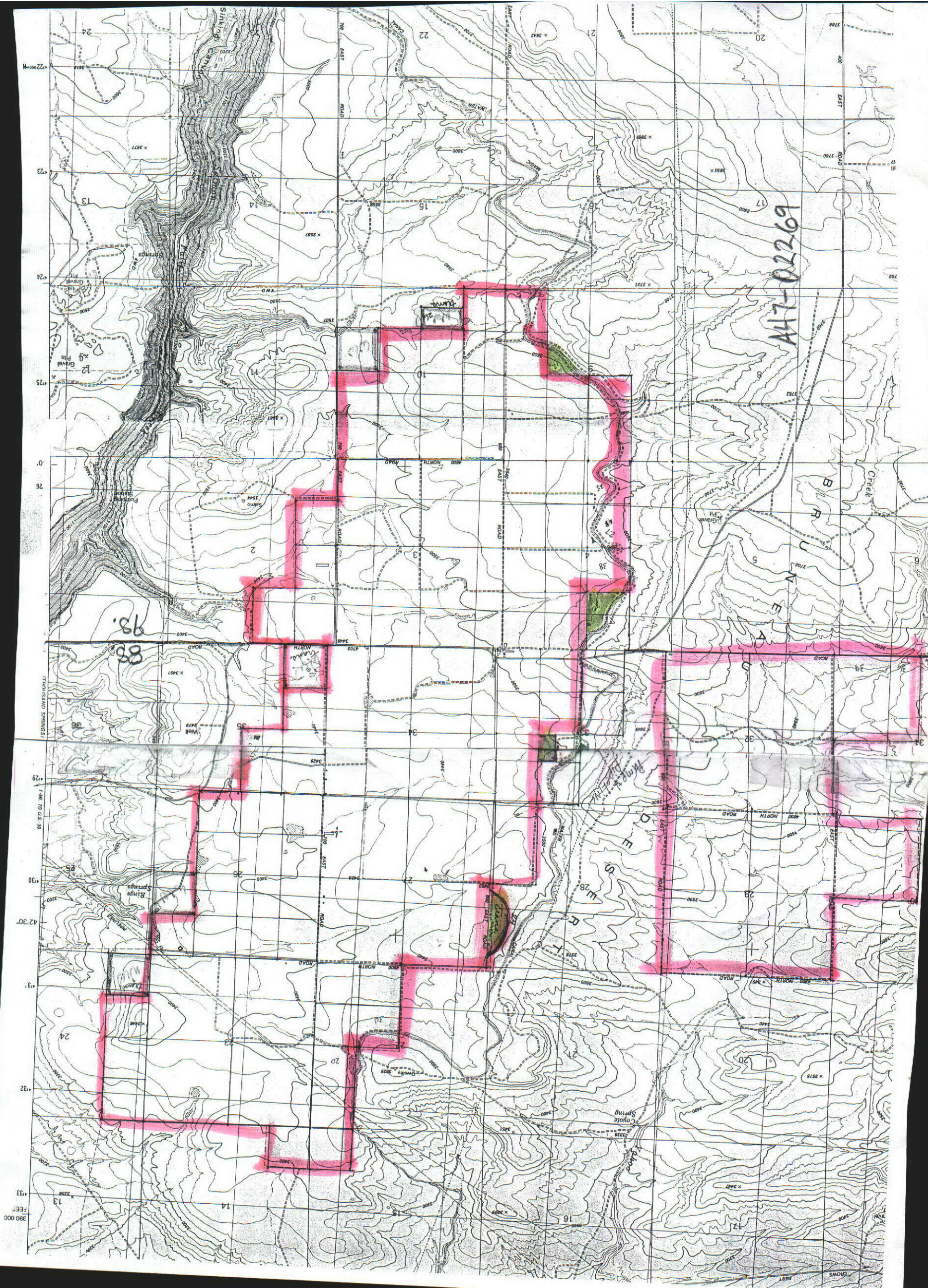
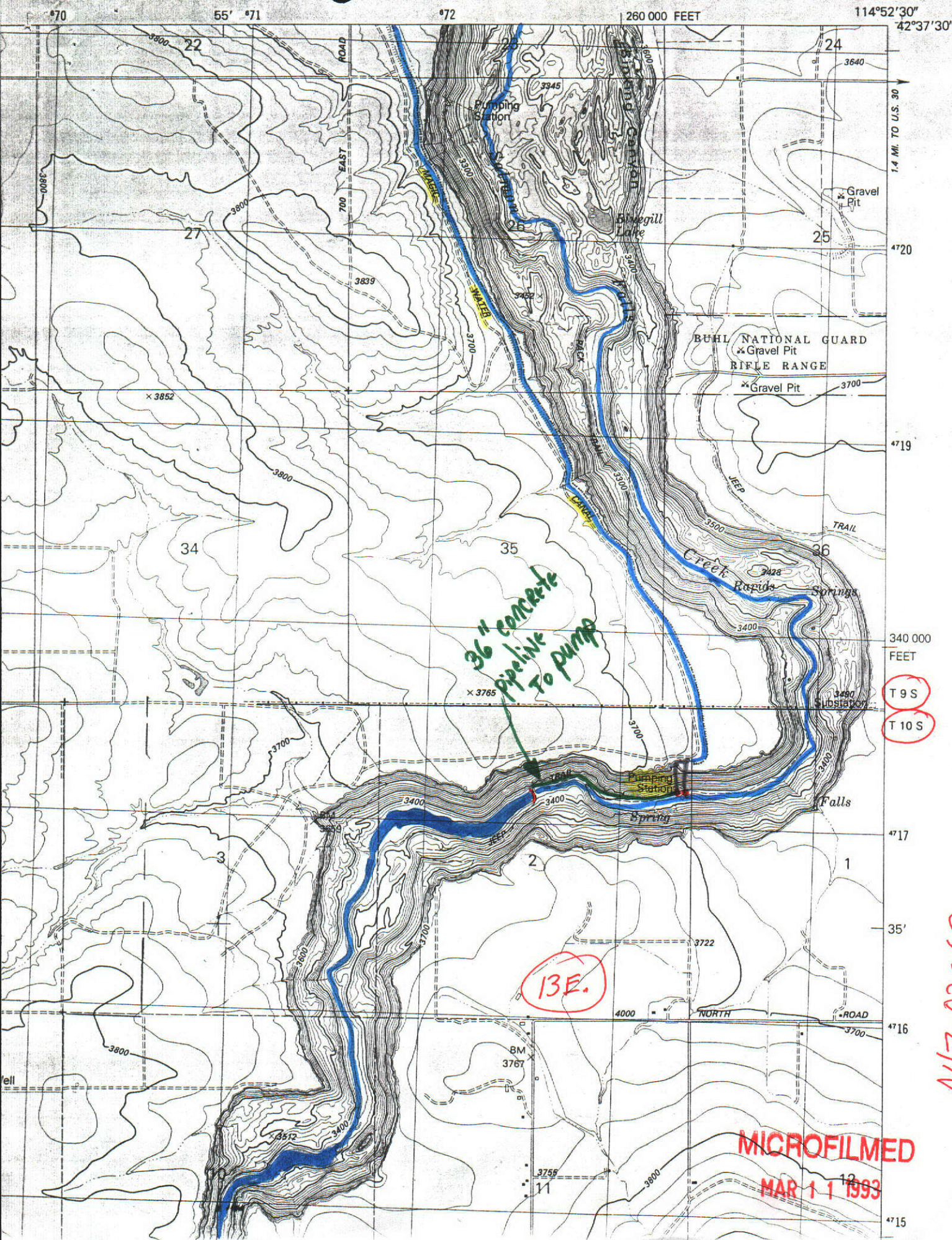




3883 M
THOUSAND FT.



1.4 MI. TO U.S. 30

4720

4719

340 000
FEET

T 9 S

T 10 S

4717

35'

4716

4715

13E.

MICROFILMED
MAR 11 1993

A47-02269

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: A47-02269
Date Received: 9/12/1988
Receipt No: S002147
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAGIC WATER CO. INC. 208-543-6388
Address: RT. 3
BUHL, ID 83316

2. Date of Priority: FEB 11, 1953

3. Source: SALMON FALLS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	13E	2	NE	SE	NE		TWIN FALLS
			NE	SE	NW		TWIN FALLS

5. Description of diverting works:
8-600 HP PUMPS, 3-200 HP PUMPS AND PIPELINE TO CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	94.560		27568.00

7. Total Quantity Appropriated is:
94.560 C.F.S. (and/or) 27568.00 A.F.A.

8. Total consumptive use is 20673.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	13E	14	SW	SW		IRR	40.0
						Section Acres	40.0

A47-02269

Page 1

Date: 09/12/88

MICROFILMED

MAR 11 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	13E	15	SE	SE		IRR	40.0
			Section Acres				40.0
		22	NE	NE		IRR	40.0
			SE	NE		IRR	20.0
			NE	SE		IRR	40.0
			NW	SE		IRR	30.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				210.0
		23	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	20.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				620.0
		24	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			Section Acres				160.0
		26	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08S	13E	26	SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
							Section Acres	520.0
		27	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	640.0
		28	NE		NE		IRR	12.0
			SE		NE		IRR	12.0
			NE		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	104.0
		29	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	13E	29	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres			640.0	
		30	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres			160.0	
		31	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	36.0
			SE	SE		IRR	39.0
			Section Acres			155.0	
		32	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres			640.0	
		33	NE	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	13E	33	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	240.0
		34	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	39.0
						Section Acres	639.0
		35	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
						Section Acres	240.0
09S	13E	2	NE	NW	3	IRR	53.0
			NW	NW	4	IRR	53.0
			SW	NW		IRR	40.0
			NW	SW		IRR	40.0
						Section Acres	186.0
		3	NE	NE	1	IRR	53.0
			NW	NE	2	IRR	53.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	13E	3	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW	3	IRR	53.0
			NW	NW	4	IRR	53.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 692.0

4	NE	NE	1	IRR	53.0
	NW	NE	2	IRR	53.0
	SW	NE		IRR	40.0
	SE	NE		IRR	40.0
	SE	NW		IRR	38.0
	NE	SW		IRR	27.0
	SE	SW		IRR	25.0
	NE	SE		IRR	40.0
	NW	SE		IRR	40.0
	SW	SE		IRR	40.0
	SE	SE		IRR	40.0

Section Acres 436.0

9	NE	NE		IRR	40.0
	NW	NE		IRR	40.0
	SW	NE		IRR	40.0
	SE	NE		IRR	40.0
	NE	NW		IRR	40.0
	NE	SE		IRR	40.0
	SE	SE		IRR	40.0

Section Acres 280.0

10	NE	NE		IRR	40.0
	NW	NE		IRR	40.0
	SW	NE		IRR	40.0
	SE	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	13E	10	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	26.0
			NW	SE		IRR	40.0

Section Acres 506.0

Total Acres 7148.0

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:
NONE

14. Remarks:

RT. IDENTIFIED IN DECREE. AC. IRR. = 6891.7.
P/U LISTED AS SEC. 16, 9S. 13E. WAS TRANSFERED TO SWSW SEC. 24
8S.; SWSW SEC. 35, 8S.; SESW SEC 10, 9S.; NENE, SENE SEC. 28,
8S. UNDER PRESUMPTION CLAUSE. ACREAGE WAS CHANGED ON LOTS TO
THE CORRECT NUMBER OF ACRES.

15. Basis of Claim: LICENSE
Water Right Number: 24128

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Pres of
Magic Water Co, that I have signed the foregoing
organization
document in the space below as Pres of
Title
Magic Water Co and that the statements contained in the
organization
foregoing document are true and correct.

Kenneth P Elkin
Signature of Authorized Agent

Pres Magic Water Co
Title and Organization

9/12/88
Date

State of Idaho

County of Twin Falls)
SS.

Subscribed and sworn (or affirmed) before me this 12th day

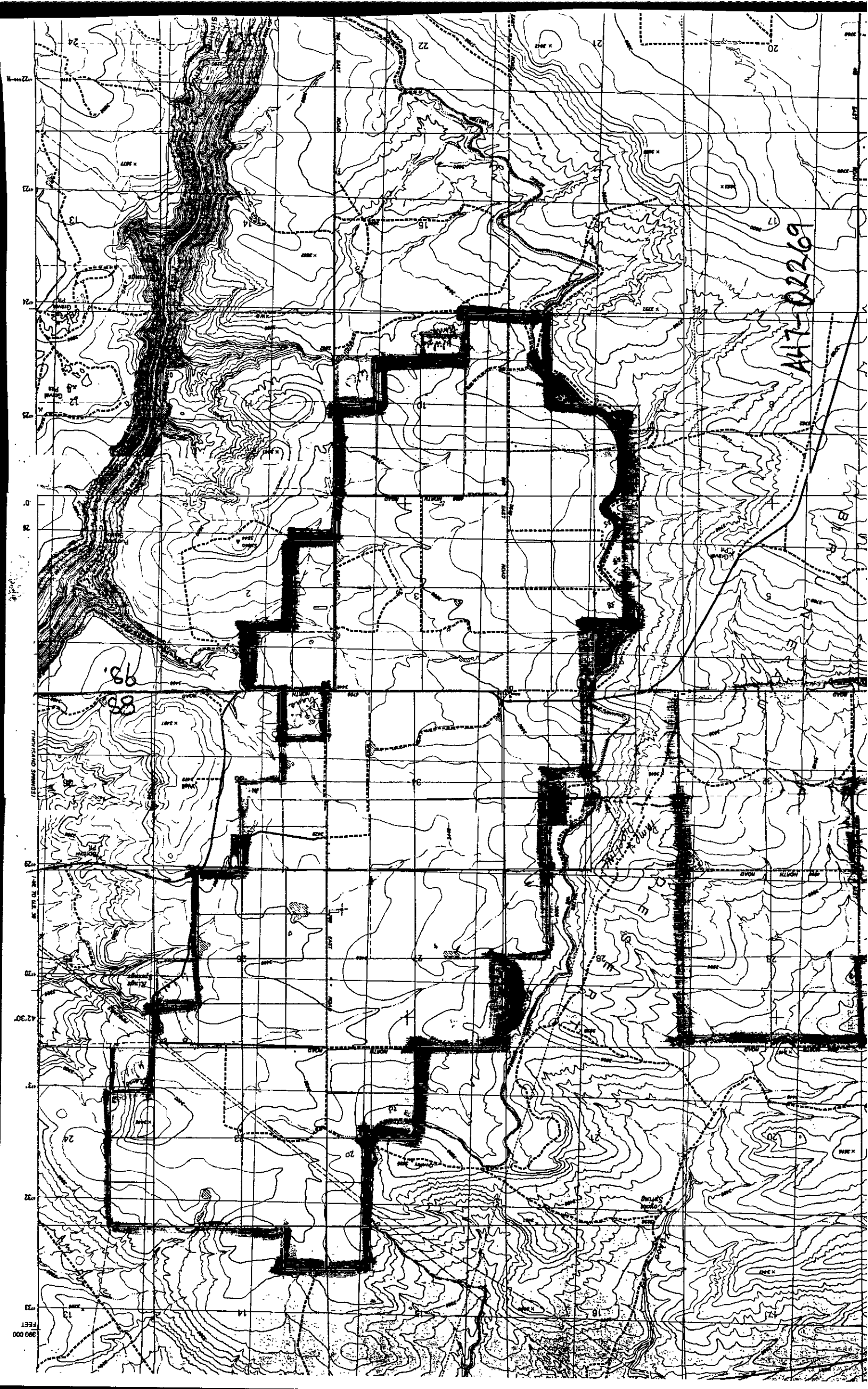
of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94



A47-Q2269

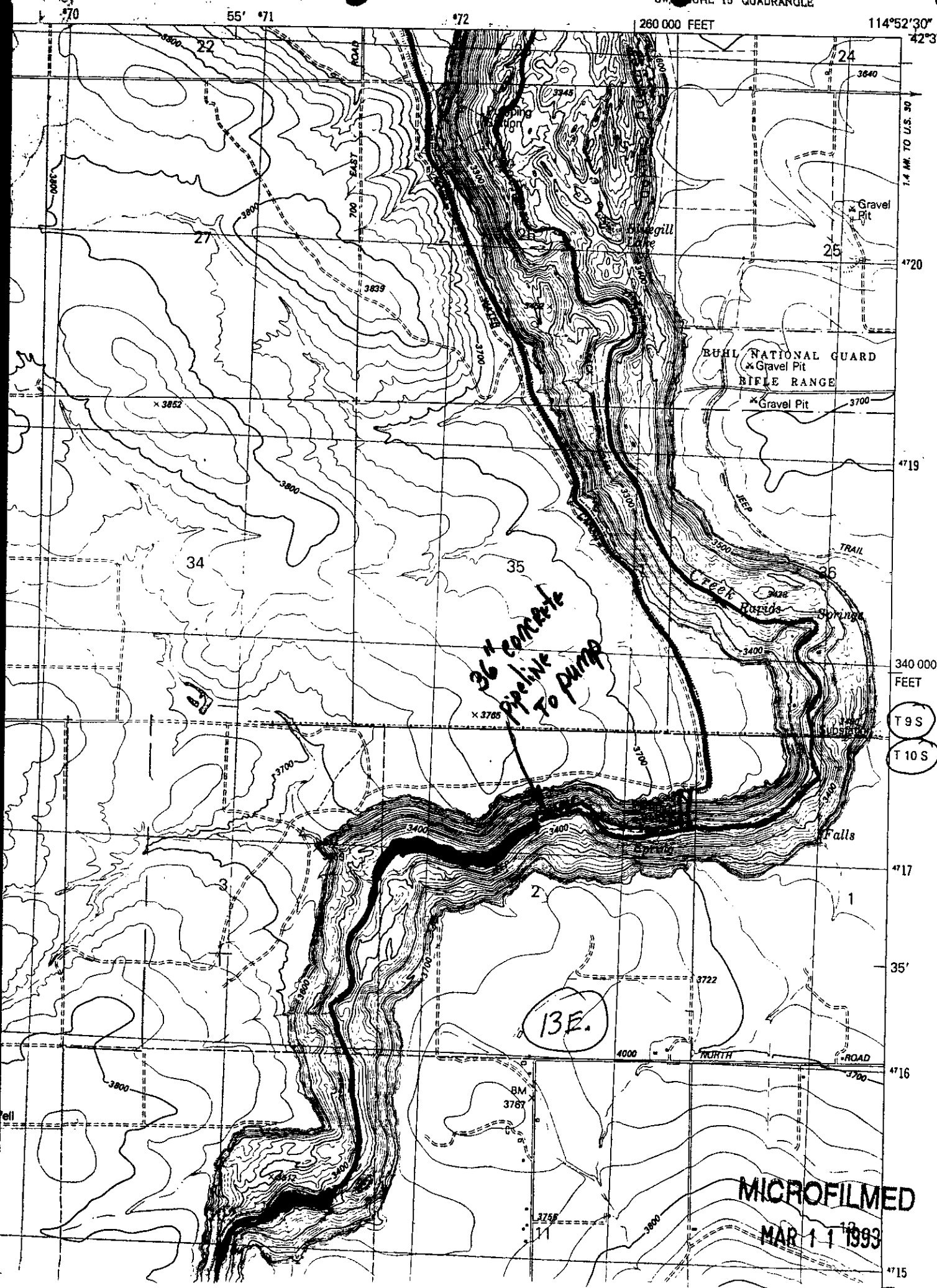
88.
98.

200 000
FEET

IDAHO-TWIN FALLS CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

84,000 UHL 15' QUADRANGLE

3000 ft
7 THOUSAND 500



1.4 MI. TO U.S. 30

340 000 FEET

T 9 S
T 10 S

A47-02269

MICROFILMED
MAR 11 1993

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.

IDWR Employee/Agent Kelly K Christensen

DATE	CUSTOMER
March 1, 1995 12:26pm	MIKE AUSTIN

SUBJECT: REVIEW OF MAGIC WATER RIGHTS
phone call (.) walk-in (X)

We reviewed the P/U for A47-02269 by maping it on his quad map. We discussed the generalities of the Magic Water claims and their current status. I eventually generated proof reports for A47-02269, 47-02269, A47-15774, A47-15970, A47-15985, A47-15996, A47-15995. We also discussed general water right issues also.

NOV 28 1996

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.

IDWR Employee/Agent Kelly K Christensen

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

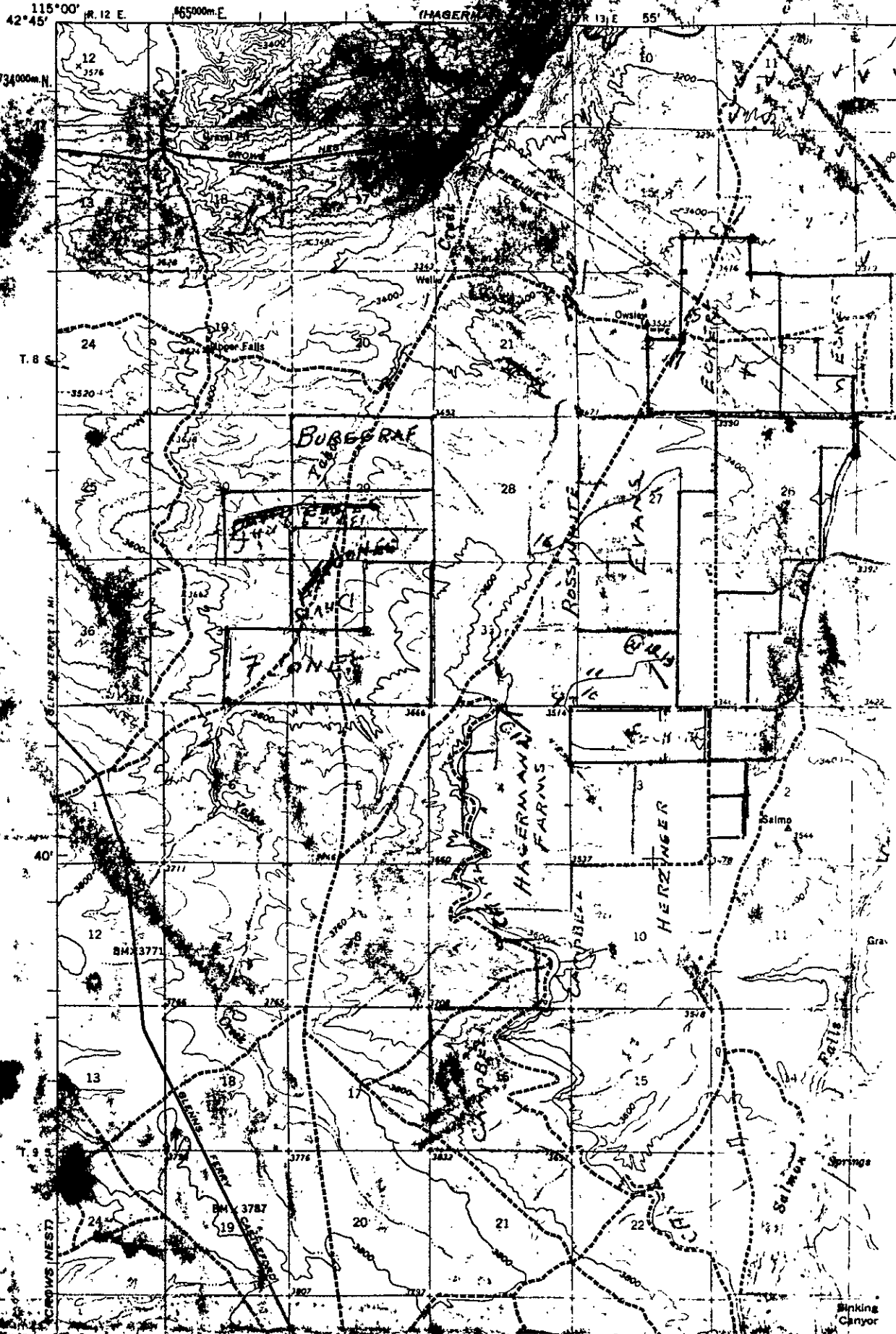
SUBJECT: evidence of priority FOR A47-10261 AND MAGIC WATER CLAIM
A47-02269 AMENDMENT
phone call (.) walk-in (X)

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.

NOV 28 1996

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



448.33 miles incl = 1 cult

210 718-
Jensen & Brown

NOV 28 1956

WATER LICENSE

Water License No. 24128/47-2269 Priority February 11, 1953 Amount 94.56 c.f.s.

THIS IS TO CERTIFY, that MAGIC WATER COMPANY, INC.

of Buhl, Idaho, made application for a permit to appropriate the public waters of the State of Idaho dated February 11, 1953; that Permit 24128/47-2269 was issued pursuant to said application that the proposed works were completed on or about December 30, 1969 with a storage or carrying capacity of 103.31 c.f.s., said works consisting of earth filled dam, pipes, pumps, canal, and cippoletti weir; and that on January 2, 1970 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 27.568 acre feet per season, with a maximum rate of diversion of 94.56 cubic feet per second of the waters of Salmon Falls Creek, tributary of Snake River, for the purpose of Irrigation from March 15 to November 15; and for _____ from _____ to _____; and for _____ from _____ to _____; and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in SE 1/4 NW 1/4, Sec. 2, T. 10 S, R. 13 E, 8 M., and other additional points _____, in the County of Twin Falls; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 27.568 acre feet per year.

Description and location of place of use: SEE ATTACHMENT A

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres irrigated _____

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this _____ day of August _____, 1970.

Deputy State Reclamation Engineer

17 2269

24128

ATTACHMENT A

Description and location of place of use:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				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	
8 S	13 E	27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		28													40			40	80
		29	40	40	40	40	40	40	40	40	40	40	38	40	40	40	40	40	638
		30													40	40	40	40	160
		31													39.8	40	36	39	154.8
		32	38	40	40	40	40	34	39.5	40	40	39.7	39.5	39.5	40	40	39.5	39.5	629.2
8 S	13 E	14											20						20
		15																40	40
		22	40			20									40	30	40	40	210
		23	10	40	40	33	20	40	40	40	40	40	40	40	40	40	40	40	613
		24						35	36			40							111
		26	33.7	40	40		40	40	40	40	40	40	40	40		40	40		513.7
8 S	13 E	33	40			40									40	38	39	39	236
		34	39	40	40	40	40	40	40	40	40	40	39.5	39.5	39	40	39.5	39	635.5
		35					40	40	40	40		27							187
9 S	13 E	2					35	30	39.5			39.5							144
		3	20	39.5	40	39.5	39.5	39.5	40	40	40	40	40	40	39.5	40	40	39.5	617
		4	39.5	39.5	40	40				38	27			25	40	40	40	40	409
9 S	13 E	9	40	40	38	40	35								25			26	244
		10	39.5	40	40	40	40	40	40	40	40	40	40			40			479.5
		16			35	15									25	15	20	20	130

Total number of acres irrigated 6891.7

47-2269
24128

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of Water Permit)
No. 24128 in the Name of)
MAGIC WATER COMPANY, INC.)

EXTENSION OF TIME FOR COMPLETION OF WORKS

APPROVAL OF STATE RECLAMATION ENGINEER

I, CARL E. TAPPAN, Assistant State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction of works under Permit to appropriate the public waters of the State of Idaho No. 24128 from May 2, 1963, to May 2, 1965.

Witness my hand this 1st day of April, 1963.

/s/ CARL E. TAPPAN
Assistant State Reclamation Engineer

(SEAL)

Application for Amendment
POINT OF DIVERSION
Permit No. 24128

Comes now MAGIC WATER COMPANY and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public waters of the State of Idaho, No. 24128.

That the point of diversion is described in said Permit as being located: 60 feet North and 2772 feet west from the SE corner of Sec. 36, T. 9 S., R. 13 E., and is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 36, T. 9 S., R. 13 E., E. M.

That he now requests that the point of diversion be changed to a point located: North 16° 32' West 3590 ft. from the east $\frac{1}{4}$ corner of Sec. 2, T. 10 S., R. 13 E., E. M. and in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2.

That the reason for desiring to make such change is as follows: The original written description was wrong. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 15 day of July, 1964.

HOPKORTH & MUNGESTER (Pob)
By BILL HART

Date of Receipt at Department of Reclamation: July 15, 1964

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment, to Permit to appropriate the Public Waters of the State of Idaho, No. 24128. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ RALPH W. THOMAS, Deputy
State Reclamation Engineer

Recorded: July 15, 1964

APPLICATION FOR AMENDMENT

LAND LIST

Permit No. 24128

Comes now Magic Water Company, Inc., and represents to the State Reclamation Engineer of the State of Idaho:

That it is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 24128, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

Township 8 South, Range 13 E., E. M.:

All of Sec. 33; 34; 26; 27; 28; 22; 14; and the W $\frac{1}{2}$, Sec. 35; SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25; E $\frac{1}{2}$, Sec. 28; W $\frac{1}{2}$, Sec. 24; SE $\frac{1}{4}$, Sec. 21; E $\frac{1}{2}$, Sec. 15; W $\frac{1}{2}$, Sec. 14; E $\frac{1}{2}$, Sec. 10, all of Sections Nos. 29 and 32; E $\frac{1}{2}$, Sec. 30; E $\frac{1}{2}$, Sec. 34;

Township 9 South, Range 13 E. E. M.

All of Sec. 3; 4; 9; W $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and Lots 3 and 4, of Sec. 2. making a total of 9,346.63 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Buhl, Idaho, this 23rd day of February, 1965.

MAGIC WATER COMPANY, Inc.

ATTEST:

By: LEE L. WHITE, President

Farrell J. Jones, Secretary (seal)

Date of Receipt at office of Department of Reclamation: February 24, 1965

APPROVAL OF STATE RECLAMATION ENGINEER

I, CARL E. TAPPAN, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 24128. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ CARL E. TAPPAN
State Reclamation Engineer

Permit No. 24128
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that EVERGREEN CANAL COMPANY - Assignee - Magic Water Co., Inc. of Buhl, County of Twin Falls, and State of Idaho, the holder of Permit No. 24128, issued upon Application No. 31497, bearing date of priority of Feb. 11, 1953, authorizing the diversion of 120 second feet of waters of Salmon Falls Creek, County of Twin Falls, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 94.57 second feet of the waters of Salmon Falls Creek, tributary of Snake River; that the point of diversion of said waters N. 16° 32' W - 3590' from East ¼ Corner, Sec. 2, T. 10 S., R. 13 E., B. M. and in SE¼NW¼, Sec. 2, T. 10 S., R. 13 E., B. M.; and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: Lands under the Magic Water Company canals in Sections 10, 11, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, T. 8 S., R. 13 E., Sections 2, 3, 4, 9, 10, T. 9 S., R. 13 E., B. M. The Quantity of Water is limited by the amount actually diverted from the Stream at the described point of diversion.

Witness my hand this 20th day of September, A.a D. 1965

s/ RALPH W. THOMAS, Deputy
State Reclamation Engineer

Proof of Completion of Works MADE: April 19, 1965

LICENSE ISSUED FOR 94.56 SEC. FI.
LICENSE PAGE NO. _____

44108

A S S I G N M E N T

For value received, I hereby assign all my right, title, and interest in and to Permit to Appropriates the Public Waters of the State of Idaho, No. 24128 to Falls Creek Irrigation Company of Buhl, Idaho.

EVERGREEN CANAL COMPANY
Permit Holder.

By

M. F. BARRETT

State of Idaho) ss.
County of Ada)

On this 28th day of April, 1955, before me, a Notary Public for the State of Idaho, residing at Boise, Idaho, personally appeared M. F. Barrett, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial seal, the day and year in this certificate first above written.

HARLEY M. McDOWELL
Notary Public, residing at
Boise, Idaho

(SEAL)

My Commission expires, 10/11/55.

Received and filed for record in the Department
of Reclamation, at Boise, Idaho, April 28, 1955.

MARK R. KILP
State Reclamation Engineer

A S S I G N M E N T

For value received, I hereby assign all my right, title and interest in and to Permit to Appropriates the Public Waters of the State of Idaho, No. 24128 to Magic Water Company, Inc., of Buhl, Idaho.

Falls Creek Irrigation Company
Permit Holder

MAURICE H. ECKERT
Maurice H. Eckert

State of Idaho)
County of Ada) ss

On this 10th day of November, 1955, before me, a Notary Public for the State of Idaho, residing at Boise, Idaho, personally appeared Maurice H. Eckert, Director, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial seal, the day and year in this certificate first above written.

(SEAL)

My commission expires 11-11-59

A. C. KISER
Notary Public, residing at Boise, Ida.

Received and filed for record in the Department of
Reclamation, at Boise, Idaho, November 10, 1955.

MARK R. KILP
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Permit No. 24128
Magic Water Co., Inc.

EXTENSION OF TIME

✓
WHEREAS, the Magic Water Co., Inc., holder, through assignment, of Permit No. 24128 for the appropriation of 120 cubic feet per second of the waters of Salmon Falls Creek was unable to complete the diversion works by the specified date of May 2, 1958; and,

WHEREAS, the said Magic Water Co., Inc., made application on January 13, 1958, for extension of time for completion of works and all other requirements of Permit No. 24128; and,

WHEREAS, the Department of Reclamation is of the opinion that the Magic Water Co., Inc., has used due diligence and good faith in trying to meet the requirements of Permit No. 24128 and that the delay is partly due to causes reasonably beyond the control of the permit holder.

NOW, THEREFORE, the date of completion of works under Permit No. 24128 is extended to May 2, 1960, and all other requirements of Permit No. 24128 are extended the same length of time.

Signed at Boise, Idaho, this 23rd day of May, 1958.

(SEAL)

/s/ Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

Approved and recorded:
May 23, 1958.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

IN THE MATTER OF WATER PERMITS
24128, 25739, 25817 and 26408
IN THE NAME OF MAGIC WATER
COMPANY, Inc.

PETITION FOR EXTENSION OF TIME FOR
COMPLETION OF WORKS

***** WHEREFORE, petition prays that the time for completion of works under each of the permits hereinbefore mentioned be extended to May 2, 1963.

Dated this 11th day of March, 1960

s/ A. C. Kiser
Attorney for Magic Water Co., Inc.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permits to appropriate the Public Waters of the State of Idaho, Nos. 24128, 25739, 25817 and 26408 to May 2, 1963.

Witness my hand this 16th day of March, 1960

s/ GEO. N. CARTER
State Reclamation Engineer

See file folder 24128 for copy of Petition for extension of time

Application for Amendment
LAND LIST
Permit No. 24128

Comes now MAGIC WATER COMPANY, Inc., and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 24128, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

All Sec. 15; ENE¹/₄, ESE¹/₄, Sec. 33; All Sections 34, 35, 26, 27, 22, 23, 13, 14, 17, 18, 19, 20; W¹/₂ Sec. 24; E¹/₂, Sec. 30; W¹/₂, Sec. 21, NE¹/₄, SW¹/₄, NW¹/₄ Sec. 29, T. 8 S., R. 13 E.; SE¹/₄, Sec. 14; W¹/₂ Sec. 13, ENE¹/₄, NE¹/₄SE¹/₄, Sec. 26; NW¹/₄SW¹/₄, W¹/₂NW¹/₄, Sec. 25; E¹/₂, Sec. 23; All, Sec. 24, T. 8 S., R. 12 E., All Sec. 3; W¹/₂, SW¹/₄NE¹/₄, NW¹/₄SW¹/₄, Sec. 2; E¹/₂, Sec. 10; W¹/₂NW¹/₄, NW¹/₄SW¹/₄, Sec. 11, T. 9 S., R. 13 E., making a total of 12,880 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Buhl, Idaho, this 25 day of January, 1963.

s/ Magic Water Company, Inc.

By: Carrol J. Jones, President

Date of Receipt at office of Department of Reclamation: March 5, 1963

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 24128. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby

s/ RALPH W. THOMAS,
Deputy State Reclamation Engineer

Recorded: March 5, 1963

APPLICATION FOR PERMIT To Appropriate the Public Waters of the State of Idaho

47-2269-1128

IF PROTECTED

APPLICATION No. 31497
PERMIT No. 24028
DISTRICT No.

Assigned to Dr. J. W. H. Co. Inc.
Buhl Idaho

1. Name of Applicant: EVERGREEN CANAL COMPANY

Postoffice address: 115 South Broadway, Buhl

County: Twin Falls

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: 120 second ft. cubic feet per second.

3. Source of water supply: Salmon Falls Creek which is a tributary of Snake River

4. Location of point of diversion: 60 feet distant from the SE corner of Section 36, T. 9 S., R. 13 E., B.M., and is in the SW 1/4 SE 1/4

of Section 36, T. 9 S., R. 13 E., B.M., County of Twin Falls

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet distant from the corner of Section , T. , R. , B.M., in the of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 200,000

8. Kind of works: Diversion dam and canal.

9. Height of dam 50 feet; length of dam at top feet; length of dam at bottom feet; material used in dam: See specifications

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom 9 feet; width at water line 14 feet; depth of water 6 feet; dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 6 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 24128This proof is for... Completion of Works ... In Water District No. 1. Name of applicant... Magic Water Company, Inc. 2. Source of water supply: Salmon Falls Creek 3. Location of point of diversion: Is in the SE 1/4 NW 1/4 of Section 2 T. 10S R. 13 E.B.M. County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same:

5. Water is used for: Irrigation 6. State whether or not water has been turned into works of diversion: yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

All of Sec. 33; ³⁴26; 27; 23; 22; 11; and the W 1/2 Sec. 35; SW 1/4, SW 1/4 NW 1/4 Sec. 25; E 1/2 Sec. 28; W 1/2 Sec. 24; SE 1/4 Sec. 21; E 1/2 Sec. 15; W 1/2 Sec. 14; E 1/2 Sec. 10; all of Sec. Nos., 29 and 32; E 1/2 Sec. 30; ^{E 1/2 Sec. 31;} all in Twp. 8 S., Rge. 13 E.B.M.

All of Secs. 3; 4; 9; W 1/2, N 1/4 NE 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4 Sec. 10; SW 1/4 NW 1/4, NW 1/4 SW 1/4, and Lots 3 and 4, of Sec. 2., Twp. 9 S., Rge. 13 E.B.M.

Making a total of 9, 346.63 acres

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River & Columbia RiverRemarks: Dr. Lee White and Maurine Eckert along

Measured over a 12' cippollatti weir. (Velocity of approach is higher on North side than south side of weir. Average of the two discharges used in all measurements.)

June 22-23 { Unit "A" Pumps North Side 1.08 = 51.74 }
Unit "B" South Side 1.07 = 44.77 Aug = 48.26 cfs } 94.57 cfs total bottom units
No Side 1.13 = 48.53
So Side 1.06 = 46.09
July 1 { Unit "A" Pumps # 1, 2, 8 + 9 only. No Side 1.23 = 30.55 } Aug = 32.81 cfs discharge measured
speaking over flood boards at diversion box = 13.68 cfs + 32.81 = 46.25 cfs

This examination was made on the 22-23 day of June, 19 65(Signed) Lynn J. Jensen

Lynn Jensen & Neil M. Edmonson Examiner.
Lynn Jensen & Keith Kliggerman

24128

Lee L. White, Pres.,
Magic Water Co. Inc.,
805 11th Ave. No., Buhl, Idaho
Permit No. 24128

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
SEP 10 1965

Department of Reclamation

Examination for.....Completion of Works.....

County.....Twin Falls.....

Sec. 2 T10S R.13 EBM

Quantity: 1/2

Source:

P. D.:

Use:

Filed:

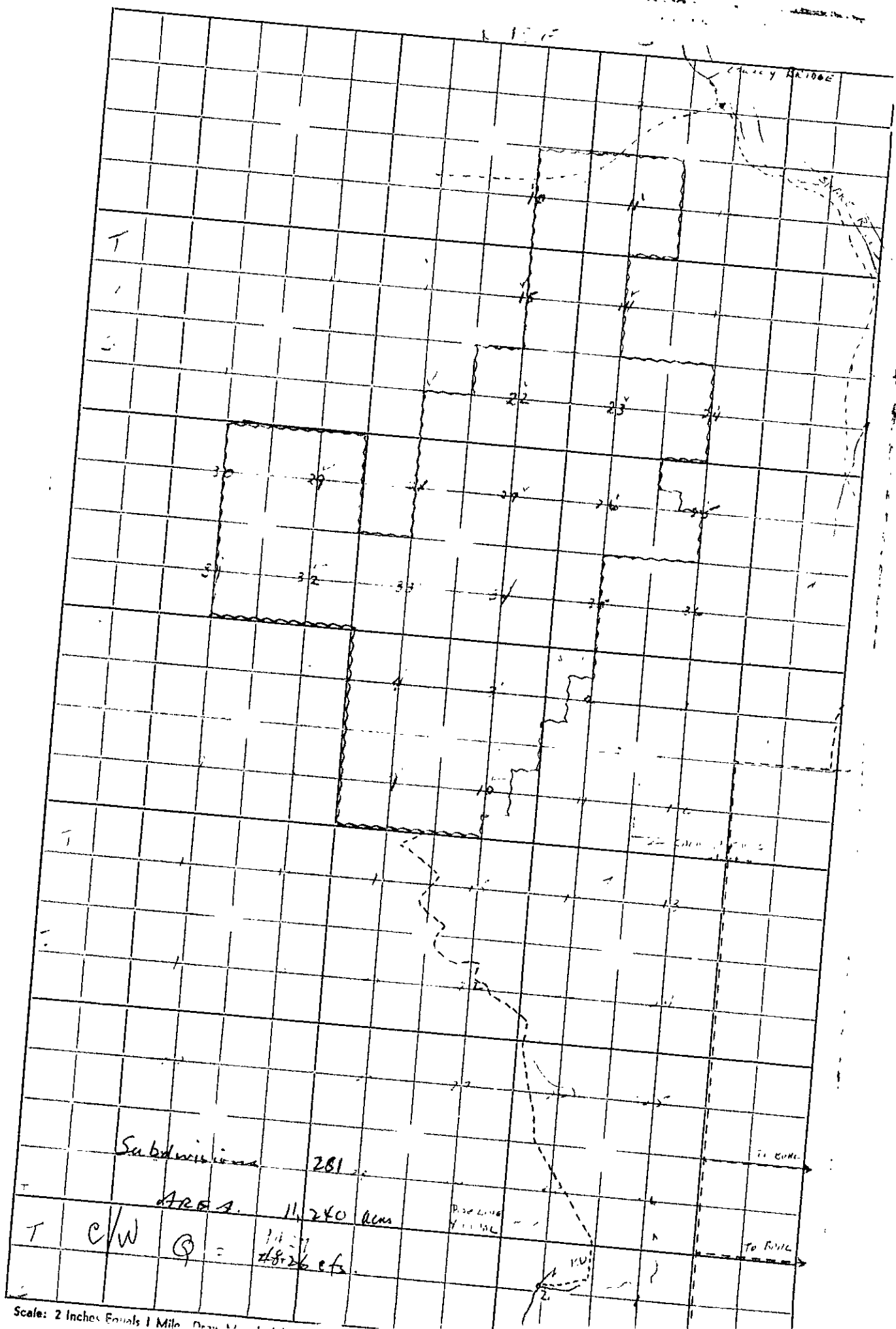
Due:

Extension:

Protest:

Completion of Works:

Other Rights:



Submissions 281

AREA 11,240 Acres

C/W Q = 11.24
48.26 cfs

Scale: 2 Inches Equals 1 Mile

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 24128

REPORT ON PROOF OF Completion of Works

Lee L. White, Pres., Magic Water Co. Inc.,
805 11th Ave. N., Buhl, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 24128/47-2269

This proof is for b/u - 120 cfs In Water District No.

1. Name of applicant Magic Water Company, Buhl, Idaho

2. Source of water supply: Salmon Falls Creek, tributary of Snake River

3. Location of point of diversion: Is in the SE 1/4 of Section 2

T. 10 S R. 13 E County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same:

SEE ATTACHED - 7a & 7b

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion:

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SEE ATTACHED #3

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: AERIAL PHOTOS ARE AVAILABLE FOR MOST OF OUR PROJECT AND ARE AVAILBLE

FROM MR. MAURICE ECKERT, (President, Magic Water Co.)

This examination was made on the day of 19

(Signed) Examiner.

24168
47-2269

AERIAL PHOTOS AVAILABLE FROM
MR. MAURICE ECKERT, PRES. MAGIC WATER CO.

Permit No. 24128/47-2269

Examination for b/u - Magic Water Company

County Twin Falls

Quantity: 120 cfs Sec. 2 T-98 R. 13E

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Source: Salmon Falls Creek

P.D.: SE $\frac{1}{4}$ NW $\frac{1}{4}$

Use: irrigation

~~Extension:~~

~~Protest:~~

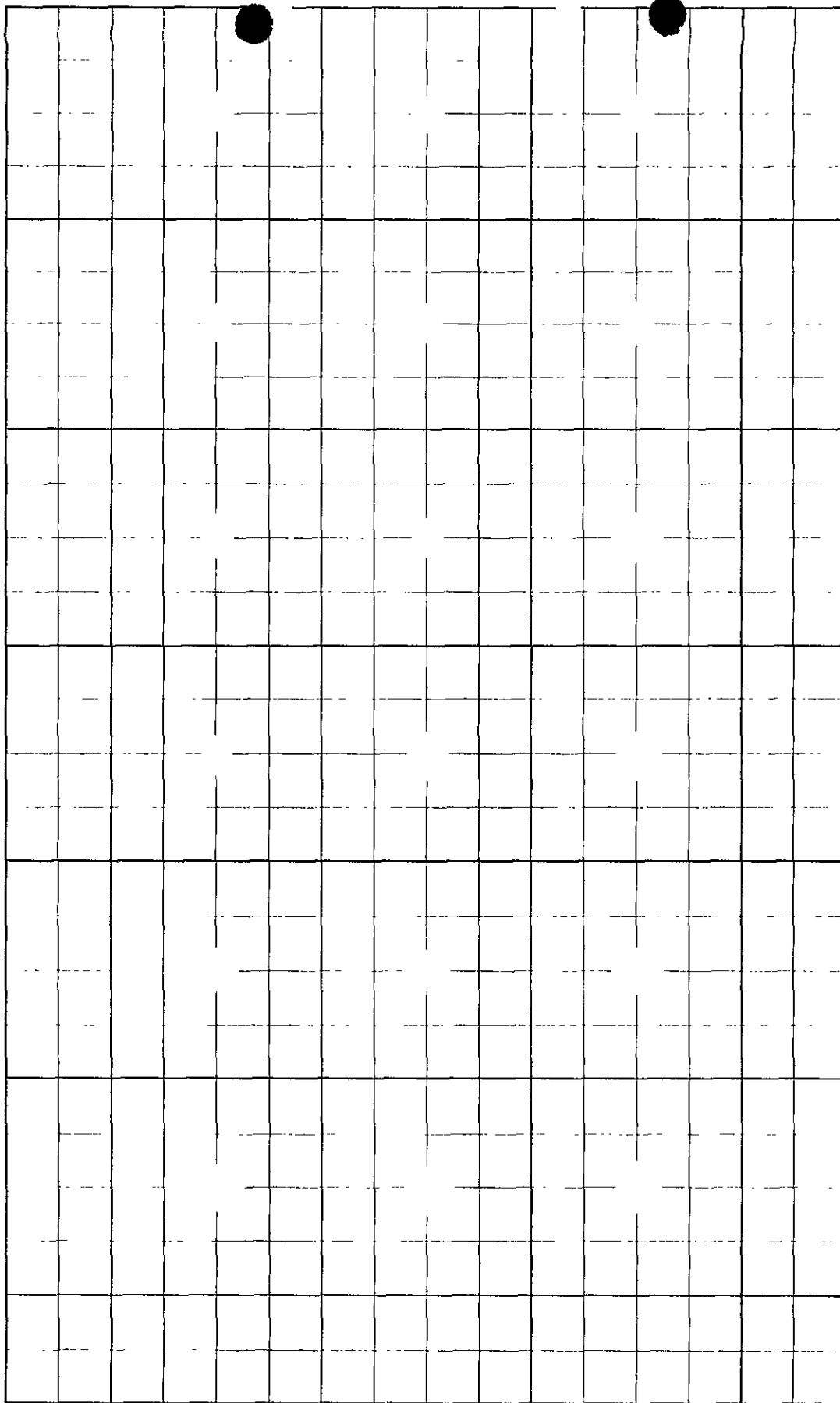
~~Completion of Record:~~

~~Other Rights:~~

Filed: 2-11-53 Made: 1-2-70
Due: 5-2-71 Priority: 2-11-53

Box

CHAS. W. H.
B.B. Jones
Plm. Jm.



Scale: 2 Inches Equals 1 Mile. Draw Map in Ink.

Form 23
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 24128/47-2269

REPORT ON PROOF OF b/u - Magic Water Company

AJ5809NP
No. A47-02269

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/30/01
PAGE: 21

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MAGIC WATER CO INC RT 3 BUHL ID 83316 (208) 543-6388	02/11/1953	IRRIGATION	03-15 11-15	94.560 CFS	27568.00 AFA
					TOTAL DIVERSION:	94.560 CFS
					CONSUMPTIVE USE:	27568.00 AFA 20673.00 AFA

Water Source: SALMON FALLS CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T10S R13E S02

NESENE

NESENW

TWIN FALLS County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
08S	13E	14	:																40.0
08S	13E	15	:															40	40.0
08S	13E	22	:	40			20							40	30	40	40		210.0
08S	13E	23	:	40	40	40	40		20	40	40	40		40	40	40	40		620.0
08S	13E	24	:							40	40	40			40	40			160.0
08S	13E	26	:	40	40	40	24		40	40	40	40		40	40	40	40		544.0
08S	13E	27	:	40	40	40	40		40	40	40	40		40	40	40	40		640.0
08S	13E	28	:												40	40	40	40	80.0
08S	13E	29	:	40	40	40	40		40	40	40	40		40	40	40	40		640.0
08S	13E	30	:												40	40	40	40	160.0
08S	13E	31	:												40	40	36	39	155.0
08S	13E	32	:	40	40	40	40		40	40	40	40		40	40	40	40		640.0
08S	13E	33	:	40			40								40	40	40	40	240.0
08S	13E	34	:	40	40	40	40		40	40	40	40		40	40	40	39		639.0
08S	13E	35	:						40	40	40	40			40	40			240.0
09S	13E	2	:						03-53	04-53	40								186.0
09S	13E	3	:	01-53	02-53	40	40		03-53	04-53	40	40		40	40	40	40		692.0
09S	13E	4	:	01-53	02-53	40	40							27		25	40	40	436.0
09S	13E	9	:	40	40	40	40		40						40			40	280.0
09S	13E	10	:	40	40	40	40		40	40	40	40	26			40			506.0
																		TOTAL ACRES	7148.0

POU County: TWIN FALLS

Other Rights: NONE

Remarks: GEN RT. IDENTIFIED IN DECREE. AC. IRR. = 6891.7.
P/U LISTED AS SEC. 16, 9S. 13E. WAS TRANSFERED TO SWSW SEC. 24
8S.; SWSW SEC. 35, 8S.; SESW SEC 10, 9S.; NENE, SENE SEC. 28,
8S. UNDER PRESUMPTION CLAUSE. ACREAGE WAS CHANGED ON LOTS TO
THE CORRECT NUMBER OF ACRES.
***** THE P/U WAS AMENDED 2-28-95 TO MOVE 12 ACRES FROM THE
NENE SEC 28 AND 12 ACRES FROM THE SENE SEC 28 TO SEC 26 SENE 24
ACRES. PER KENNETH ELKIN. KKC*****

DATE: 01/30/01
PAGE: 22