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OCT 05 2007

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

)

Subcase No. 27-02018

)

)

Standard Form 5

Case No. 39576

)

)

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 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 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:

Circle Two Bar Ranch, Inc.

Trisha Burch Arave 9/27/07
Trisha Burch Arave Date
Vice President

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 10/1/2007
Larry A. Brown Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

OBJECTOR:

United States on behalf of
Bureau of Indian Affairs

Peter C. Monson 9/26/07
Peter C. Monson Date
Managing Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

OBJECTOR:

Shoshone-Bannock Tribes

Jeanette Wolfley 9/29/07
Jeanette Wolfley Date
Attorney

RESPONDENT:

State of Idaho

David J. Barber 9/26/2007
Date

David J. Barber
Deputy Attorney General
Office of the Attorney General

IDWR CONCURRENCE:

Ernest Carlsen 9/26/07
Date

Ernest Carlsen
Adjudication Water Rights Supervisor,
Eastern Regional Office

IDWR CONCURRENCE:

Garrick L. Baxter 9/26/07
Date

Garrick L. Baxter (as to form)
Deputy Attorney General

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

RIGHT NUMBER: 27-2018

NAME AND ADDRESS:

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

SOURCE:

Source:
BLACKFOOT RIVER

Tributary:

SNAKE RIVER

QUANTITY:

3.00 CFS
431.4 AFY

1,880-CFS
0,000-AFY

PRIORITY DATE: 11/21/1910

POINT OF DIVERSION:

T04S R39E S27 N4SEW

Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

3.00 CFS 431.4 AFY
1,880-CFS

PLACE OF USE:

IRRIGATION

within BINGHAM County

T04S R39E S27 N4NW 12.0

T04S R39E S27 N4NW 26.0

T04S R39E S27 S4NW 7.6

T04S R39E S27 S4NW 14.0

T04S R39E S27 N4SEW 1.2

T04S R39E S27 N4SEW 0.3

T04S R39E S28 N4NE 21.0

T04S R39E S28 N4NE 2.4

T04S R39E S28 S4NE 9.5

93.7 ACRES TOTAL

94 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 REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1974 TO 2004.

EXPLANATORY MATERIAL: BASIS OF CLAIM - license

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE

CERTIFICATE OF MAILING

I certify that on Oct. 1, 2007 mailed the original and copies of this form, including all attachments, 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. Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

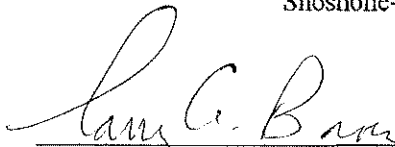
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Circle Two Bar Ranch, Inc.
c/o Mary Ann Burch
950 E 700 N
Shelley, Idaho 83274

Jeanette Wolfley
202 N. Arthur
Pocatello, Idaho 83204
Of Attorneys for
Shoshone-Bannock Tribes



Signature of person or attorney mailing the form