

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. 73-00108

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:
Circle Pi LLC

OBJECTOR:
United States of America

Ben Yates
Circle Pi LLC
Pro Se

David Negri, Attorney
Bureau of Land Management

IDWR Concurrence:

Nathaniel Arave
Senior Water Resource Agent

Chris Bromley
Deputy Attorney General
Attorney for IDWR

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

BAL

RIGHT NUMBER: 73-108

NAME AND ADDRESS: CIRCLE PI LLC
P.O. Box 2295
MAY ID 83252

DN

SOURCE: SPRING

TRIBUTARY: PANSIMEROI RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 11/28/1904

POINT OF
DIVERSION:

T14N R22E S7 SWNE Within CUSTER County
T14N R22E S7 SEWN Injection Within CUSTER County
T14N R22E S7 NWSE Lot 3 Rediversion Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PLACE OF USE:	PURPOSE OF USE		PERIOD OF USE		QUANTITY	
	IRRIGATION		04/01	10/31		1.200 CFS
<u>IRRIGATION in CUSTER County</u>						
	T14N R21E S01	SWNW	0.20	T14N R21E S01	NESW	0.60
	T14N R21E S01	NWNW	28.00	T14N R21E S01	SWNW	39.00
	T14N R21E S01	SESW	9.40	T14N R21E S02	SWNE	27.00
	T14N R21E S02	SENE	15.00	T14N R21E S02	NESW	38.00
	T14N R21E S02	NWSE	26.00	T14N R21E S02	SWNE	17.00
	T14N R21E S02	SESE	40.00	T14N R21E S11	NENE	18.00
	T14N R21E S12	NENW	18.00	T14N R21E S12	NWNW	40.00
	T14N R21E S12	SWNW	21.00	T14N R21E S12	SENW	9.60

348.8 ACRES TOTAL

Place of use does not include federal public lands.

This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.

Right Nos. 73-6, 73-12, 73-10063, 73-105, 73-107, 73-108, 73-114, 73-2015 and 73-2053 are limited to the irrigation of a combined total of 348.8 acres in a single irrigation season.

Right Nos. 73-6, 73-12, 73-10063, 73-105, 73-107, 73-108, 73-114, 73-2015, 73-2053 and 73-7025 are limited to the irrigation of a combined total of 352.8 acres in a single irrigation season.

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.

NWA
CB

CERTIFICATE OF MAILING

I certify that on 5/4, 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:

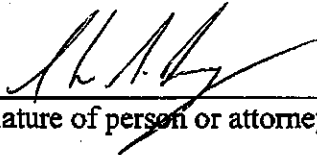
1. Original to:

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

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

CIRCLE PI LLC
C/O BEN YATES
HC 62 BOX 2295
MAY, ID 83253

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



Signature of person or attorney mailing form