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OCT 21 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 20 2010	
By _____	_____
	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

) Subcase 73-2015
) (Circle PI LLC)
)
) 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. The Director recommended the claim to Circle Pie Ranches Partnership (Circle PI LLC), HC 62, Box 2295, May, Idaho, 83253, for 2.2 cfs from Sulphur Creek irrigate 348.8 acres in Custer County from April 1 to October 31 with a priority date of December 25, 1904, based on a license.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on December 18, 2007, objecting to place of use. Circle Pi LLC filed its *Objection* the same date objecting to name and address, purpose of use and place of use.

The claimant was granted leave to amend its claim on October 5, 2009, and on January 15, 2010, IDWR filed an *Amended Director's Report*. The claimant filed a second *Objection* on March 29, 2010, objecting to purpose of use. The United States' *Objection* was dismissed on March 31, 2010, based on its *Notice of Voluntary Dismissal of Objection*. On October 7, 2010, the claimant, with IDWR's concurrence, filed a *Standard Form 5*.

Conclusions of Law

Circle PI LLC is entitled to a partial decree adjudicating a water right as described in the SF-5 and the attached *Special Master Recommendation for Partial Decree for Water Right 73-2015*.

DATED October 20, 2010.



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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 73-02015

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

SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 2.20 CFS

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
	Irrigation	04-01 TO 10-31	2.20 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T14N R21E S01	SWNW 0.2 NBSW 0.6 NWSW 28.0 SWSW 39.0 SESW 9.0
	S02 LOT 2	(NWNE) 7.0 SWNE 28.0 SENE 16.0 LOT 3 (NENW) 27.0
	LOT 4	(NWNW) 38.0 SWNW 39.0 SENE 37.0 NBSW 40.0 NWSW 40.0 NESE 39.0 NWSE 40.0 SWSE 19.0 SESE 40.0
	S03 LOT 1	(NENE) 36.0 LOT 2 (NWNE) 29.0
	LOT 3	(NENW) 35.0
	S11	NENE 21.0
	S12	NENW 19.0 NWNW 40.0 SWNW 28.0 SENW 29.0
	723.8 Acres Total	

Stockwater Within Custer County
Same as Irrigation

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 723.8 acres in a single irrigation season.
Combined Right Nos.: 73-6, 63-12, 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.

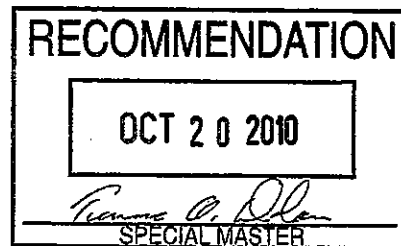
OTHER PROVISIONS (continued)

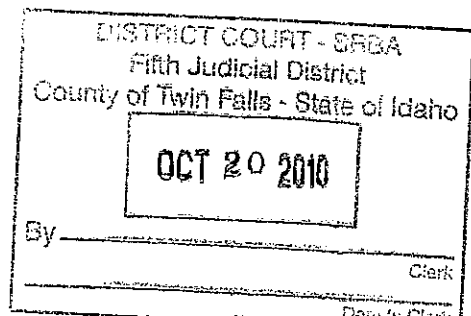
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

Eric J. Wildman
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): 73-02015

On October 19, 2010, 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 October ²⁰~~19~~, 2010.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
OCT 20 2010	
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)
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CERTIFICATE OF MAILING

Water Right(s): 73-02015

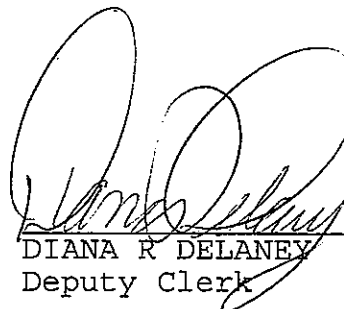
CERTIFICATE OF MAILING

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 October 20, 2010, with sufficient first-class postage prepaid to the following:

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

CIRCLE PI LLC
HC 62 BOX 2295
MAY, ID 83253
Phone: 208-876-4276

~~CIRCLE PI LLC~~
~~PO BOX 2295~~
~~MAY, ID 83252~~
~~Phone: 208-876-4467~~


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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10/19/10