

RECEIVED
DEC 19 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)

Case No. 39576)

A. Subcase 73-00012
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Circle Pie Ranches Partnership; c/o Ben Yates

Address: HC 62 Box 2295; May, Idaho 83253

Name: Benjamin H. Yates, Jr.; Circle PI, L.L.C.

Address: 17461 High St.; Los Gatos, CA 95030-6200

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The legal description for the place of use element may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Lang A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 17, 2007

Casey R. O'Brien
Casey R. O'Brien

Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on December 18, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

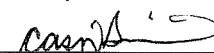
Name: Circle Pie Ranches Partnership; c/o Ben Yates
Address: HC 62 Box 2295; May, Idaho 83253
Name: Benjamin H. Yates, Jr.; Circle PI, L.L.C.
Address: 17461 High St.; Los Gatos, CA 95030-6200
Name:
Address: ;
Name:
Address: ;

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

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

RIGHT NUMBER: 73-12
 NAME AND ADDRESS: CIRCLE PIE RANCHES PARTNERSHIP
 C/O BEN YATES
 HC 62 BOX 2295
 MAY ID 83253

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 04/28/1913

POINT OF DIVERSION: T14N R22E S7 NWSW Lot 3 Within CUSTER County

PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	1.200 CFS
PLACE OF USE:	<u>IRRIGATION in CUSTER County</u>		

T14N R21E S01	SWNW	0.20	T14N R21E S01	NESW	0.60		
T14N R21E S01	NWSW	28.00	T14N R21E S01	SWSW	39.00		
T14N R21E S01	SESW	9.40	T14N R21E S02	SWNE	27.00		
T14N R21E S02	SENE	15.00	T14N R21E S02	NESE	38.00		
T14N R21E S02	NWSE	26.00	T14N R21E S02	SWSE	17.00	Mixed	
T14N R21E S02	SESE	40.00	T14N R21E S11	NENE	18.00		
T14N R21E S12	NENW	18.00	T14N R21E S12	NWNW	40.00		
Mixed	T14N R21E S12	SWNW	23.00	T14N R21E S12	SENW	9.60	
348.8 ACRES TOTAL							

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.

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, 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.

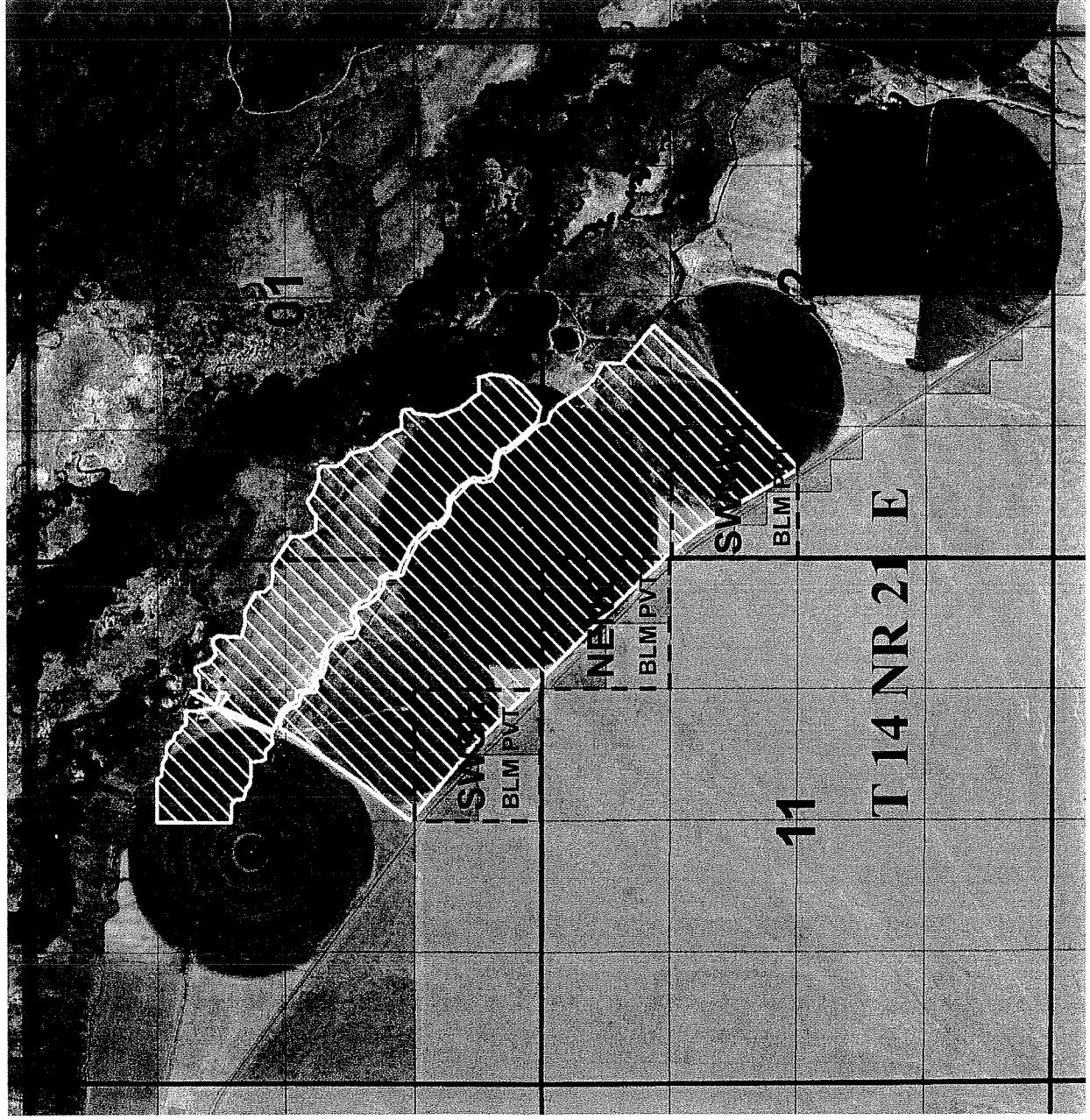
Mixed POUs:

-The places of use recommended as T14N R21E S02 SWSE; T14N R21E S11 NENE; and T14N R21E S12 SWNE describes both private and public lands. Please clarify such that only private land is intended by inserting the following language under place of use:

"Place of use does not include federal public lands."

73-00006, 79-00012, 73-00105, 73-00107, 73-00108, 73-00114, 73-02015, 73-02037,
73-02053, 73-10063

Circle Pie Ranches Partnership



Mixed POUs:

-The places of use recommended as T14N R21E S02 SWSE; T14N R21E S11 NENE; and T14N R21E S12 SWNE describes both private and public lands. Please clarify such that only private land is intended by inserting the following language under place of use:

“Place of use does not include federal public lands.”

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

SALMON DISTRICT SEC 3

15 A-20 i 15 A-21 c

DOI-20734 Amendment 1 20157

037 CUSTER COUNTY LEMHI COUNTY 059

NT PLAT

[illegible]

109142 Det PL 167, Act of Cong 7/23/1955
completed 12/10/1962. All NF surface water by
USFS

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

NAME <u>FRANKLIN D. ROOSEVELT</u> DATE OF BIRTH <u>30 JAN 1858</u>	NAME <u>FRANKLIN D. ROOSEVELT</u> DATE OF BIRTH <u>30 JAN 1858</u>
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USE PLAYS

Briza War
T. 14 M
R 71 F

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER

2743593-425 CONLINA V M

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