

1030

**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     |
|                | ) |                          |
| Case No. 39576 | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

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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.

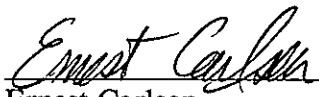
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

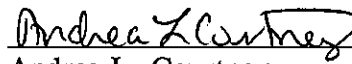
**CLAIMANT/OBJECTOR:**

Richard & Susan Jacobsen Family Trust

  
Robert L. Harris                      Date  
Attorney for Claimant/Objector

**IDWR Concurrence:**

 10/26/09  
Ernest Carlsen Date  
Water Resource Program Manager

 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: 22-13674

NAME AND ADDRESS:

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

SOURCE:

Source:  
DRAKE CREEK

Tributary:

TETON RIVER

QUANTITY:

2.950 CFS      ~~2.280 CFS~~

*EMC*  
*Are*  
*rest*

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    | <u>2.950 CFS</u> <del>2.280 CFS</del> |

PLACE OF USE:

| IRRIGATION                     | within TETON County                |
|--------------------------------|------------------------------------|
| <u>T03N R45E S07 NESE 30.0</u> |                                    |
| <u>T03N R45E S07 SWSE 16.0</u> |                                    |
| <u>T03N R45E S07 SESE 36.0</u> | <del>T03N R45E S07 SESE 38.0</del> |
| <u>T03N R45E S08 NWSW 30.0</u> | <del>T03N R45E S08 NWSW 35.0</del> |
| <u>T03N R45E S08 SWSW 17.0</u> | <del>T03N R45E S08 SWSW 21.0</del> |

129 ACRES TOTAL

~~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.

## CERTIFICATE OF MAILING

I certify that on Nov. 2, 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:

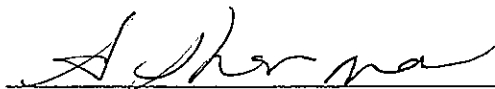
1. Original to:

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

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



Signature of person or attorney mailing the form