

11-3

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

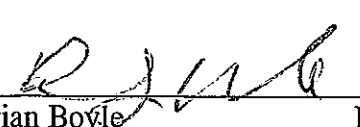
In Re SRBA	)	Subcase No. 22-13673
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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.

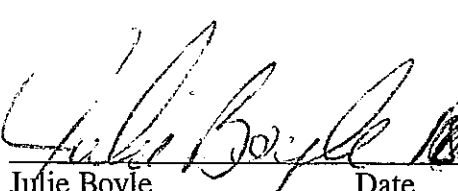
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(S):

 10-16-09

Brian Boyle Date

 10-16-09

Julie Boyle Date

OBJECTOR:

Richard & Susan Jacobsen Family Trust

Robert L. Harris 10/12/2009
Robert L. Harris Date
Attorney for Claimant/Objector

IDWR Concurrence:

Ernest Carlsen 10/30/09
Ernest Carlsen Date
Water Resource Program Manager

Andrea L. Courtney 9/30/09
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13673

NAME AND ADDRESS:

BRIAN BOYLE
PO BOX 1085
VICTOR ID 83455

JULIE BOYLE
PO BOX 1085
VICTOR ID 83455

SOURCE: Source:
DRAKE CREEK

Tributary:
TETON RIVER

QUANTITY: 0.050 CFS

~~0.720 CFS~~

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

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION:

T03N R45E S18 Lot 1 NWNWNW

Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/15

0.050 CFS

~~0.720 CFS~~

STOCKWATER

04/15 10/15

0.020 CFS

PLACE OF USE:

IRRIGATION

within TETON County

~~T03N R45E S07 NESE 33.0~~

T03N R45E S07 SESE 2.5

~~T03N R45E S07 SESE 1.7~~

STOCKWATER

within TETON County

~~T03N R45E S07 NESE~~

~~T03N R45E S07 NWSE~~

~~T03N R45E S07 SWSE~~

T03N R45E S07 SESE

2.5 ACRES TOTAL

~~34.7 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.

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 November 4, 2009, 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:

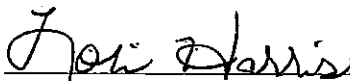
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

RICHARD & SUSAN JACOBSEN FAMILY TRUST
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