

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: A47-14789
Date Received: 2/23/1989
Receipt No: S006354
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAGIC MOUNTAIN SKI RESORT 208-423-6221
Address: 3367N 3600E
KIMBERLY, ID 83341

2. Date of Priority: AUG 10, 1938

3. Source: UNNAMED SPRING Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	18E	25	NW	NE	NE		TWIN FALLS

5. Description of diverting works:
COLLECTION BOX, PIPE, 200 GAL. STORAGE TANK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/1 SKI RESORT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14S	18E	25	NE	NE		COMMER	

11. Place of use in counties: TWIN FALLS

A47-14789

Page 1

Date: 02/23/89

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MAR 16 1993

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
PROPERTY LEASED FROM SAWTOOTH NATIONAL FOREST, SKIING & SUMMER
RECREATION LODGE IN SOUTH HILLS.

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 _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)

County of _____)

ss.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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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:

Ident. Number

Date Received

Receipt Number

39576

A47-14789

2-15-89

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Magic Mountain Ski Resort Phone (208) 423-6221Mailing Address 3367 N 3600E Kimberly Zip 833412. Date of Priority (Only one (1) per claim) 1938 August 103. Source of water supply (a) Un-named spring
which is tributary to (b) ROCK CREEK4. a. Location of existing point of diversion is: Township T14S Range R18E Section 25
NW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Twin Falls

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Spring Free flow
to collection box and pipe 150 yards (approx)
to Ski Lodge Approx 200 gal. storage
tank

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Comercial purposes from 1/1 to 12/31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic - For public restrooms, dish washing

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

open weekends up to 500 people per weekend in winter, 150 in summer

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>T14S</u>	<u>R18E</u>	<u>25</u>	<u>C</u>																

Total number of acres irrigated 0

11. In which county (ies) are lands listed above as place of use located? Twin Falls

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None ✓

14. Remarks: SKIing & Summer Recreation Lodge
in South Hills Sawtooth National
Forest

Last Name _____ Ident No. _____

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Copies: 1 State, 1 Yellow, 1 Claimant
MAR 16 1993

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

ski lodge

Rock Cr. /
Board station

spring

SEC 25 P. 99

21K1412

STOCK MARKET

FOIA
CR

7145

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MAR 16 1993

Copies: White-State, Yellow-Claimant

Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐

Decree ☐

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am co-owner _____

of Magic Mountain Ski Resort _____, that I have signed the foregoing
Organization Title

document in the space below as co-owner _____ of Magic Mountain Ski Resort _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Sherie Jacobs _____

Title and Organization owner Magic Mountain Ski Resort Date 2/23/89

State of Idaho/or _____)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of Feb 19 89

SEAL

Notary Public Lon White _____

Residing at TF _____

My Commission Expires 5/94 _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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MAR 16 1989

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 7, 1989

Magic Mountain Ski Resort
3367N, 3600E
Kimberly, ID 83341

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # 205 for
\$ 54.00 which you submitted to our office. I am returning
these pursuant to Rule 10,4 of the Department's Adjudications Rules and
Regulations. In checking your claim it appears that the following
items need clarification:

- ☐ Item #2 Priority
- ☐ Item #4 Point of Diversion Legal Description
- ☐ Item #6 Uses descriptions
- ☒ Item #9 Description of Non-irrigation Uses
- ☐ Item #10 Place of Use Legal Description
- ☒ Item #16 Signature & Notorization
- ☐ Improper fee (THE CORRECT FEE IS \$ _____)
- ☐ Other or Remarks

Need to Sign the Organization block,

If you wish to continue to press your claim please find enclosed
instructions and another claim form to use. If you will make the
necessary corrections and return your claim with the correct fee and a
copy of this letter within 30 DAYS of the date of this letter, your
filing will be considered timely and will not be assessed an additional
late fee of \$ 50.00.

~~BEFORE RETURNING THE CLAIM PLEASE READ THE ENCLOSED DRAFT TEXT FOR D&S
BROCHURE. Due to recent rulings by the court you may defer filing the
claim if you so desire but it is recommended by the Department that you
continue to press your claim. If you have any questions contact our
office.~~

Sincerely,

Allen Merritt
Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

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MAR 16 1993



DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

GOVERNOR PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-14789
MAGIC MOUNTAIN SKI RESORT
3367N 3600E
KIMBERLY ID 83341

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.

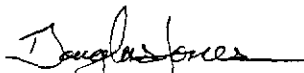
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in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

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DEC 1 1996

Sstate of Idaho
Department of Water Resources
Southern Region
222 Shoshone St. E.
Twin Falls, ID 83301

April 28, 1995

RECEIVED

APR 28 1995

Attn: Douglas Jones
Water Rights Supervisor

Department of Water Resources
Southern Region

Dear Mr. Jones:

This is to advise you of my knowledge of water rights for the Magic Mountain Ski Resort southeast of Twin Falls, Idaho. (Claim # A47 - 14789).

My husband, the late Claude F. Jones, developed the ski resort in 1938. He had used water from the spring just south of the resort lodge since that time according to what he told me. I married Claude Jones in 1964 and became a partner in the resort operation.

I know that we used the spring water at that time and continuously until we sold the resort in 1973, and it is still in use.

The spring provides water for operations within the day lodge--the lunch counter, restrooms etc.

Prior to 1964, I worked weekends at the resort, assisting in indoor and on-the-mountain activities and know the same water source was used in the 1950s.

Sincerely,

Bonnie Baird Jones

Bonnie Baird Jones
968 N. Lincoln St.
Twin Falls, ID 83301

(208) 733-9513

MICROFILMED
DEC 1 1996

Notar
James A. Lupin
Montaugh, Id.
9-20-2000

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: **47-02563**

RECEIVED

MAY 28 1998

FILED UNDER STATE LAW

Department of Water Resources

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service

Address: 550 W. Fort Street MSC033

Boise

ID 83724

2. Date of Priority: 06/03/1963

3. Source of water: SPRING

Tributary: ROCK CREEK, FOURTH FORK

4. Location Meridian BOISE

Description of Diversion Works: Headbox

From: Spring

Location of Point of Diversion

T: 14 S R: 18 E S: 25 NENE

Location of Point of Use

T: 14 S R: 18 E S: 24 SESE

5. Quantity claimed: Period Quantity For
1 / 01 -- 12 / 31 0.04 CFS Domestic

6. Total Consumptive Use Claimed for Present and Future Use is:

0.04 CFS

7. Present and future uses to which the water is or will be used:

Domestic

8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.

Bound separately

9. Remarks:

State Basin: 47

National Forest: Sawtooth

Forest Service Record ID: 04 14 17040212 21 0 0039

Magic Mountain Ski Area, lodge and cafe. Also known as Magic Mountain Spring

10. Describe any other water rights used at the same place and for the same purposes as described above: None

11. Counties within the reservation: Not available

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address below:

Bruce Bernard

U.S. Department of Justice

Environment and Natural Resources Division

550 W. Fort Street, Box 33

Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

AJ5809NP
No. F47-02563

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/10/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	06/03/1963	DOMESTIC	01-01 12-31	0.03 CFS	
TOTAL DIVERSION:					0.02 CFS	

Water Source: SPRING

Tributary to: ROCK CREEK, FOURTH FORK

Point(s) of Diversion:

T14S R18E S25

NENE

Stage: BENEFICIAL USE

TWIN FALLS County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE													
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
14S	18E	24	:																	:									:

POU County: TWIN FALLS

Non-Irrigation Uses: 1 HOME

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A47-02563 A47-14789 A47-15210

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP FOREST SERVICE RECORD ID = 0414 17040212 21 0039

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 06/10/1998 User-ID: AJU4-DJO Subject: DOMESTIC 1 HOME UPDATE
USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME".
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO AN EXP REMARK.

Audit: 05/29/98 AJCTR 06/10/98 AJU4-DJO

0.04
0.02 CFS
BENEFICIAL USE
License on WR

Disallowed
Recommended as
A47-14789

D
6-23-98

16/1/98

WR5809NP
No. 47-02563

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/10/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPT OF AGRICULTURE	06/03/1963	STOCKWATER DOMESTIC	01/01 12/31 01/01 12/31	0.035 CFS	0.70 AFA
TOTAL DIVERSION:					0.035 CFS	0.70 AFA

Water Source: MAGIC MOUNTAIN SPRING

Tributary to: ROCK CREEK

Stage: LICENSE

Point(s) of Diversion: T14S R18E S25

NENE

TWIN FALLS County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
14S	18E	24	:																			:
14S	18E	25	:	S																		:

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

Pou County: TWIN FALLS

Dates:	App. Received:	Priority Date:	06/03/1963
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		06/05/1979
Misc:	Water District Number:	Field Exam Fee:	
Audit:	03/26/85 05/28/88 CONVERT	04/03/89 NAMECHNG	01/26/92 POST-STD