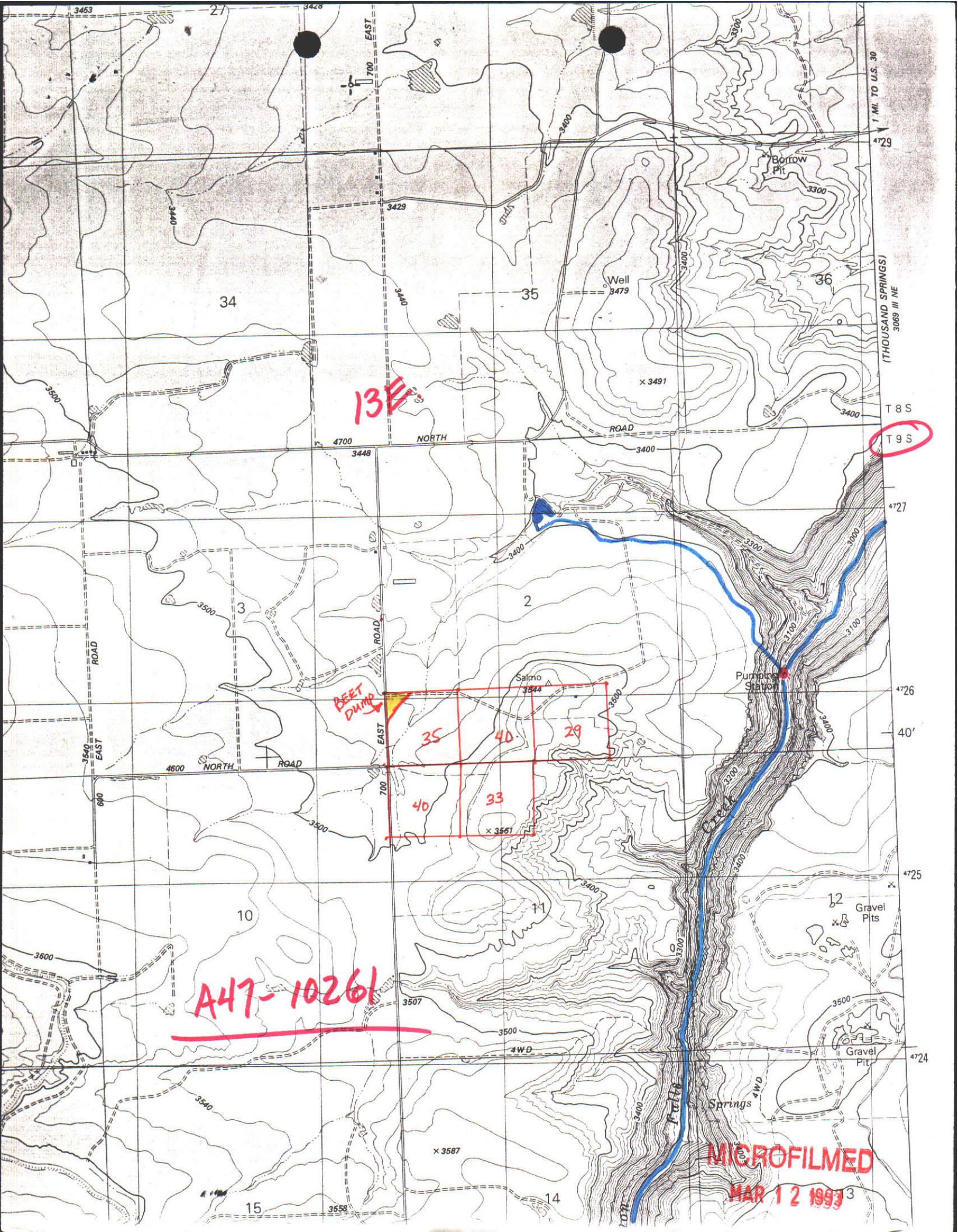


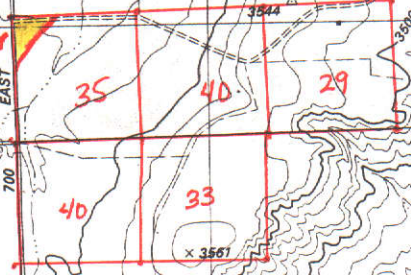


13E

BEET DUMP

A47-10261

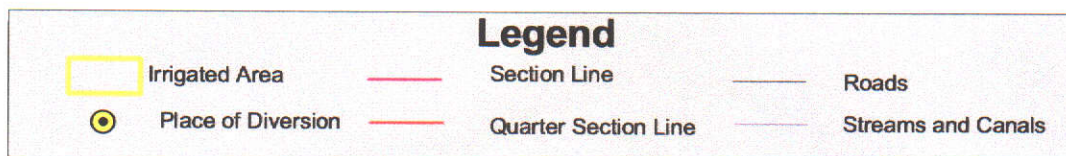
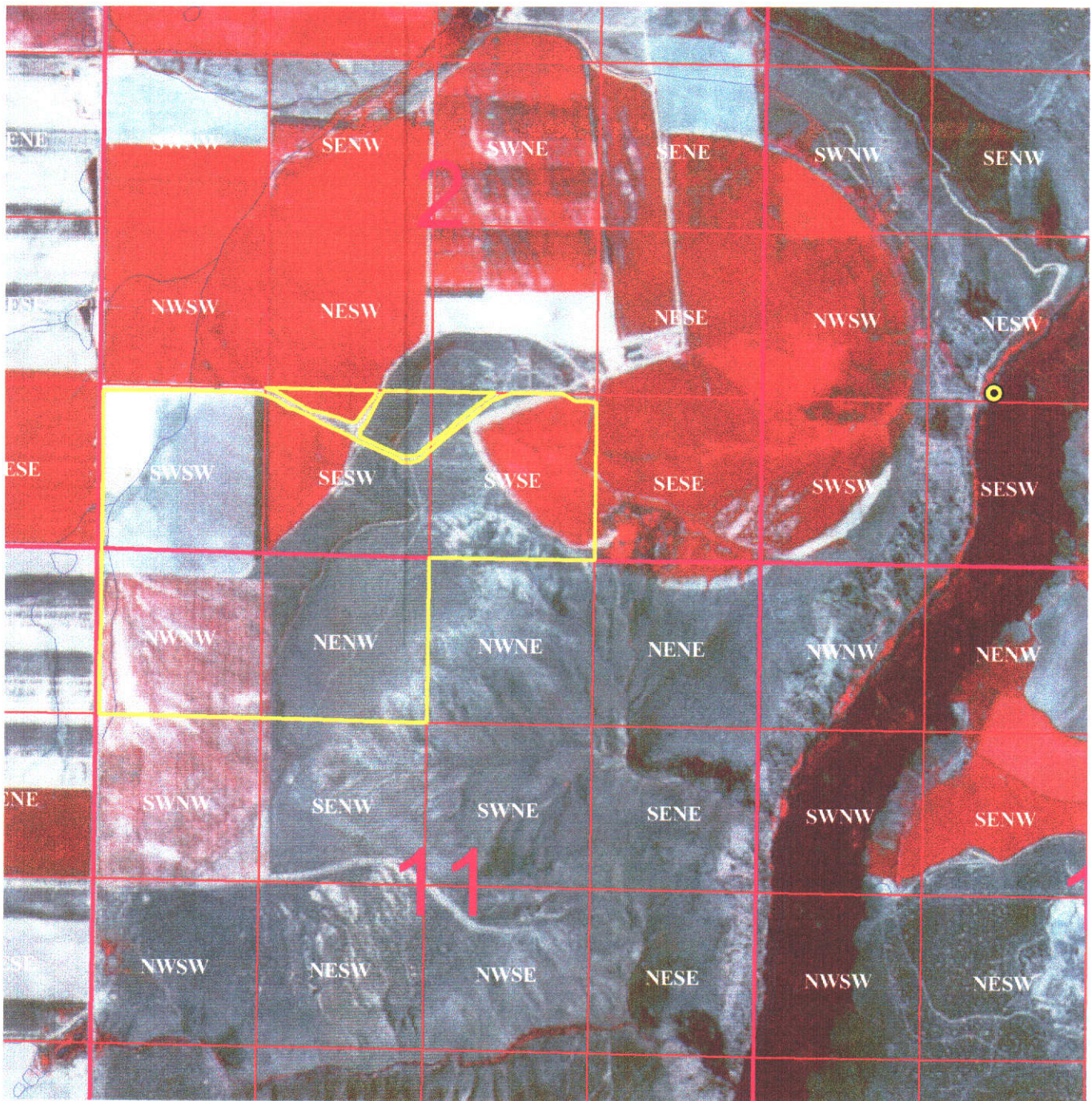
MICROFILMED
MAR 12 1993



T9S

Water Right Claim Number 47-10261
Township , 9S13E

03/02/2001



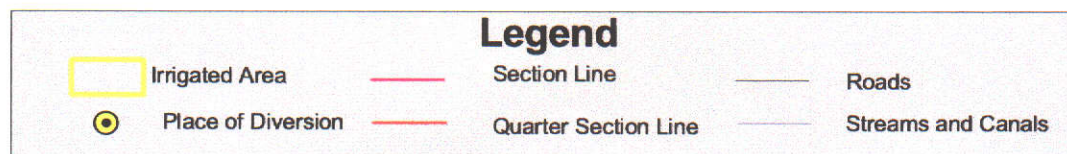
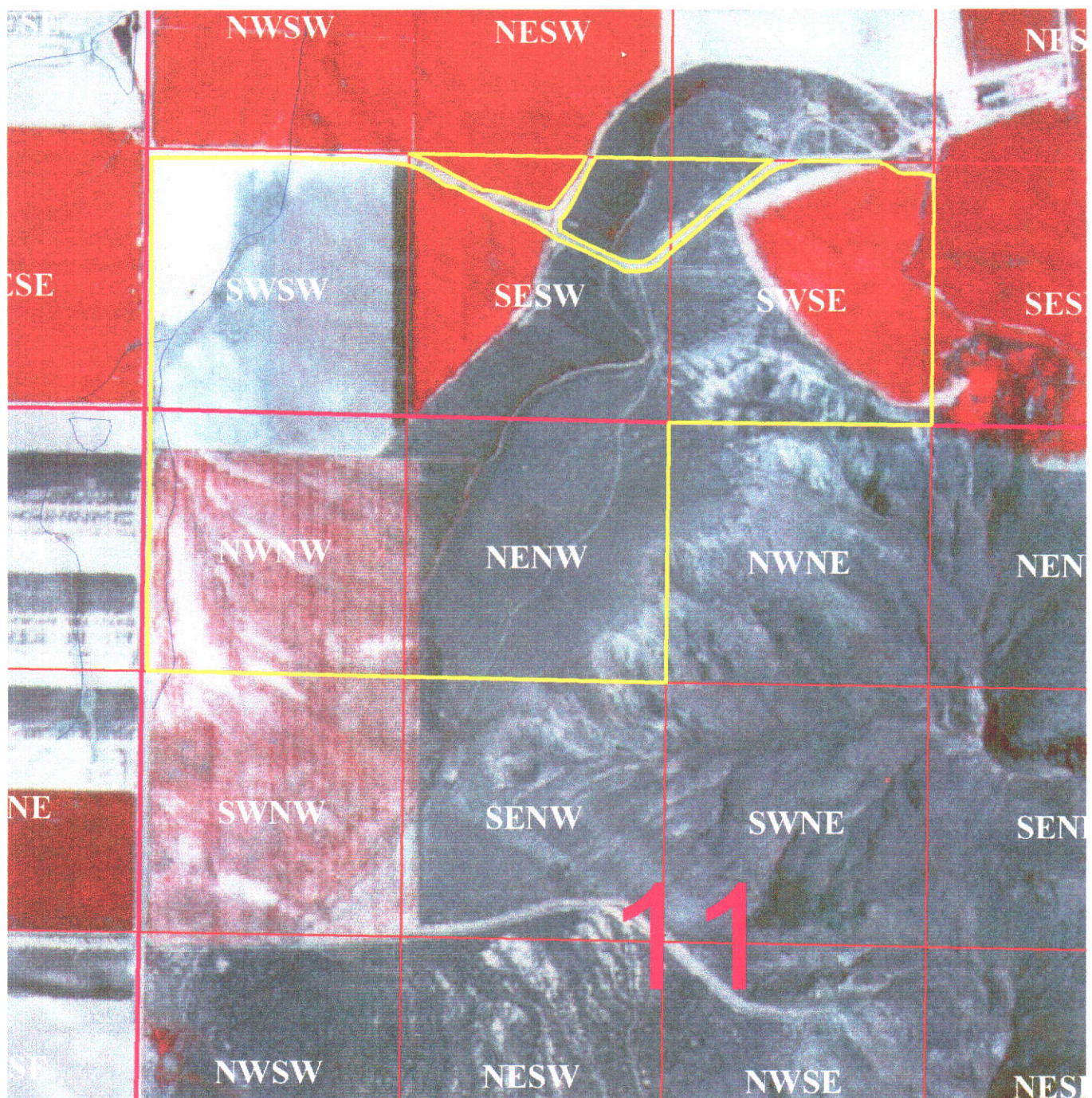
900 0 900 1800 Feet



SPATIAL
DYNAMICS

Water Right Claim Number 47-10261
Township , 9S13E

03/02/2001

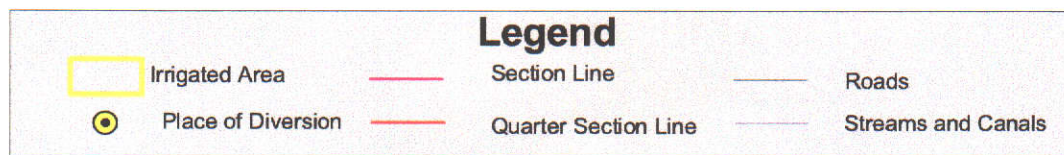
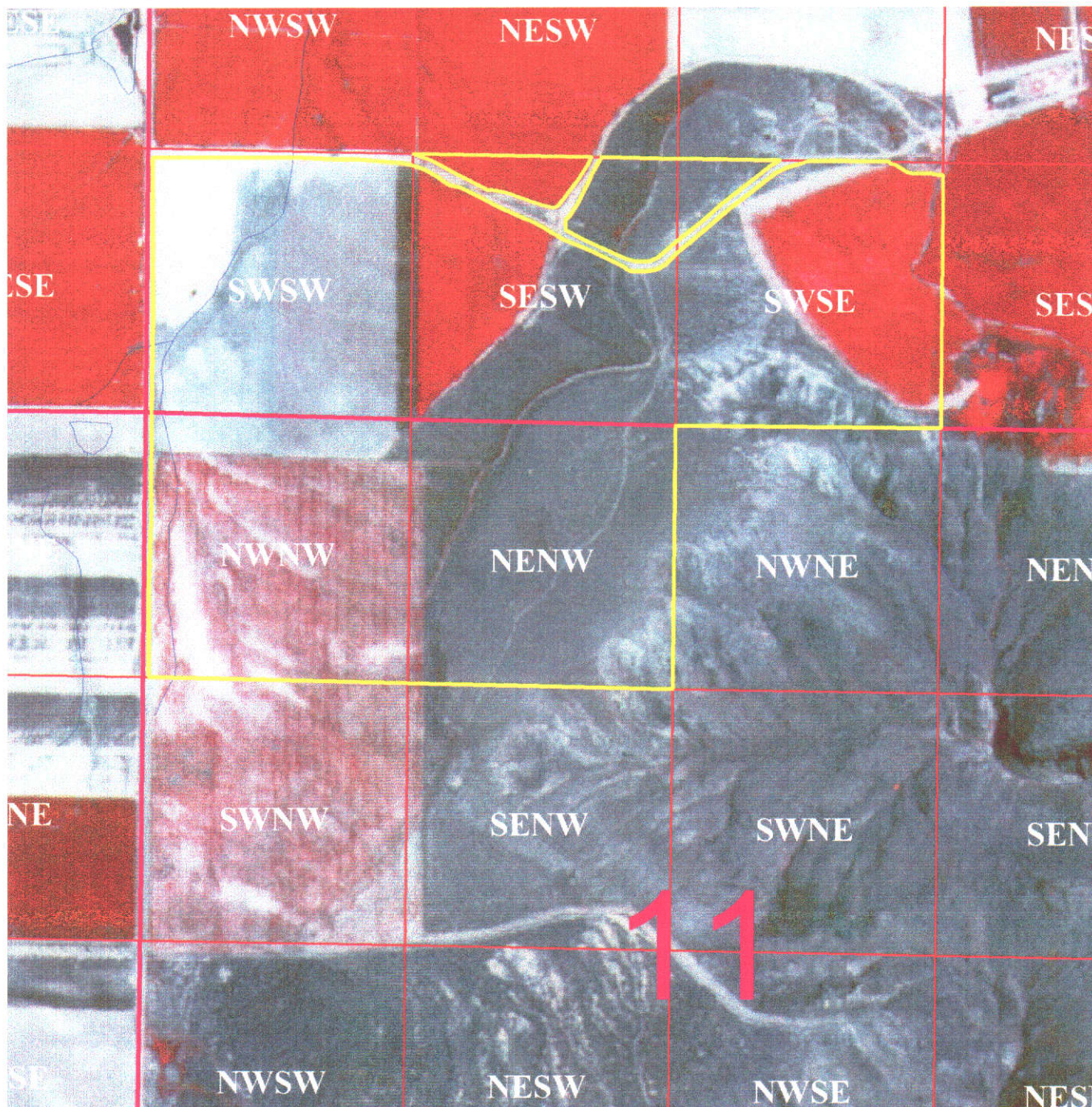


500 0 500 1000 Feet



Water Right Claim Number 47-10261
Township , 9S13E

03/02/2001

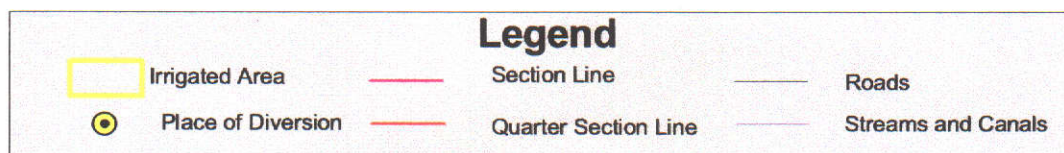
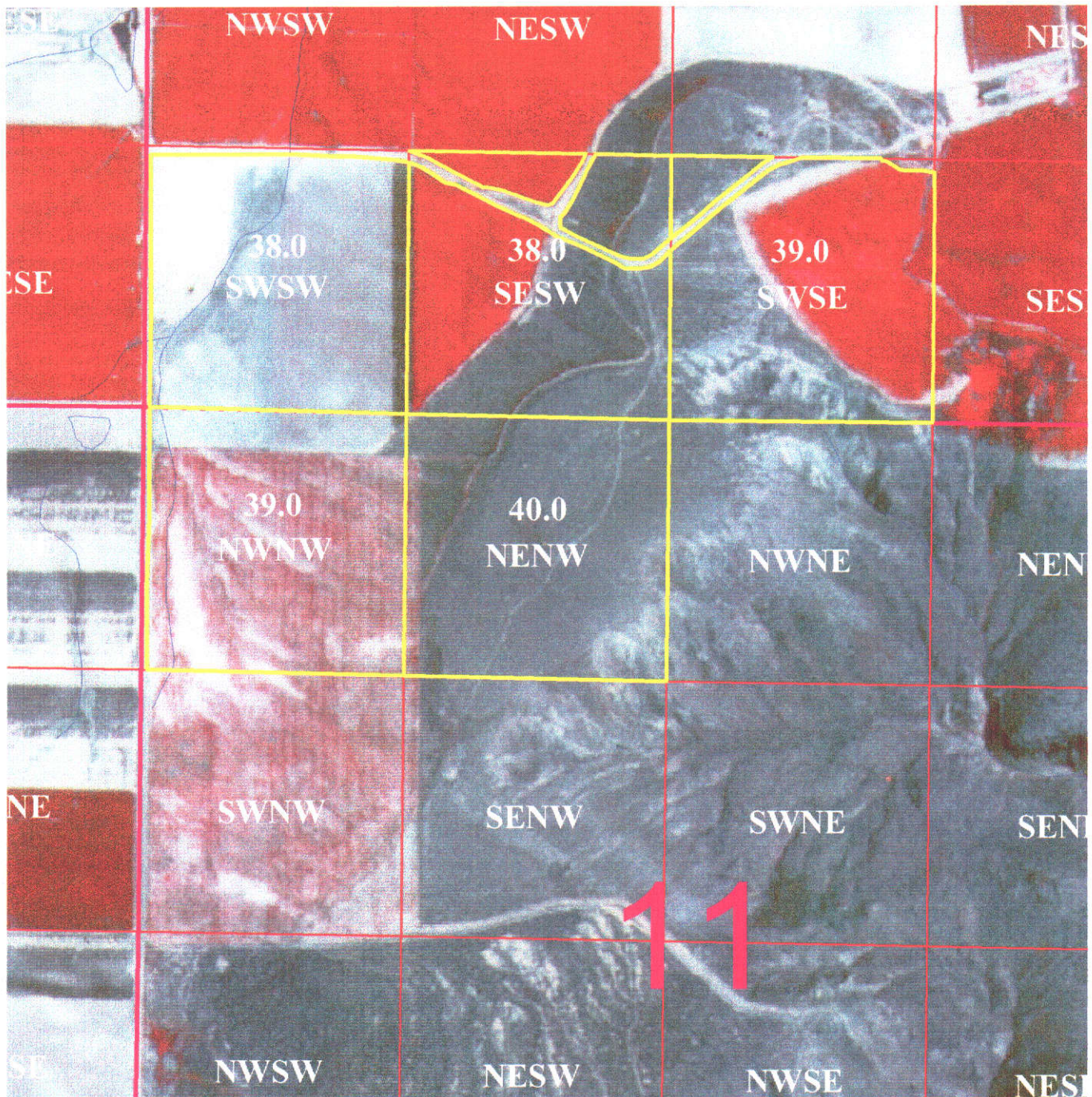


500 0 500 1000 Feet



Water Right Claim Number 47-10261
Township , 9S13E

03/02/2001



500 0 500 1000 Feet



SPATIAL
DYNAMICS

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: A47-10261
Date Received: 9/12/1988
Receipt No: S002146
Received By: SEC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAGIC IRRIGATORS, INC. 208-543-5850
Address: RT. 3
BUHL, ID 83316
2. Date of Priority: APR 03, 1961
3. Source: SALMON FALLS CREEK Trib. to: SNAKE RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 09S | 13E | 1 | NW | NE | SW | | TWIN FALLS |
5. Description of diverting works:
350 HP PUMP IN CREEK, (200 HP PUMP ON STANDBY)
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 3.500 | | |
7. Total Quantity Appropriated is:
3.500 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 531.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	13E	2	SW	SW		IRR	35.0
			SE	SW		IRR	40.0
			SW	SE		IRR	29.3
						Section Acres	104.3

A47-10261

Page 1

Date: 09/12/88

MICROFILMED
MAR 12 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	13E	11	NE	NW		IRR	33.0
			NW	NW		IRR	40.0
						Section Acres	73.0
						Total Acres	177.3

11. Place of use in counties: TWIN FALLS

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

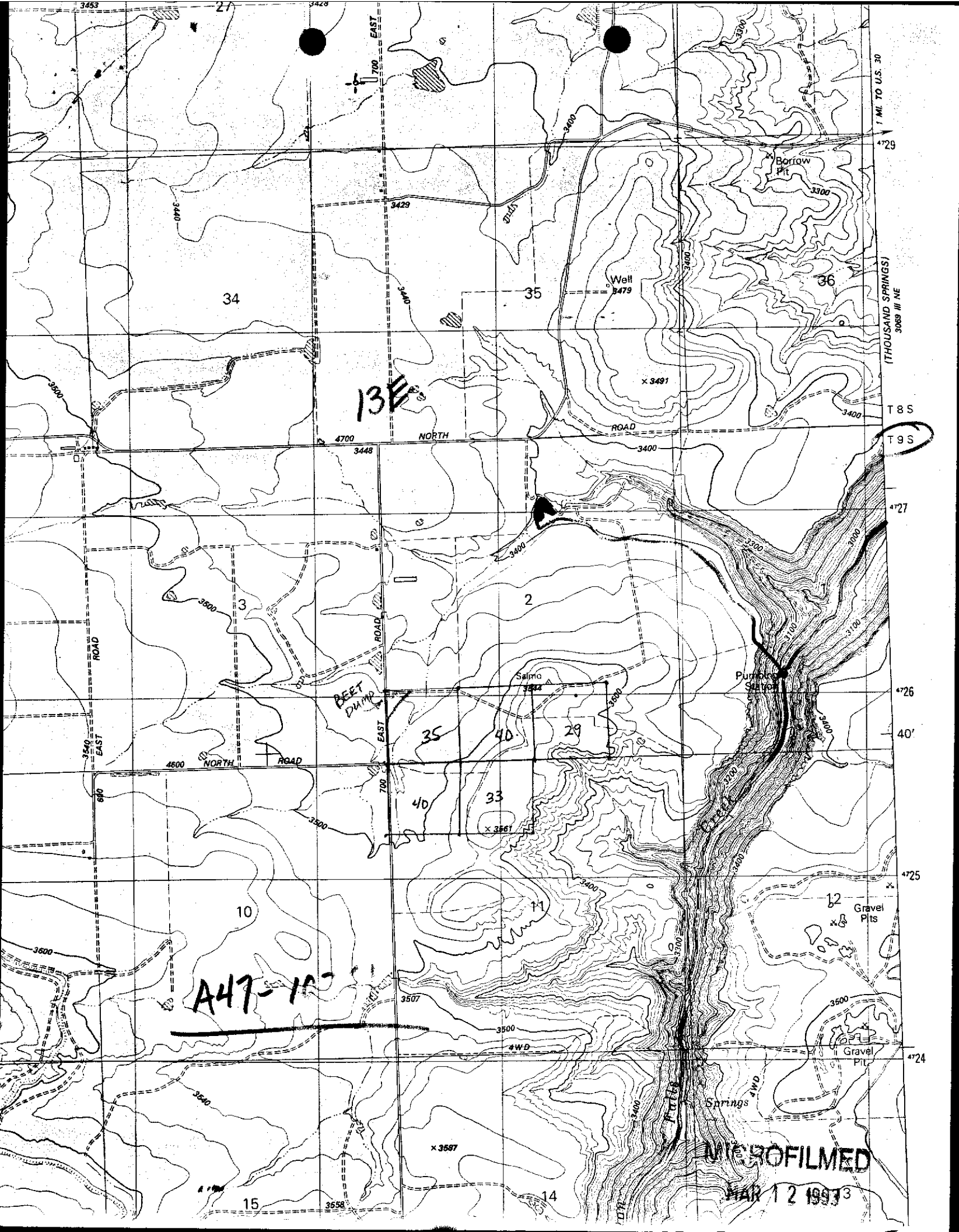
13. Other Water Rights Used:
A47-02415, A47-02384

14. Remarks:
THIS CLAIM SHOULD HAVE BEEN INCLUDED WHEN THE ABOVE WR WERE
FILED SINCE THIS P/U WAS ALSO IRRIGATED.

15. Basis of Claim: STATUTORY CLAIM

(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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

MICROFILMED
MAR 12 1993



COMMUNICATION DOCUMENTATION

Claim No. see below

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE February 28, 1995 2:14pm CUSTOMER PAT ELKIN

SUBJECT: evidence of priority FOR A47-10261 AND MAGIC WATER CLAIM
A47-02269 AMENDMENT
phone call (.) walk-in (X)

We discussed the evidence of priority that he had for A47-10261. The affidavits that he brought in were not notarized therefore I had him keep the two that others had completed but I notarized his affidavit. We amended A47-02269 to shift 24 acres from section 28 to section 26. I did an ajq4 search on 08S 13E SEC 22 AND THE N½. I found two BLM filings (A47-15788 AND A47-15970) that claimed Magic Water Canal as the source and a 1875 priority date. We discussed submitting a document to the file and filing an objection. I gave him the information that the Attorney General's office may be filing objections to some federal claims and that he may want to contact that office with the information.

We also discussed application 47-07229 and its current status with the department. Other rights identified under the wrq1 search were 47-07403 and 47-08044.

MICROFILMED

NOV 29 1996

A47-10261

RECEIVED

February 28, 1995

MAR 01 1995

Department of Water Resources
Southern Region

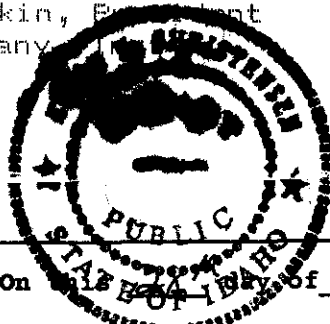
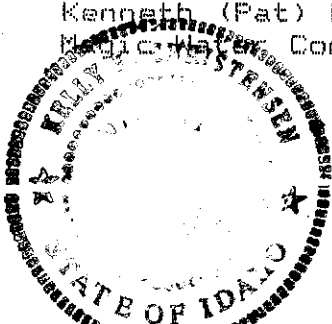
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

To Whom It May Concern

I am currently the President of Magic Water Company, Inc. I have lived on the Magic Water project for forty years and farmed there as well. I have known the Herzinger family since 1958. I have driven by their farm since then. Their farm was developed in 1961. I attest that they farmed the land which lies in 9S 13E Sections 2 and 11 since it was developed in 1961.

Sincerely

Kenneth P. Elkin
Kenneth (Pat) Elkin, President
Magic Water Company



(signature)

On Feb 28 day of Feb, in the year of 1995

personally appeared KENNETH P. ELKIN known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Kelly K. Christensen (notary public) My commission expires:

Residing at Kimberly del 3-2-98

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. see below

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

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MICROFILMED

NOV 29 1996

A47-10261

RECEIVED

MAR 06 1995

Department of Water Resources
Southern Region

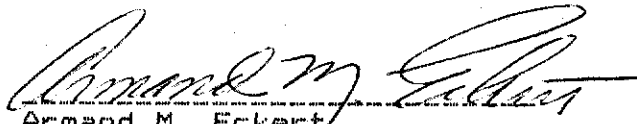
February 22, 1995

Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

To Whom It May Concern

I have lived on the Magic Water project since 1956. I have known the Herzinger family since that time. I drove by their farm many times during the ensuing years. Their land was developed in 1961. I attest that they farmed the land which lies in 9S 13E Sections 2 and 11 since it was developed in 1961.

Sincerely


Armand M. Eckert

STATE OF IDAHO)
COUNTY OF TWIN FALLS)

On this 1st day of March, 1995 before me, a notary public in and for said State personally appeared Armand M. Eckert known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


NOTARY PUBLIC
RESIDING AT BUHL, IDAHO
COMMISSION EXPIRES MAY 25, 1999



MICROFILMED

NOV 29 1996

RECEIVED

MAR 06 1995

Department of Water Resources
Southern Region

February 21, 1995

Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

To Whom It May Concern:

My name is Mark Herzinger. I farmed with my parents on land which is adjacent to the Magic Water project, specifically 9S 13E, sections 2 and 11. In the farming of that land, my parents used water right A47-10261 consisting of 3.50 cfs, to irrigate approximately 177.3 acres. The legal description of those acres are for section 2, 35 acres SW 1/4 of S/W 1/4, 40 acres of the S/E 1/4 of the S/W 1/4 and 29 acres of the S/W 1/4 of the S/E 1/4, and for section 11, 33 acres of the N/E 1/4 of the N/W 1/4, and 40 acres of the N/W 1/4 of the N/W 1/4.

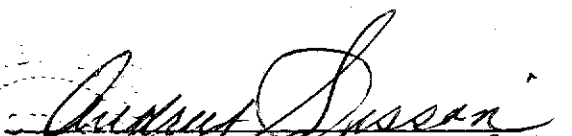
We started farming that land in 1961.

Sincerely


Mark Herzinger

STATE OF IDAHO)
COUNTY OF TWIN FALLS)

On this 3rd day of March, 1985 before me, a notary public in and for said State personally appeared Mark Herzinger known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


NOTARY PUBLIC
RESIDING AT 
COMMISSION EXPIRES 5/25/99

MICROFILMED

NOV 29 1996

GOVERNOR
Governor PHILIP E. BATTR. KEITH HIGGINSON
Director

January 10, 1995

A47-10261

MAGIC IRRIGATORS, INC.

RT. 3

BUHL

ID 83316

RE: Evidence of Priority

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enc.

MICROFILMED
NOV 29 1996

TO: File

DATE: December 29, 1997

FROM: Jim Stanton

SUBJECT: Claim A47-10261, Magic Irrigators Inc.

Today I spoke with Pat Elkin, co/owner and manager of Magic Irrigators. I asked him when the 500 hp pump at their diversion on Salmon Falls Creek had been installed. He told me that it was installed when they bought this land in 1987 or 1988. So the pump may not have been in use by the start of the SRBA; this point needs further review when the time comes. Idaho Power Co. records show that a new account was established at the pumps site on 4-21-1987, but they did not know if that date reflected the new pump or just a change in ownership. My reason for asking was to determine if the pump was there in 1971, which it was not. The 350 hp pump that is covered by 47-02384 & 2415 was licensed for 5.0 cfs, which it still pumps. So the flow rate covered by the above-referenced claim is part of the original licensed rate, not in addition to it (if the claim is valid at all).

With regard to the place of use, the claim covers land in between and west of the existing licenses. The licensing exams, done in 1968, did not appear to show the claimed land as irrigated. But since it is all farmable, it would be unusual to leave dry land between two irrigated tracts. The water-right files appear to conflict with affidavits in the claim file supporting a 1961 priority date, so this also appears to need further investigation. The 1987 ASCS photo shows that some but not all of the claimed land was irrigated, so even if development occurred after 1971 some of the claim can be recognized as an expansion of the existing license.

In licensing of Permits 47-08059 & 8060, which cover this same farm, I plan to ignore the SRBA claim. Adjustments may need to be made in the future to insure that the same water usage is not covered by more than one water filing. Permit 47-08059 covers the two pumps below this farm, while 8060 covers water diverted thru the Magic Water Co. system.

Log for claim 47-10261

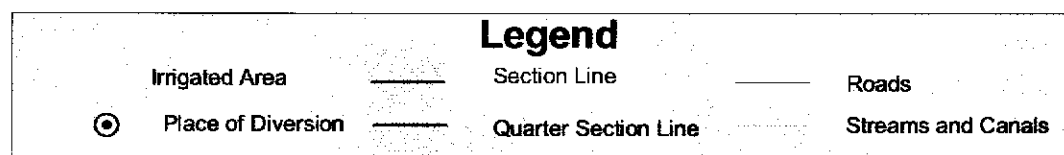
Spatial Dynamics BTD

3/2/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s13e	2	SWSW	35	38	
09s13e	2	SESW	40	38	
09s13e	2	SWSE	29	39	Indiscernible
09s13e	11	NENW	33	40	Indiscernible
09s13e	11	NWNW	40	39	
Totals:			177	194	

Water Right Claim Number 47-10261
Township , 9S13E

03/02/2001



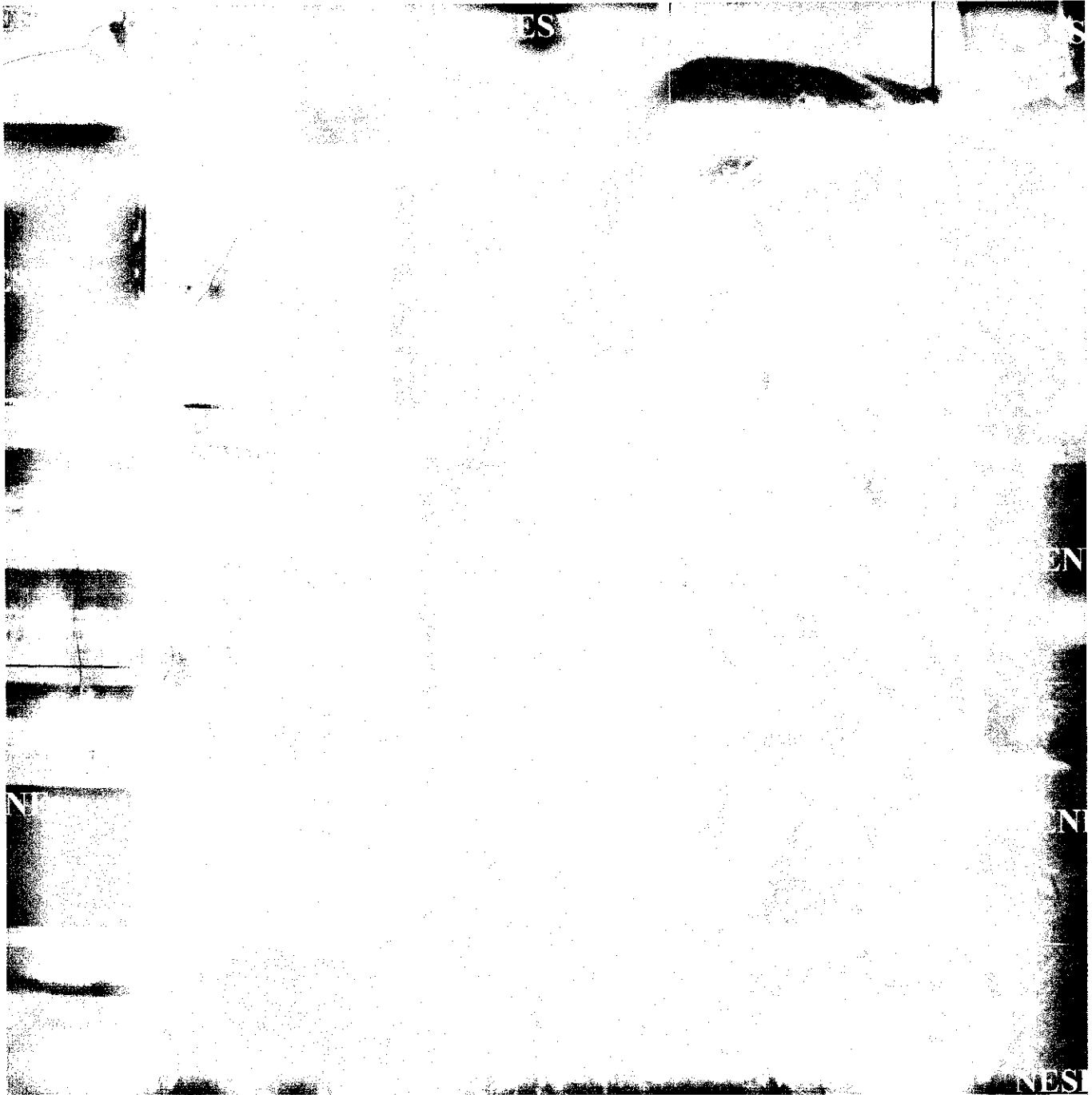
900 0 900 1800 Feet



SPATIAL
DYNAMICS

Water Right Claim Number 47-10261
Township , 9S13E

03/02/2001



Legend			
Irrigated Area	Section Line	Roads	
Place of Diversion	Quarter Section Line	Streams and Canals	

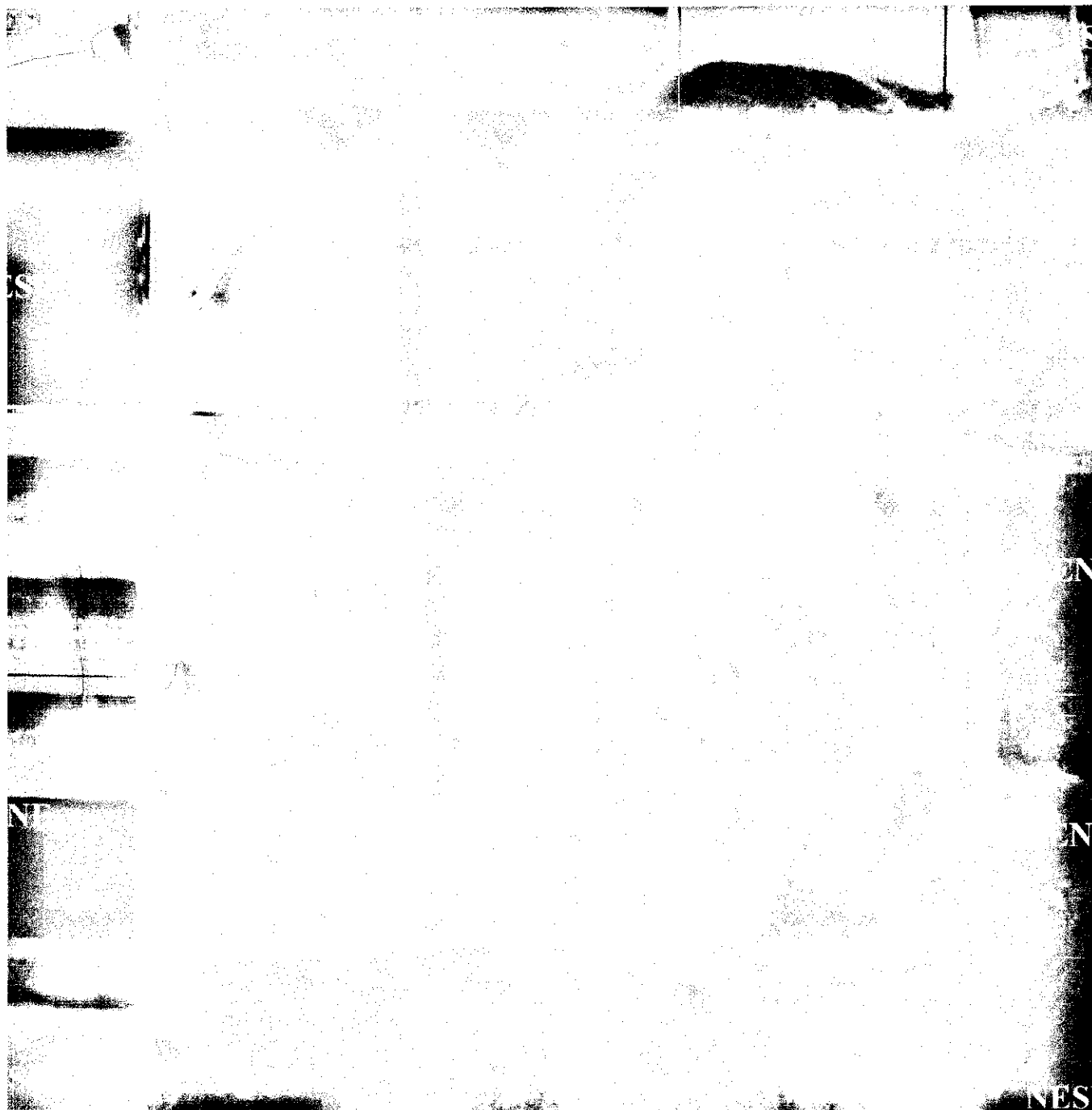
500 0 500 1000 Feet



SPATIAL
DYNAMICS

Water Right Claim Number 47-10261
Township , 9S13E

03/02/2001



Legend			
Irrigated Area	Section Line	Roads	
Place of Diversion	Quarter Section Line	Streams and Canals	

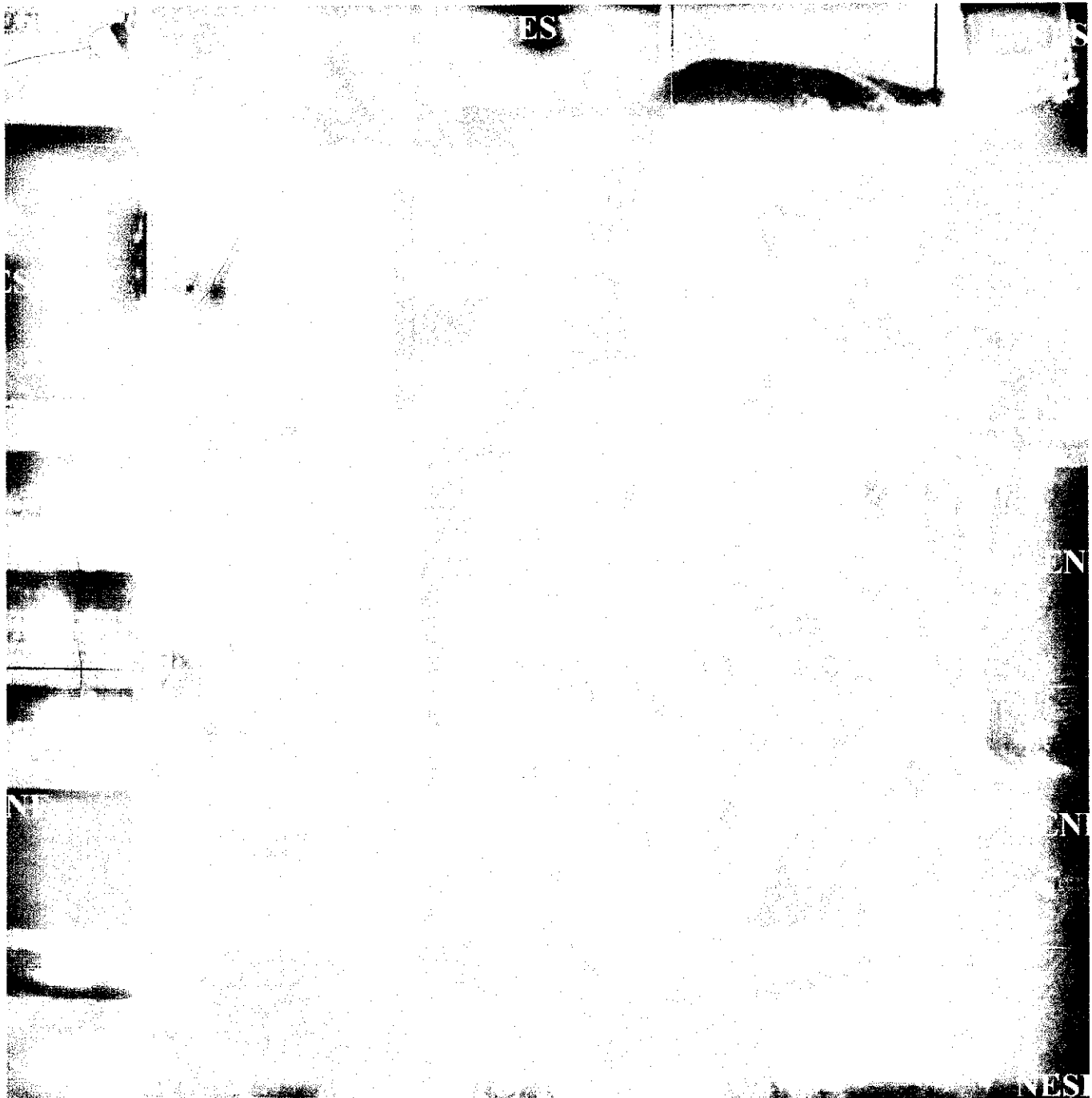


500 0 500 1000 Feet

SPATIAL
DYNAMICS

Water Right Claim Number 47-10261
Township , 9S13E

03/02/2001



Legend			
Irrigated Area	Section Line	Roads	
Place of Diversion	Quarter Section Line	Streams and Canals	



500 0 500 1000 Feet

SPATIAL
DYNAMICS

AJ5809NP
No. A47-10261

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/30/01
PAGE: 240

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MAGIC IRRIGATORS INC RT 3 BUHL ID 83316 (208) 543-5850	04/03/1961	IRRIGATION	04-01 10-31	3.500 CFS	
TOTAL DIVERSION:					3.500 CFS	
CONSUMPTIVE USE:						531.00 AFA

Water Source: SALMON FALLS CREEK

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T09S R13E S01

NWNESW

TWIN FALLS County

Place of Use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
09S	13E	2	:											35	40				29	:	104.3
09S	13E	11	:							33	40									:	73.0
TOTAL ACRES																				:	177.3

POU County: TWIN FALLS

Other Rights: A47-02415, A47-02384

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A47-02384 A47-02415 A47-15795

Remarks: GEN THIS CLAIM SHOULD HAVE BEEN INCLUDED WHEN THE ABOVE WR WERE
FILED SINCE THIS P/U WAS ALSO IRRIGATED.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 09/12/88 CLELLAND 03/30/95 POST-STD