

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. 73-00217

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV - 9 2011

Clerk
Deputy Clerk

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.

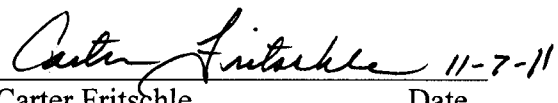
CLAIMANT/OBJECTOR:
Circle Pi LLC

OBJECTOR:
State of Idaho Department of Lands

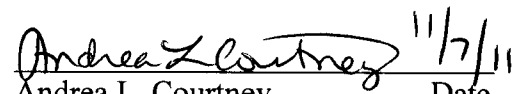
Ben Yates 10/23/11
Ben Yates, Circle Pi LLC Date
Pro Se

Tyson Nelson 11/4/2011
Tyson Nelson Date
Deputy Attorney General
Attorney for IDL

IDWR Concurrence:


Carter Fritschle
Adjudication Section Manager

Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

Date

10/06/2011

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

RIGHT NUMBER: 73-217

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

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 07/03/1906

POINT OF
DIVERSION:

T14N R23E S27 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.600 CFS
PLACE OF USE: <u>IRRIGATION in LEMHI County</u>		
T14N R23E S16 NESW 3.70	T14N R23E S16 NWSW	13.00
T14N R23E S16 Lot 4 SWSW 39.00	T14N R23E S16 Lot 3 SESW	34.00
~~T14N R23E S16 Lot 2 SWSE 12.00~~	~~T14N R23E S16 Lot 1 SESE 0.50~~	
T14N R23E S17 NESE 13.00	T14N R23E S17 SESE	39.00
T14N R23E S20 NENE 39.00	T14N R23E S20 SENE	21.00
T14N R23E S21 NENE 29.00	T14N R23E S21 NWNE	40.00
T14N R23E S21 SWNE 38.00	T14N R23E S21 SENE	38.00
T14N R23E S21 NENW 40.00	T14N R23E S21 NWNW	40.00
T14N R23E S21 SWNW 37.00	T14N R23E S21 SENW	25.00
T14N R23E S21 NWSE 0.70		

~~501.9~~ 489.4 ACRES TOTAL

This right is limited to the irrigation of 80 acres within the place of use described above, and when combined with Right No. 73-10065, both rights are limited to the irrigation of 400 acres within the ~~501.9~~ 489.4 acre permissible place of use described above in a single irrigation season.

Right Nos. 73-217, 73-10065 and 73-12166 are limited to the irrigation of a combined total of ~~501.9~~ 489.4 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.

ATK

BHL
TKN
CA

CERTIFICATE OF MAILING

I certify that on November 8, 2011, 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

Copies to:

STATE OF IDAHO DEPT OF LANDS

Represented by:

STATE OF IDAHO

~~JRW BUILDING, SECOND FLOOR~~ 300 N 6th ST

~~700 W STATE ST, PO BOX 44449~~ PO BOX 83720

BOISE, ID ~~83711-4449~~ 83720

CIRCLE PI LLC

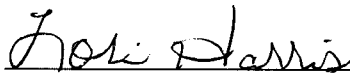
HC 62 BOX 2295

MAY, ID 83253

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098



Signature of person or attorney mailing form