNW Lot 1 Within TETON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

2.280 CFS

PLACE OF USE:

IRRIGATION in TETON County

T03N R45E S07

SWSE

16 00

I03N R45E S07

SESE

38.00

I03N R45E S08

NWSW

35.00

T03N R45E S08

SWSW

21.00

110 ACRES TOTAL

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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