

RECEIVED
NOV 15 2011
DEPARTMENT OF
WATER RESOURCES

73-217- SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
NOV 14 2011	
By _____	Clerk _____
County 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) Subcases 73-217, 73-10065 and 73-12166
Case No. 39576) (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 claims 73-217 and 73-10065 to Circle Pie Ranches Partnership for 1.6 cfs and 6.4 cfs from Patterson Creek to irrigate 397 acres in Lemhi County from April 1 to October 31 with priority dates of July 3, 1906, and April 1, 1887, based on a decree. On December 18, 2007, Circle Pi LLC filed *Objections* in subcases 73-217 and 73-10065 objecting to name and address, purpose of use and place of use.

On February 17, 2010, Circle Pi LLC was granted leave to file late notice of claim 73-12166 for 6.28 cfs from Patterson Creek to irrigate 710.9 acres in Lemhi County from April 1 to October 31 with a priority date of April 8, 1910, based on beneficial use.

On February 28, 2011, IDWR filed its *Amended Director's Reports* in subcases 73-217 and 73-10065 recommending the claims to Circle PI LLC, HC 62, Box 2295, May, Idaho, 83253, to irrigate 501.9 acres. On June 19, 2011, IDWR filed its *Director's Report for Late Claims*, including 73-12166, recommending the claim to Circle PI LLC for 2.04 cfs to irrigate 501.9 acres with a priority date of April 1, 1964.

On August 10, 2011, the State of Idaho, Department of Lands, filed an *Objection* in subcase 73-12166 objecting to place of use. On October 6, 2011, the State was granted leave to file late *Objections* in subcases 73-217 and 73-10065 objecting to place of use.

On November 9, 2010, Circle PI LLC and the State, with IDWR's concurrence, filed *Standard Forms 5* in subcases 73-217, 73-10065 and 73-12166 agreeing to an irrigation total of 489.4 acres.

Conclusions of Law

Circle PI LLC 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 73-217, 73-10065 and 73-12166*.

DATED November 14, 2011.


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 73-00217

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

SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.60 CFS

PRIORITY DATE: 07/03/1906

POINT OF DIVERSION: T14N R23E S27 NENE Within Lemhi County

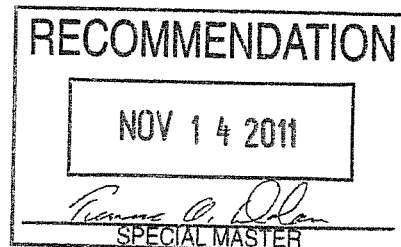
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.60 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T14N R23E S16	NESW 3.7 NWSW 13.0
	LOT 4 (SWSW) 39.0	LOT 3 (SESW) 34.0
	S17	NESE 13.0 SESE 39.0
	S20	NENE 39.0 SENE 21.0
	S21	NENE 29.0 NWNE 40.0
		SWNE 38.0 SENE 38.0
		NENW 40.0 NWNW 40.0
		SWNW 37.0 SENW 25.0
		NWSE 0.7
	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 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 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. 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 73-10065

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

SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 6.40 CFS

PRIORITY DATE: 04/01/1887

POINT OF DIVERSION: T14N R23E S27 NENE Within Lemhi County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 6.40 CFS

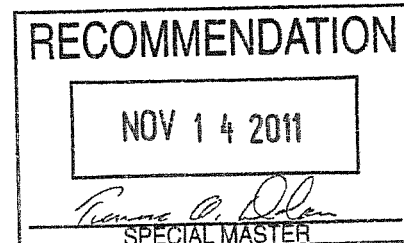
PLACE OF USE: Irrigation Within Lemhi County
T14N R23E S16 NESW 3.7 NWSW 13.0
LOT 4 (SWSW) 39.0 LOT 3 (SESW) 34.0
S17 NESE 13.0 SESE 39.0
S20 NENE 39.0 SENE 21.0
S21 NENE 29.0 NWNE 40.0
SWNE 38.0 SENE 38.0
NWNW 40.0 SWNW 37.0
SENW 25.0 NWSE 0.7
R233 S21 NENW 40.0
489.4 Acres Total

This right is limited to the irrigation of 320 acres within the place of use described above, and when combined with Right No. 73-217, both rights are limited to the irrigation of 400 acres within the 489.4 acre permissible place of use described above in a single irrigation season.

Right Nos. 73-0217, 73-10065 and 73-12166 are limited to the irrigation of a combined total of 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. I.C. SECTION 42-1412(6).



RULE 54(b) CERTIFICATE

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 73-12166

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

SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 2.04 CFS

PRIORITY DATE: 04/01/1964

POINT OF DIVERSION: T14N R23E S27 NENE Within Lemhi County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 2.04 CFS

PLACE OF USE: Irrigation Within Lemhi County
T14N R23E S16 NESW 3.7 NWSW 13.0
LOT 4 (SWSW) 39.0 LOT 3 (SESW) 34.0
S17 NESE 13.0 SESE 39.0
S20 NENE 39.0 SENE 21.0
S21 NENE 29.0 NENE 40.0
SWNE 38.0 SENE 38.0
NENW 40.0 NWNW 40.0
SWNW 37.0 SENW 25.0
NWSE 0.7
489.4 Acres Total

Right Nos. 73-217, 73-10065 and 73-12166 are limited to the
irrigation of a combined total of 489.4 acres in a single
irrigation season.

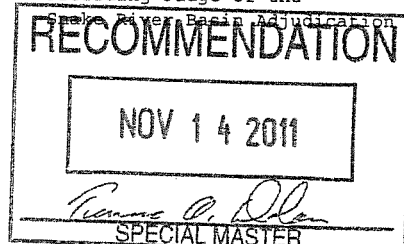
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

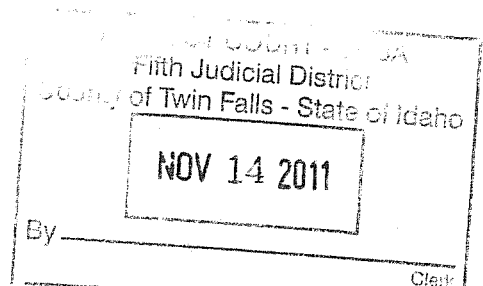
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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





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

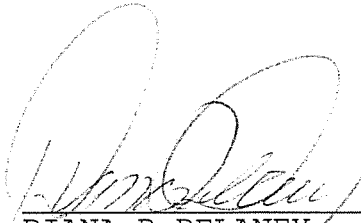
Water Right(s): 73-00217
73-10065 73-12166

On November 14, 2011, 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.

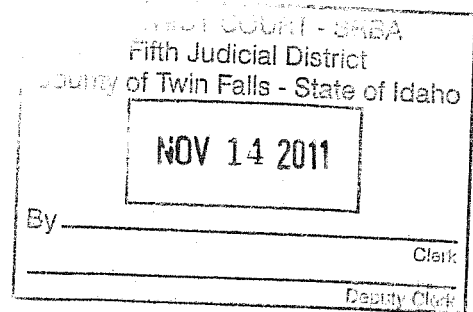
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 November 14, 2011.



DIANA R DELANEY
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): 73-00217
73-10065 73-12166

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 November 14, 2011, with sufficient first-class postage prepaid to the following:

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

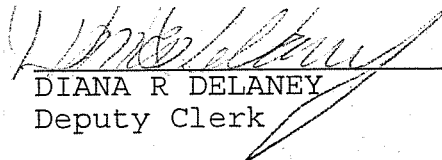
STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

CERTIFICATE OF MAILING

PAGE 1
11/14/11

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



DIANA R DELANEY
Deputy Clerk