

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

RECEIVED

OCT 04 2010

Department of Water Resources

Subcase No. 73-02015

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/OBJECTOR:

Circle Pi LLC

Ben Yates 7/15/10
Ben Yates, Manager Date
Circle Pi LLC

IDWR Concurrence:

Carter Fritschle 10-5-10
Carter Fritschle Date
Manager, Adjudication Section

Andrea L. Courtney 10/5/10
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

06/01/2010

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

RIGHT NUMBER: 73-2015

NAME AND ADDRESS: CIRCLE PI LLC
HC 62 BOX 2295
MAY ID 83253

AK

SOURCE: SULPHUR CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 2.200 CFS

CA

The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.

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

PRIORITY DATE: 12/25/1904

POINT OF
DIVERSION:

T14N R21E S12 SENE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	2.200 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T14N R21E S01	SNNW	0.20	T14N R21E S01	NESW	0.60
T14N R21E S01	NWSW	28.00	T14N R21E S01	SWSW	39.00
T14N R21E S01	SESW	9.00	T14N R21E S02 Lot 2	NWNE	7.00
T14N R21E S02	SWNE	28.00	T14N R21E S02	SENE	16.00
T14N R21E S02 Lot 3	NENW	27.00	T14N R21E S02 Lot 4	NWNW	38.00
T14N R21E S02	SNNW	39.00	T14N R21E S02	SENW	37.00
T14N R21E S02	NESW	40.00	T14N R21E S02	NWSW	40.00
T14N R21E S02	NESE	39.00	T14N R21E S02	NWSE	40.00
T14N R21E S02	SWSE	19.00	T14N R21E S02	SESE	40.00
T14N R21E S03 Lot 1	NENE	36.00	T14N R21E S03 Lot 2	NWNE	29.00
T14N R21E S03 Lot 3	NENW	35.00	T14N R21E S11	NENE	21.00
T14N R21E S12	NENW	19.00	T14N R21E S12	NWNW	40.00
T14N R21E S12	SNNW	28.00	T14N R21E S12	SENW	29.00

STOCKWATER same as IRRIGATION

723.8 ACRES TOTAL

Place of use does not include federal public lands.

This right is limited to the irrigation of 106 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of

BNL

723.8 acres in a single irrigation season. Combined Right Nos.: 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-7025, 73-10037, and 73-10063.

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

The quantity of water decreed for this water right for stockwater use 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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

CA

AM

13H28

CERTIFICATE OF MAILING

I certify that on _____, 2010, 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:

CIRCLE PI LLC
HC 62 BOX 2295
MAY, ID 83253

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

Signature of person or attorney mailing form