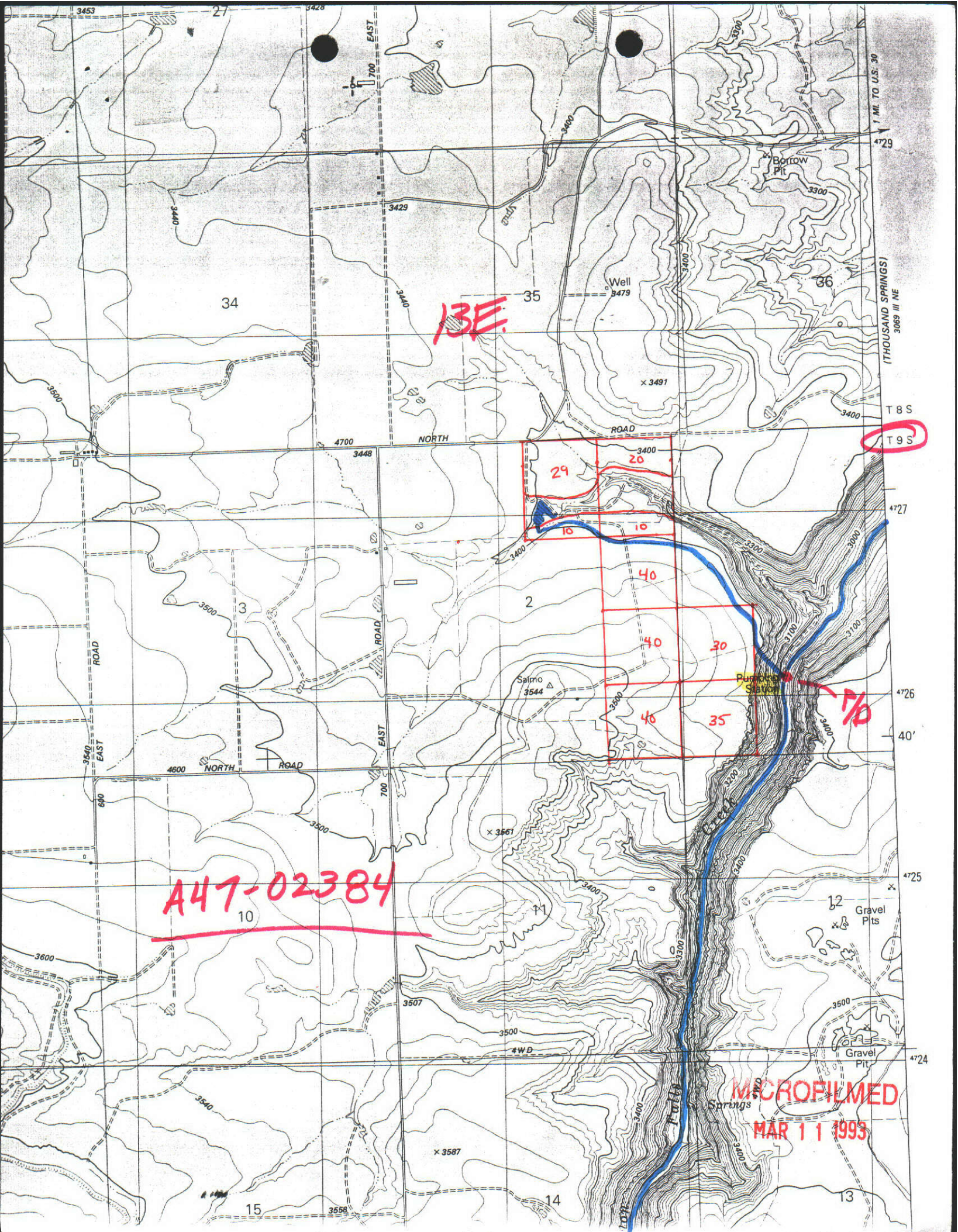




13E

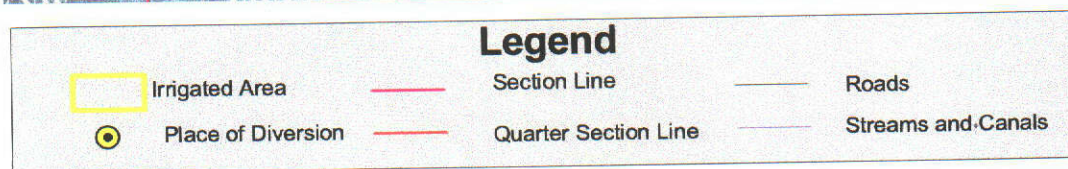
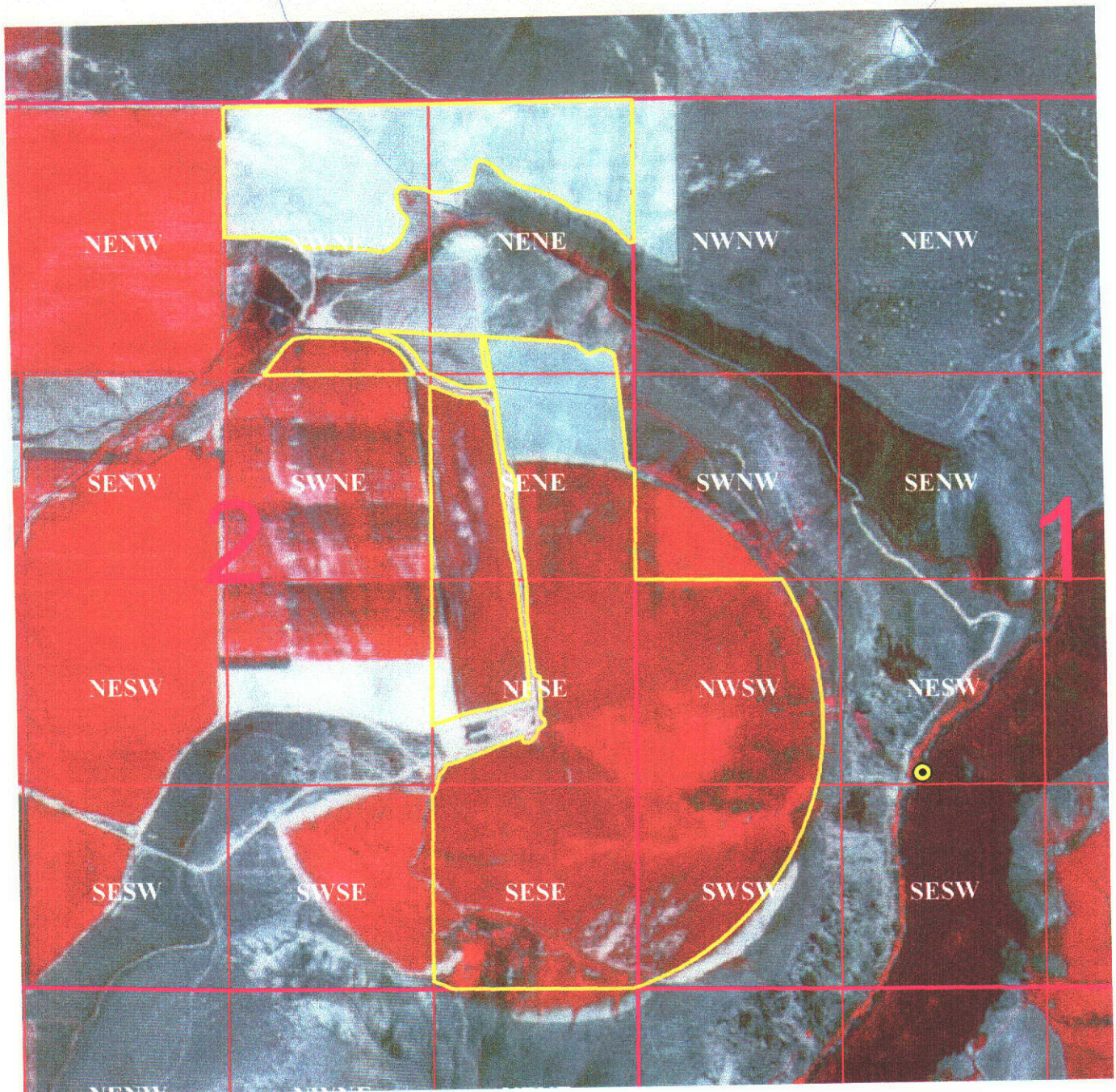
A47-02384

T9S

MICROFILMED
MAR 11 1993

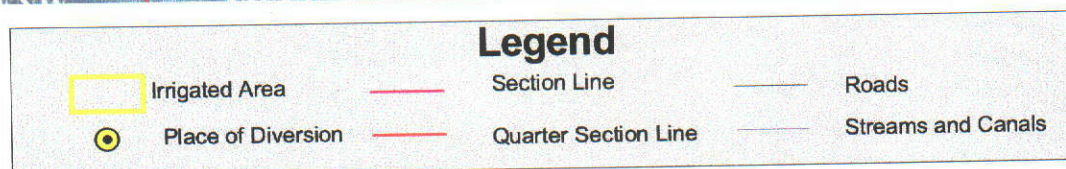
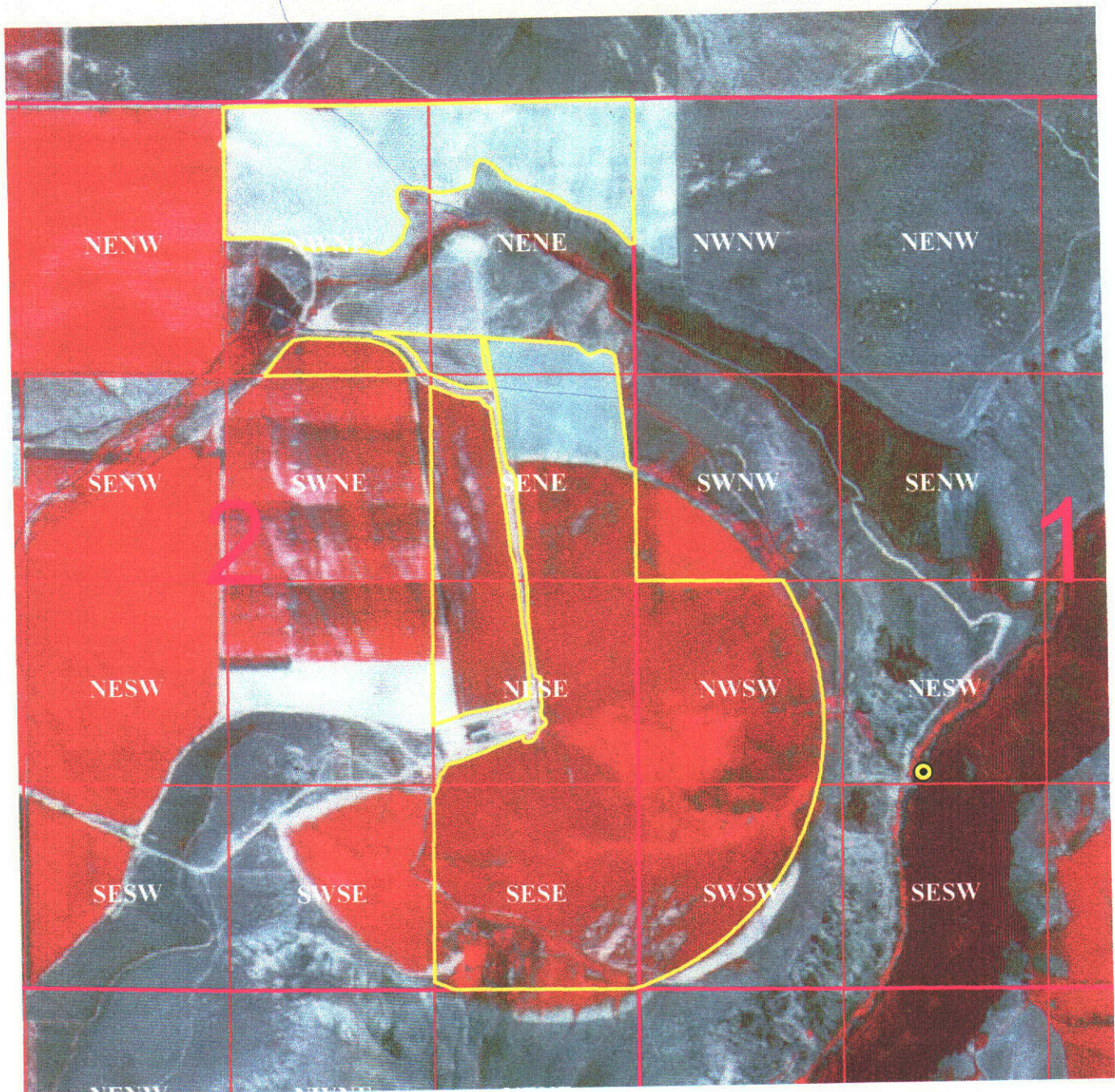
Water Right Claim Number 47-02384
Township , 9S13E

02/16/2001



Water Right Claim Number 47-02384
Township , 9S13E

02/16/2001



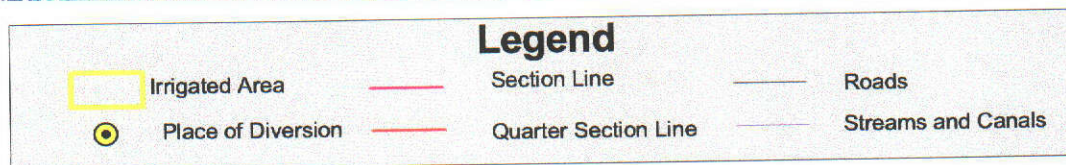
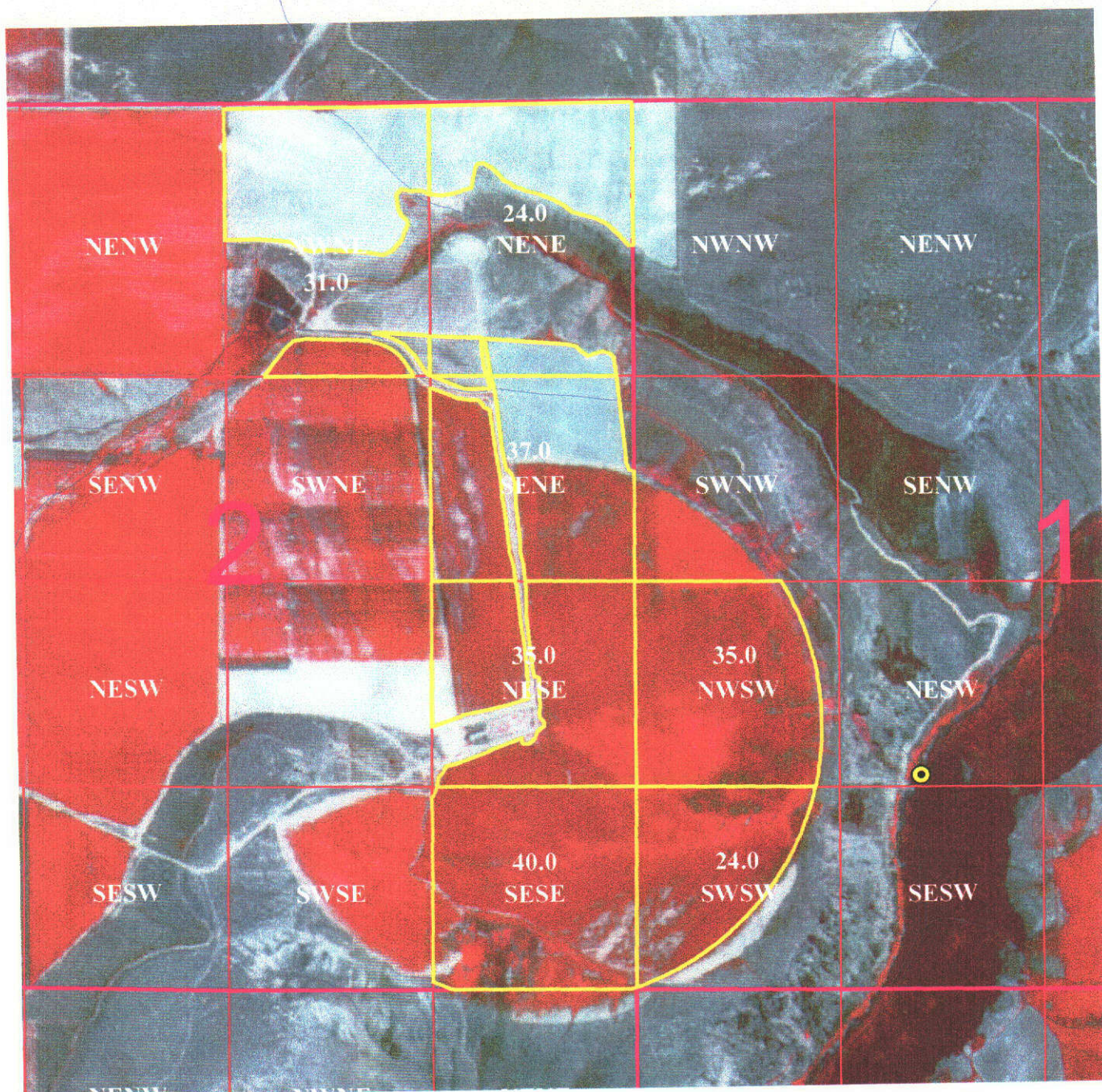
600 0 600 1200 Feet



SPATIAL
DYNAMICS

Water Right Claim Number 47-02384
Township , 9S13E

02/16/2001



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: A47-02384
Date Received: 9/12/1988
Receipt No: S002146
Received By: SCC

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: JAN 14, 1966
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 |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 09S | 13E | 1 | NW | NE | SW | | TWIN FALLS |
5. Description of diverting works:
350 HP PUMP IN CREEK, (200 HP PUMP ON STAND-BY)
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 2.360 | | 820.00 |
7. Total Quantity Appropriated is:
2.360 C.F.S. (and/or) 820.00 A.F.A.
8. Total consumptive use is 750.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	13E	1	NW	SW		IRR	30.0
			SW	SW		IRR	35.0
Section Acres							65.0

A47-02384

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
09S	13E	2	NE	NE	1	IRR	30.0
			NW	NE	2	IRR	39.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 189.0

Total Acres 254.0

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:
A47-02415, A47-10261

14. Remarks:
RT. IDENTIFIED IN DECREE.

15. Basis of Claim: LICENSE
Water Right Number: 31585

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 VP of _____ Title

Magic Irrigators Inc. organization, that I have signed the foregoing document in the space below as VP of _____ Title

Magic Irrigators Inc. organization and that the statements contained in the foregoing document are true and correct.

Kenneth P. Elkin
Signature of Authorized Agent

VP Magic Irrigators Inc.
Title and Organization

Date

State of Idaho

County of Twin Falls)
SS.

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

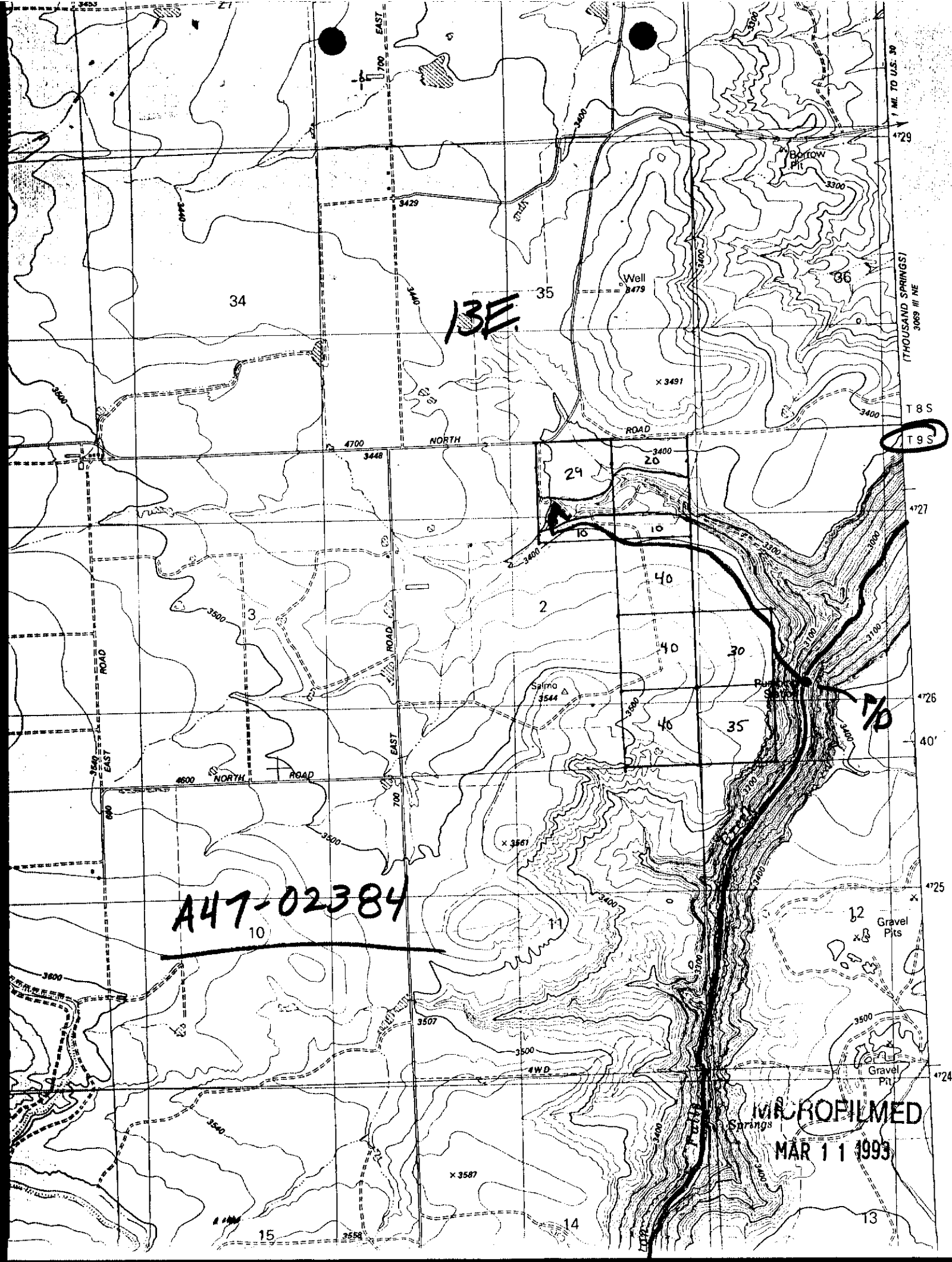
of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94



Log for claim 47-02384

Spatial Dynamics LTD

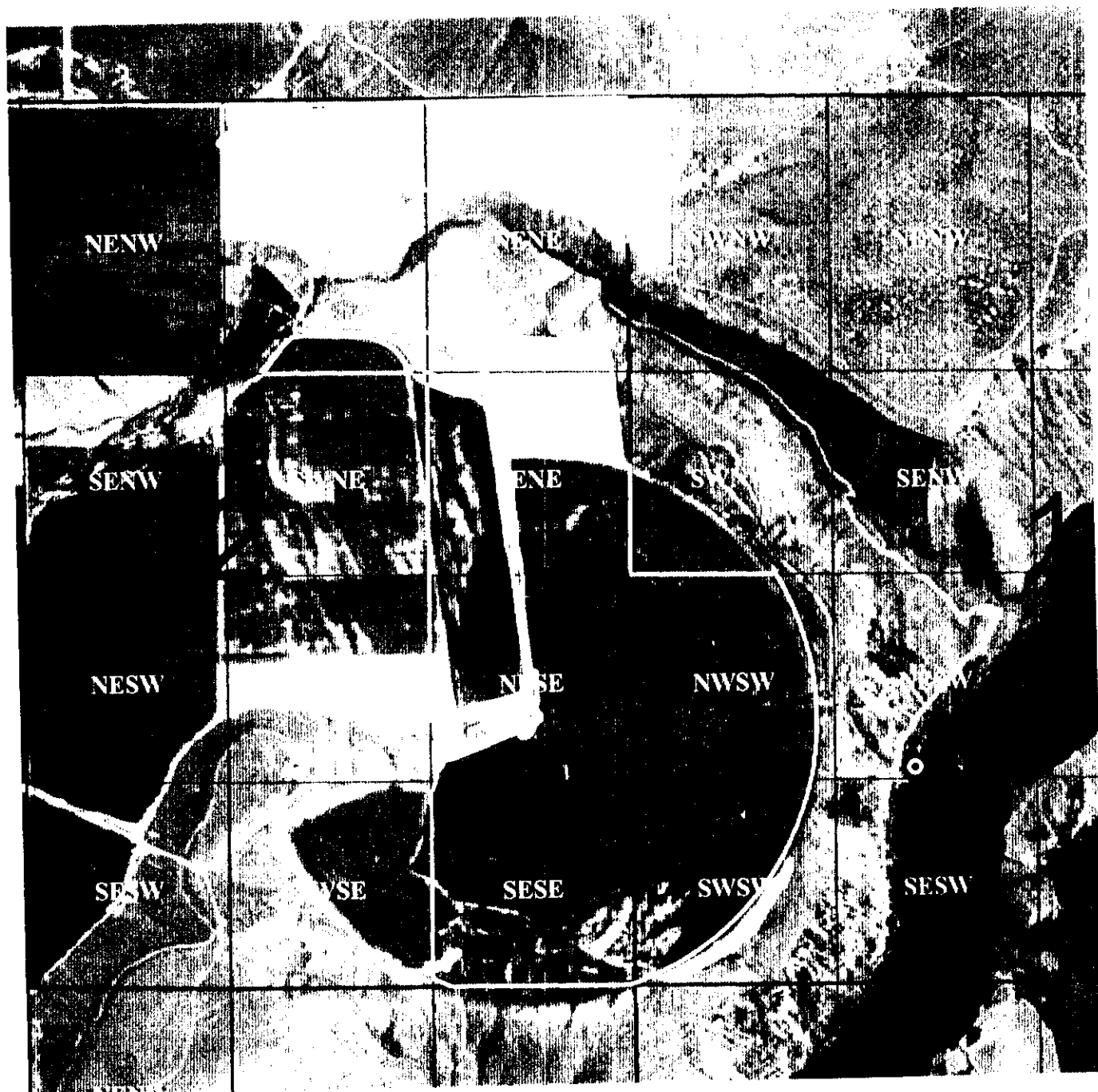
2/16/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s13e	1	NWSW	30	35	
09s13e	1	SWSW	35	24	
09s13e	2	NENE	30	24	
09s13e	2	NWNE	39	31	
09s13e	2	SENE	40	37	
09s13e	2	NESE	40	35	
09s13e	2	SESE	40	40	
Totals:			254	226	

 SPATIAL
DYNAMICS

Water Right Claim Number 47-02384
Township , 9S13E

02/16/2001



Legend

Irrigated Area

Section Line

Roads



Place of Diversion

Quarter Section Line

Streams and Canals

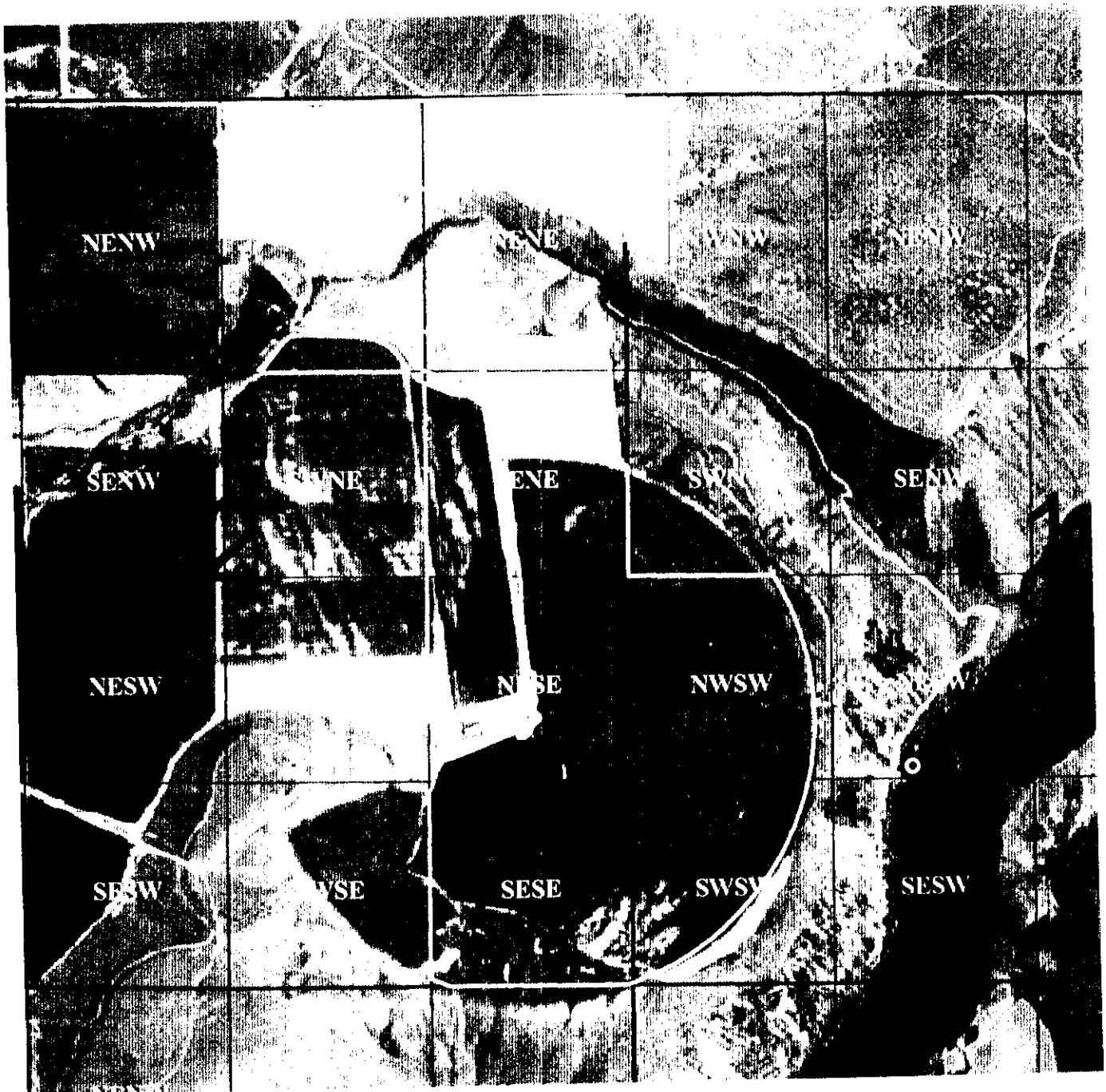


600 0 600 1200 Feet

SPATIAL
DYNAMICS

Water Right Claim Number 47-02384
Township , 9S13E

02/16/2001



Legend

Irrigated Area

Section Line

Roads

⊙ Place of Diversion

Quarter Section Line

Streams and Canals

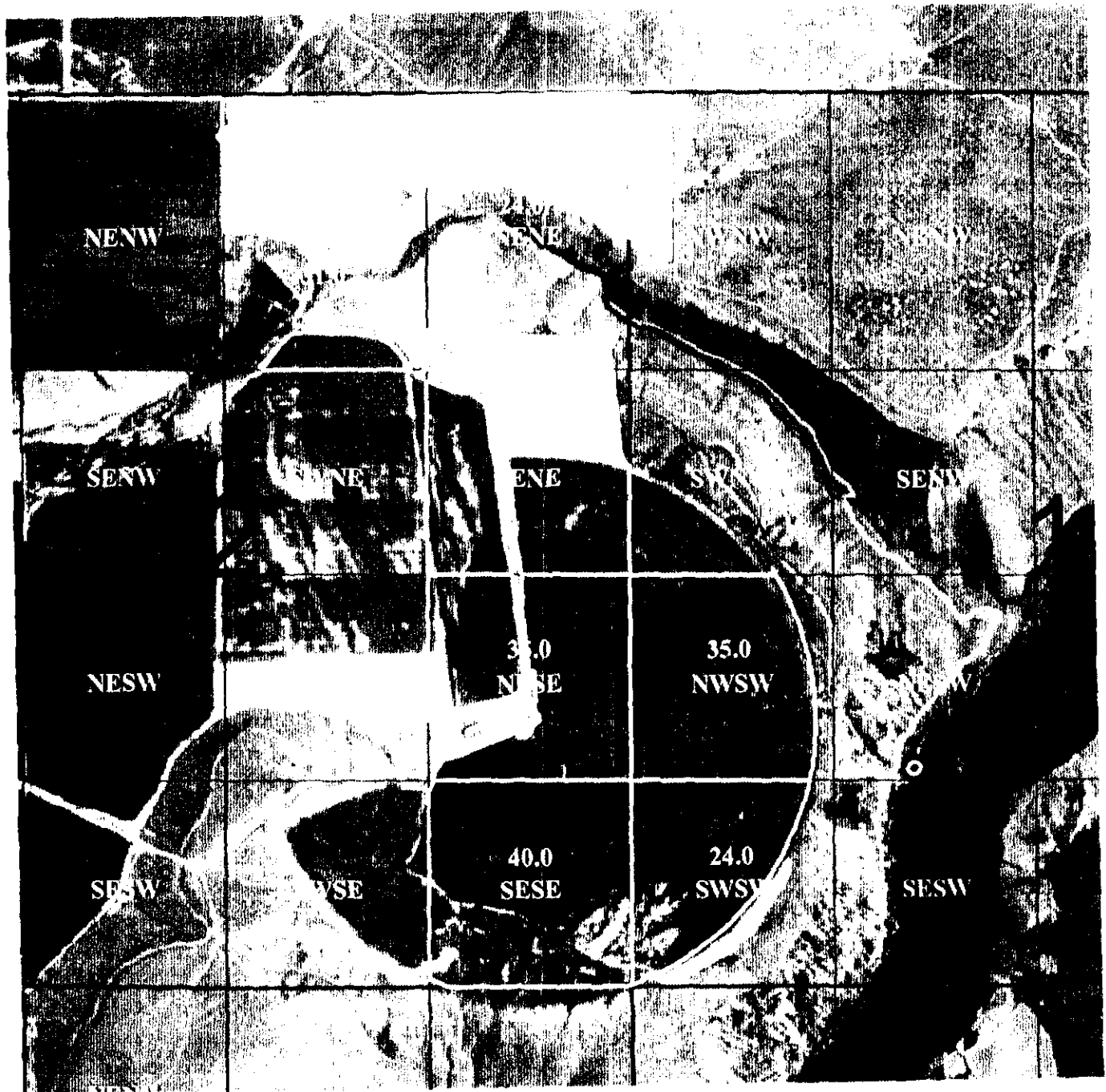


600 0 600 1200 Feet

*SPATIAL
DYNAMICS*

Water Right Claim Number 47-02384
Township , 9S13E

02/16/2001



Legend

Irrigated Area

Section Line

Roads



Place of Diversion

Quarter Section Line

Streams and Canals



600 0 600 1200 Feet

SPATIAL
DYNAMICS

AJ5809NP
No. A47-02384

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/30/01
PAGE: 56

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	01/14/1966	IRRIGATION	04-01 10-31	2.360 CFS	820.00 AFA
TOTAL DIVERSION:					2.360 CFS	820.00 AFA
CONSUMPTIVE USE:						750.00 AFA

Water Source: SALMON FALLS CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

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	1	:											30	35					:	65.0
09S	13E	2	:	01-30	02-39			40								40				:	189.0
TOTAL ACRES																				:	254.0

POU County: TWIN FALLS

Other Rights: A47-02415, A47-10261

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A47-02415 A47-10261 A47-15795

Remarks: GEN RT. IDENTIFIED IN DECREE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 47G

Field Inspection Flag:

Presumption Flag: E

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

WATER LICENSE

Water License No. 31585 Priority January 14, 1966 Amount 2.36 c.f.s.

THIS IS TO CERTIFY, that BETTY JEAN HERZINGER
of Buhl, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated December 9, 1963, that Permit 31585 was issued pursuant
to said application; that the proposed works were completed on or about 1966
with a storage or carrying capacity of 5.0 c.f.s., said works consisting of
2 pumps and open ditch, and that on April 21, 1966
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 820
acre feet per season, with a maximum rate of diversion of 2.36 cubic feet per second of the waters
of Salmon Falls Creek, tributary of Snake River,
for the purpose of irrigation from April 1 to October 31
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 Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in NE 1/4 SW 1/4, Sec. 1, T. 9 S, R. 13 E, B.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 820 acre feet per year.

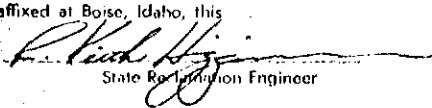
Description and location of place of use:

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	
<u>9 S</u>	<u>13 E</u>	<u>1</u>									<u>30</u>	<u>35</u>							<u>65</u>
		<u>2</u>	<u>11</u>	<u>12</u>											<u>40</u>			<u>40</u>	<u>140</u>
			<u>10</u>	<u>10</u>		<u>40</u>													

Total number of acres irrigated 205

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

25th day of February, 19 69

State Reclamation Engineer
31585

47-

**Application For Permit
To appropriate the Public Waters of the State of Idaho**

APPLICATION No. 39693
PERMIT No. 31585
DISTRICT No.

1. Name of Applicant: Betty Jeans Herzinger

Postoffice address: 408 11th N., Twin Falls, Idaho, 83430 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) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: 6.12 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: feet distant from the

corner of Section , T. , R. , B.M., and is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
of section 23 , 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 of , 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: \$18,000

8. Kind of works: Pump Pipe Ditches

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

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

11. Ditch: Width at bottom 3 feet; width at water line 6 feet; depth of water 1.5 feet;
dimensions of flume:

Diameter of pipe 20 inches; length of conduit 5.0 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

16. (a) Is reservoir to be used? No If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

s/ Betty Jeane Herzinger Applicant.

By Vernon L. Herzinger Agent.

Date of first receipt at Department of Reclamation: 11:30 A.M. December 9, 1963

Returned to applicant for correction: 1/14/66

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 31585

Recorded in Book 110 Page 31585 Approved December 11, 1963

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before February 11, 1964 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before June 11, 1966

The whole of said work to be completed on or before December 11, 1968

Beneficial use of water appropriated in accordance herewith, to be made on or before December 11, 1974

WITNESS My hand this 11th day of December, 1963

s/ CARL E. TAPPAN
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 11th day of December, 1963.

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLIE
Governor.

REMARKS: Desert Land Entry

14.

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					
9 S	13 E	2 1	Lot 1 53	Lot 2 53	40		40	40	40	40	226 80 306
Application for Amendment POINT OF DIVERSION ✓ Permit No. 31585											
Comes now Betty Jeane Herzinger and represents to the State Reclamation Engineer of the State of Idaho the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 31585. That the diversion is described in said permit as being located: SE 1/4 SW 1/4, Section 23, T 9 S., R 13 E., B.M. That that the point of diversion be changed to a point located: NE 1/4 SW 1/4, Section 1, T 9 S., R 13 E., B.M. for desiring to make such change is as follows: to tie in holder's original lands with this permit. will be injured by such change, and that such change will be made at Permit Holder's own risk.											
Signed at Boise, Idaho, this 14th day of January 1966.											
Date of Receipt at Department of Reclamation January 14, 1966.											
APPROVAL OF STATE RECLAMATION ENGINEER											
I, R. Keith Higginson, Assistant State Reclamation Engineer of the State of Idaho, Hereby approve the foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho. This approval constitutes a new permit and is issued as an amendment to the original permit to which and of which it becomes a part, and said application is approved only insofar as the rights of others adversely affected thereby.											
Recorded in book 110 of permits at page 31585, January 21, 1966.											

priority advanced to 1/14/66 D. Watts

THIS INSTRUMENT IS FOR 2-26560-11.
LEASE PAGE NO. 21585

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

Permit No. 31585

This proof is for Completion of Works & Beneficial Use Water District No. _____

1. Name of applicant Betty Jeane Herzinger
2. Source of water supply: Salmon Falls Creek, tributary of Snake River
3. Location of point of diversion: Is in the N¹/₂SW¹/₄, of Section 1
T. 9 S 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: _____

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):

W¹/₂SW¹/₄, Sec. 1; Lot 1, 2, (N¹/₂NE¹/₄), SE¹/₂NE¹/₄, E¹/₂SE¹/₄, Sec. 2,
T. 9 S., R. 13 E., B.M.

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

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

Remarks:

SPARKING METER USED 300 c.f. in 60 Sec. = 50 c.f.s.
IRRIGATION REQUIREMENT = 7.0 A FT/ACRE/Season
NOTE PERMIT 29605 (PT)

Point of diversion not marked on map subdivisions not
marked as quantity

This examination was made on the _____

day of July1968(Signed) Don R. Stoll

Examiner.

12-26-68

31585

[Handwritten signature]
11

Betty Jeane Herzinger
408 11th Ave., N.
Buhl, Idaho

Permit No. 31585

Examination for Completion of Works & Beneficial Use

County Twin Falls

Sec. 1 T. 9 S. 13 E., B.M.

Quantity: 6.12 c.f.s.

Source: Salmon Falls Creek

P.D.: NEWSW, Sec. 1, T. 9 S., R. 13 E., B.M.

Use: Irrigation

Filed: 12/9/63

Due: 12/11/74

Made: 4/21/66

Extension:

Protest:

Completion of Works:

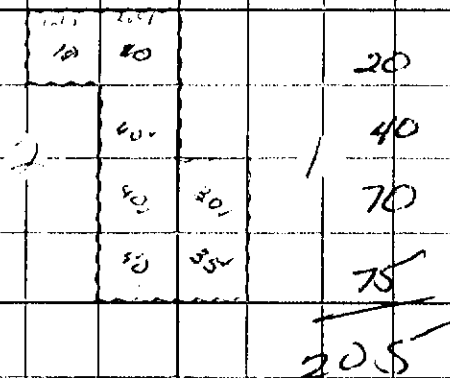
Other Rights: none

Permit = 12-9-63

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.

Fig. 12



Top 9

For License

$$A = 205'$$

$$SURD = 7$$

$$Q = 236 \text{ cfs.}$$

$$VOL = 820 \text{ AC-FT / SKIN}$$

(with combined with all other rights)

$$PR. OR. IV = 12-9-63$$

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 31585

REPORT ON PROOF OF Completion of Works & Beneficial Use