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DEPARTMENT OF
WATER RESOURCES

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DEPARTMENT OF
WATER RESOURCES

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. 27-11960

STANDARD FORM 5

AMENDED CLAIM

FOR DOMESTIC & STOCKWATER RIGHTS

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and one/or one federal reserved right and to amend the Notice of Claim. 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 decreed as described in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

Circle Two Bar Ranch, Inc.

By: Mary Ann Burek Date 3/19/07
Title: President

OBJECTOR(s):

<u>Jeanette Wolfley</u>	<u>2/20/07</u>	<u>Larry A. Brown, USDOJ</u>	<u>4/5/07</u>
Attorney for Shoshone-Bannock Tribes	Date	Attorney for BLM	Date

RESPONDENT:

<u>David J. Barber</u>	<u>4/4/2007</u>
Attorney for State of Idaho	Date

IDWR Concurrence:

<u>Cindy E. Bird</u>	<u>1/29/07</u>	<u>Garnick L. Baxter</u>	<u>1-26-07</u>
Senior Water Resource Agent	Date	Deputy Attorney General	Date
		Attorney for IDWR	

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

RIGHT NUMBER: 27-11960

NAME AND ADDRESS: CIRCLE TWO BAR RANCH INC
C/O MARY ANN BURCH
950 E 700 N
SHELLEY ID 83274

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY:

0.020 CFS

2.11 AFY

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

PRIORITY DATE: 11/21/1910

POINT OF
DIVERSION:

T04S R39E S27

~~NWSW~~

NENESW

Within BINGHAM County

Begin of Stream Flow

T04S R39E S28

~~SENW~~

SWSWNE

End of Stream Flow

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

STOCKWATER

PERIOD OF USE

04/15 11/30

QUANTITY

0.020 CFS

2.11 AFY

PLACE OF USE:

STOCKWATER

Within BINGHAM County

T04S	R39E	S27	NENW
T04S	R39E	S27	NWNW
T04S	R39E	S27	SENW
<u>T04S</u>	<u>R39E</u>	<u>S27</u>	<u>NESW</u>
<u>T04S</u>	<u>R39E</u>	<u>S27</u>	<u>NWSW</u>
<u>T04S</u>	<u>R39E</u>	<u>S27</u>	<u>NWSE</u>

T04S	R39E	S28	NENE
T04S	R39E	S28	NWNE
T04S	R39E	S28	SWNE
T04S	R39E	S28	SENE
<u>T04S</u>	<u>R39E</u>	<u>S28</u>	<u>SENW</u>

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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 - Beneficial Use

Stockwater use is for 250 range cows.

CERTIFICATE OF MAILING

I certify that on April 5, 2007, 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:

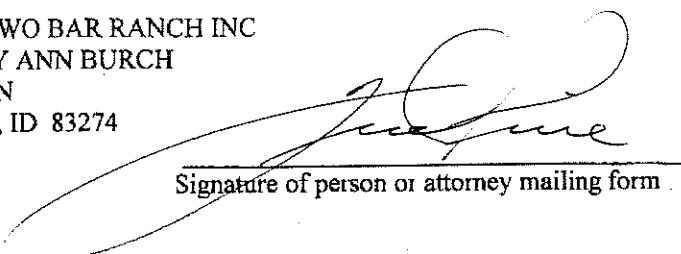
SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCA TELLO, ID 83202

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CIRCLE TWO BAR RANCH INC
C/O MARY ANN BURCH
950 E 700 N
SHELLEY, ID 83274


Signature of person or attorney mailing form



Fredric
Price/IDSO/ID/BLM/DOI
04/05/2007 04:06 PM

To larry.brown@usdoj.gov, david.negri@usdoj.gov
cc Sherman Beazer/IDSO/ID/BLM/DOI
bcc
Subject SF-5s FedEx'd to Court Today

Larry, David,

Thank you very much David for signing off on a pile of SF-5s (14) while Larry is on vacation! I completed Certificate of Mailing and FedEx'd the originals to the court.

Fred

SUBCASES	CLAIMANT
27-11960	Circle Two Bar Ranch, Inc. (Burch)
74-00006	Martin
74-00007	Martin
74-00619	Martin
74-00630A	Barrett
74-00630D	McAfee (Shane)
74-00918	Martin
74-01593	McKinney (Sam & Barbara)
74-01599	McKinney (Sam & Barbara)
74-01832	McNellis (Terry & Jessica)
74-02057	McNellis (Terry & Jessica)
74-07101	Weiss
74-15021	Andrews (Melvin & Martha)
74-15603	Kossier