



SPF WATER
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OCT 15 2009

DEPARTMENT OF
WATER RESOURCES

October 15, 2009

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

Re: Late Claim for Circle Pi, LLC (Subcase No. 73-12166)

Dear Diana,

We are happy to submit the enclosed Standard Form 4 – Motion to File Late Claim (and attached claim) for Circle Pi LLC. We have also enclosed a check for the filing fee, payable to IDWR. We understand a hearing has been set in this matter on January 19, 2010 at 1:30 pm.

SPF Water Engineering will provide information to the Idaho Department of Water Resources to assist their review of the claim, should it be accepted.

Sincerely,

Roxanne Brown

Cc: Circle Pi, LLC

Enclosures
SF4
Claim
Check #2096

SPF Job No.: 580.0010

**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 73-12166**

) (Insert water right number)

)

Case 39576

) **STANDARD FORM 4**

)

) **MOTION TO FILE:**

) ☒ **LATE NOTICE OF CLAIM**

) ☐ **AMENDED NOTICE OF CLAIM**

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Circle Pi, LLC

My address is HC 62 Box 2295, May, ID 83253

My phone number is: Work (208) 876-4206 Home _____

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because: I was unaware an additional claim was needed to describe the area irrigated under existing water rights 73-217 and 73-10065.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

☒ A fully completed Notice of Claim (available from IDWR).

☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129.

- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 418.60.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on January 19, 2010 at 1:30 pm
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

VERIFICATION (Must be completed)

State of California

County of Santa Clara

Ben H. Yates, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

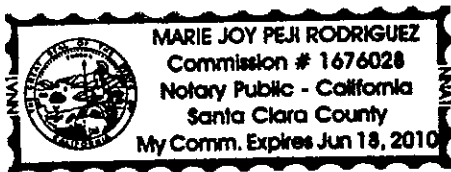
B-H Yates
Signature of person filing motion

Subscribed and sworn to before me on October 5, 2009
(Insert Date)

Marie Joy Peji Rodriguez
Notary Public for

Residing at: Santa Clara, California

My Commission expires: June 18, 2010



State of California
County of Santa Clara

Subscribed and sworn to (or affirmed) before me on this 5th
day of October, 2009, by Ben Yapes,
proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature Marie Joy Peji Rodriguez

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: 73-12166
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): CIRCLE PI, LLC
HC 62, BOX 2295
MAY, ID 83253
2. Date of Priority: APRIL 8, 1910
3. Source: PATTERSON CREEK Trib. to: PAHSIMEROI RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
14N	23E	6	NW	NW	NW	LEMHI	

5. Description of diverting works:
6. Water is used for the following purposes:

Purpose	From	To	CFS	(or) AF/A
IRRIGATION	4/1	10/31	6.28	
7. Total Quantity Appropriated is: 6.28 CFS
8. Total consumptive use: N/A
9. Non-irrigation uses: N/A
10. Place of use:

TWP	RNG	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	23E	16									3.9	13 (L4)	39 (L3)	35			13	1	104.9
		17													13			40	53.0
		20	40			40									34				114.0
		21	31	40	40	40	40	40	40	40	33	34			28	33			439.0

Total number of acres irrigated 710.9

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used: 73-217, 73-10065

14. Remarks: THIS CLAIM IS FOR ADDITIONAL IRRIGATION ON THE LAND ALSO IRRIGATED UNDER WATER RIGHTS 73-217 AND 73-10065. IRRIGATION WATER HAS HISTORICALLY BEEN DELIVERED, WHEN AVAILABLE, THROUGH A SYSTEM OF GRAVITY-FLOW DITCHES THAT CAN BE SEEN ON 1993 AERIAL PHOTO.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☐ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am the Managing Member of Circle Pi, LLC, that I have signed the foregoing document in the space below as the Managing Member of Circle Pi, LLC and that the statements contained in the foregoing document are true and correct.

Ben Yates
Ben Yates

Managing Member, Circle Pi, LLC

Date

State of CALIFORNIA)
County of SANTA CLARA) SS.

Subscribed and sworn (or affirmed) before me this _____ of OCTOBER, 2009.

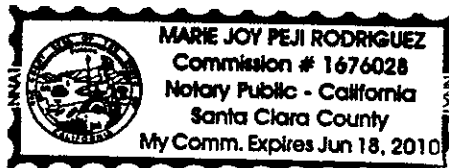


Marie Joy Peji Rodriguez
Notary Public
Residing at SANTA CLARA, CALIFORNIA
My commission Expires JUNE 18, 2010

State of California

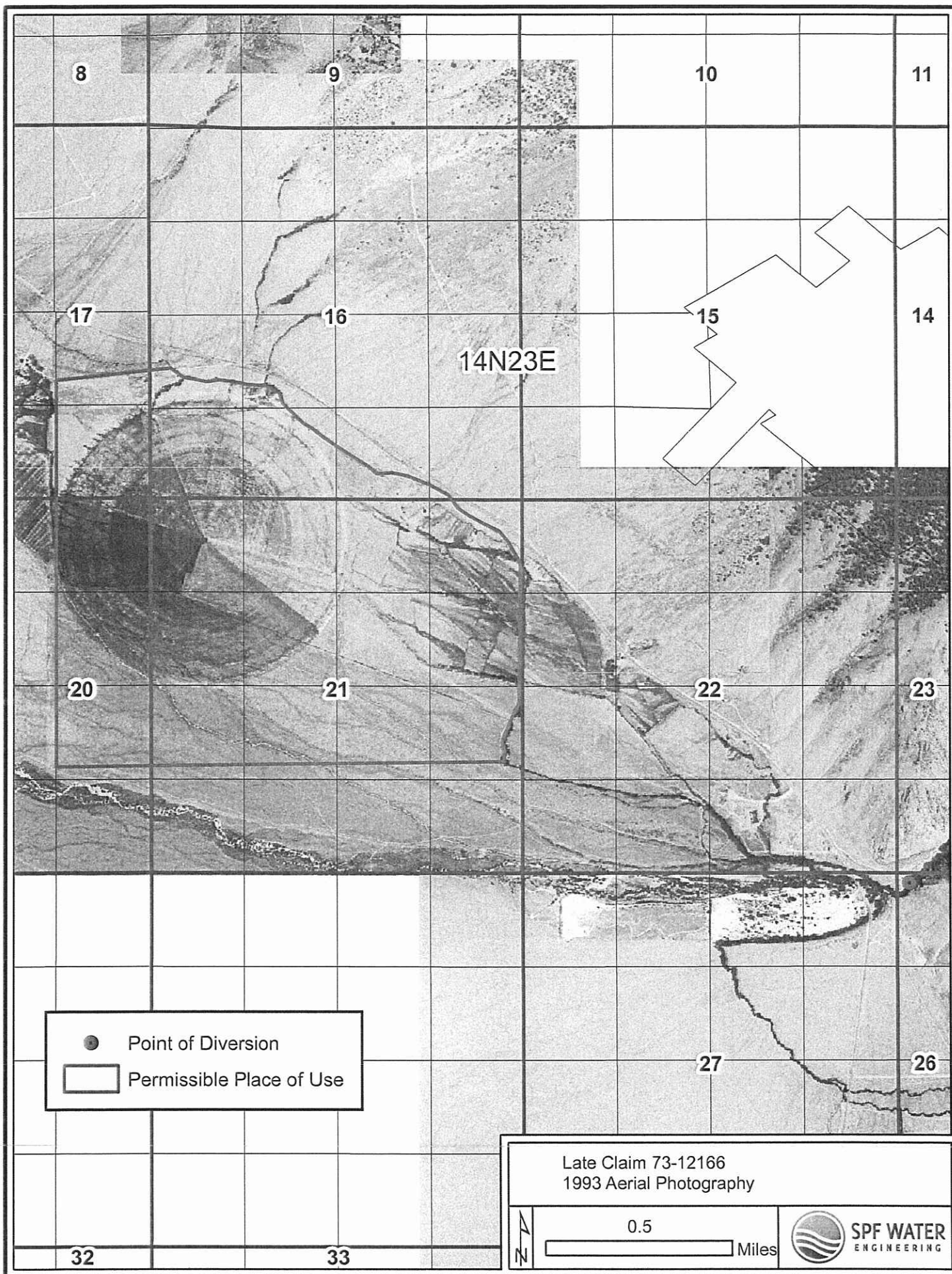
County of Santa Clara

Subscribed and sworn to (or affirmed) before me on this 3th
day of OCTOBER, 2009, by BEN YATES,
proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature Marie Joy Peji Rodriguez



INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on 10/16/, 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
PO Box 2707
Twin Falls, ID 83303-2707

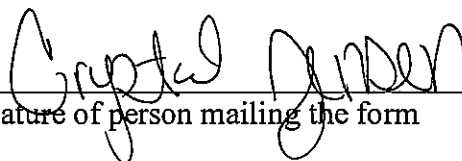
2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO 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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.



Signature of person mailing the form