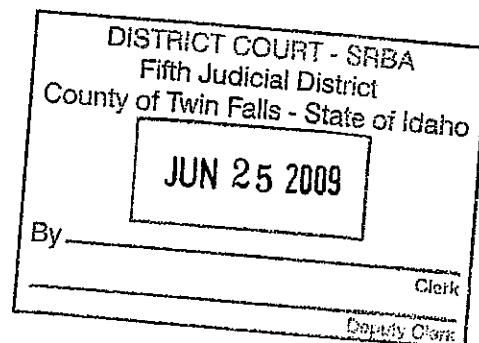


RECEIVED

JUN 26 2009

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	)	Subcases 73-108, 73-2053 and 73-7025
	)	(Circle Pie Ranches Partnership)
Case No. 39576	)	
_____	)	SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. He recommended claims 73-108, 73-2053 and 73-7025 to Circle Pie Ranches Partnership, c/o Ben Yates, HC 62, P.O. Box 2295, May, Idaho, 83253, for 1.2 cfs and .4 cfs from springs and 2.12 cfs from groundwater to irrigate 348.8 acres and 106 acres in Custer County from April 1 to October 31 with priority dates of November 28, 1904, October 4, 1909, and December 7, 1973, based on a decree and license.

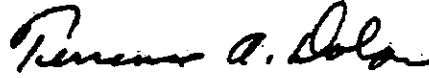
The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on December 18, 2007, objecting to place of use. On June 5, 2009, the Circle Pie Ranches and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to add the remark: "Place of use does not include federal public lands."

1

Conclusions of Law

The Circle Pie Ranches Partnership is entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-108, 73-2053 and 73-7025*.

DATED June 25, 2009.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA

Fifth Judicial District

County of Twin Falls - State of Idaho

JUN 25 2009

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 73-00108

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: CIRCLE PIE RANCHES PARTNERSHIP
C/O BEN YATES
HC 62, BOX 2295
MAY, ID 83253

SOURCE: SPRING TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.20 CFS

PRIORITY DATE: 11/28/1904

POINT OF DIVERSION: T14N R22E S07 SWNE Within Custer County
SENW (Injection)
LOT 3 (NWSW) (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.20 CFS

PLACE OF USE:	Irrigation	Within Custer County
T14N R21E S01	SWNW 0.2	NESW 0.6
	NWSW 28.0	SWSW 39.0
	SESW 9.4	
S02	SWNE 27.0	SENE 15.0
	NESE 38.0	NWSE 26.0
	SWSE 17.0	SESE 40.0
S11	NENE 18.0	
S12	NENW 18.0	NWNW 40.0
	SWNW 23.0	SENW 9.6
348.8 Acres Total		

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. Place of use does not include federal public lands.

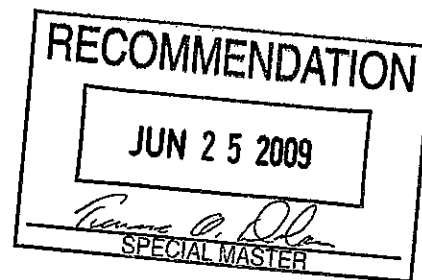
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

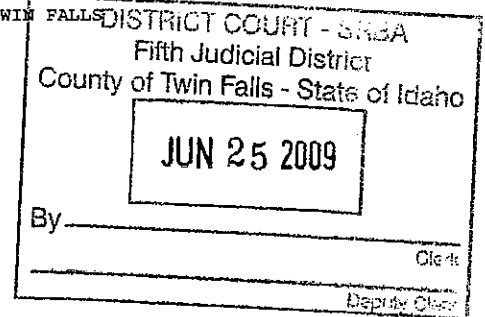
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 73-02053



NAME AND ADDRESS: CIRCLE PIE RANCHES PARTNERSHIP
C/O BEN YATES
HC 62, BOX 2295
MAY, ID 83253

SOURCE: SPRING TRIBUTARY: PATTERSON CREEK

QUANTITY: 0.40 CFS

PRIORITY DATE: 10/04/1909

POINT OF DIVERSION: T14N R22E S07 NENE Within Lemhi County
LOT 3 (NWSW) (Rediversion)
SENE (Injection)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.40 CFS

PLACE OF USE:	Irrigation		Within Custer County
	T14N R21E S01	SNNW 0.2	NESW 0.6
		NWSW 28.0	SWSW 39.0
		SESW 9.4	
	S02	SWNE 27.0	SENE 15.0
		NESE 38.0	NWSE 26.0
		SWSE 17.0	SESE 40.0
	S11	NENE 18.0	
	S12	NENW 18.0	NWNW 40.0
		SNNW 23.0	SENE 9.6
	348.8 Acres Total		

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.

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 20 acres within the
place of use described above in a single irrigation season.
Place of use does not include federal public lands.

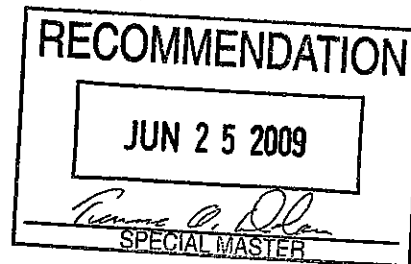
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

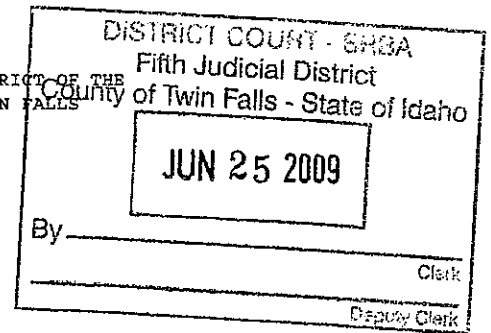


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 73-07025



NAME AND ADDRESS: CIRCLE PIE RANCHES PARTNERSHIP
C/O BEN YATES
HC 62, BOX 2295
MAY, ID 83253

SOURCE: GROUND WATER

QUANTITY: 2.12 CFS
318.00 AFY

PRIORITY DATE: 12/07/1973

POINT OF DIVERSION: T14N R21E S12 NWN Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.12 CFS 318.00 AFY

PLACE OF USE:	Irrigation	Within Custer County
	T14N R21E S02 SWSE 20.0 SESE 39.0	
	S11 NENE 20.0	
	S12 SWNW 27.0	
	106.0 Acres Total	

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.
Place of use does not include federal public lands.

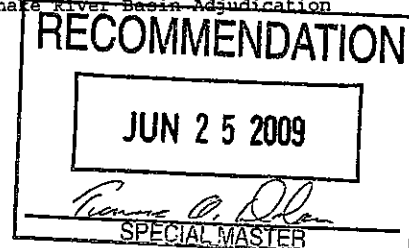
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

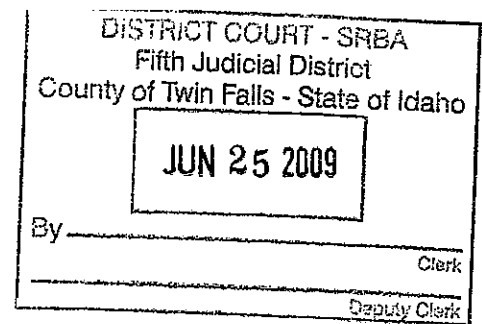
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication





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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

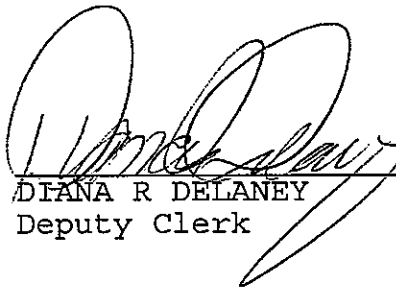
Water Right(s): 73-00108
73-02053 73-07025

On June 25, 2009, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED June 25, 2009.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN 25 2009	
By _____	Clerk
_____	Deputy Clerk

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 73-00108
73-02053 73-07025

CERTIFICATE OF MAILING

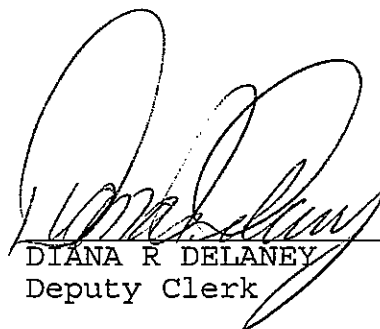
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 25, 2009, with sufficient first-class postage prepaid to the following:

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

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

CIRCLE PIE RANCHES PARTNERSHIP
C/O BEN YATES
HC 62, BOX 2295
MAY, ID 83253
Phone: 208-876-4276

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
06/25/09