

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: A47-02415
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: 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	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	2.640		920.00
7. Total Quantity Appropriated is:
2.640 C.F.S. (and/or) 920.00 A.F.A.
8. Total consumptive use is 690.0 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	2	SW	NE		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SE		IRR	40.0

Section Acres 160.0

A47-02415

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	10	NE	SE		IRR	40.0
						Section Acres	40.0
		11	SW	NW		IRR	40.0
						Section Acres	40.0
						Total Acres	240.0

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:
A47-02384, A47-10261

14. Remarks:
RT. IDENTIFIED IN DECREE.

15. Basis of Claim: LICENSE
Water Right Number: 29605

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 Title of

Magic Irrigator Inc Organization, that I have signed the foregoing document in the space below as VP Title of

Magic Irrigator Inc Organization and that the statements contained in the foregoing document are true and correct.

Kenneth P. Elkin
Signature of Authorized Agent

VP Magic Irrigator Inc
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

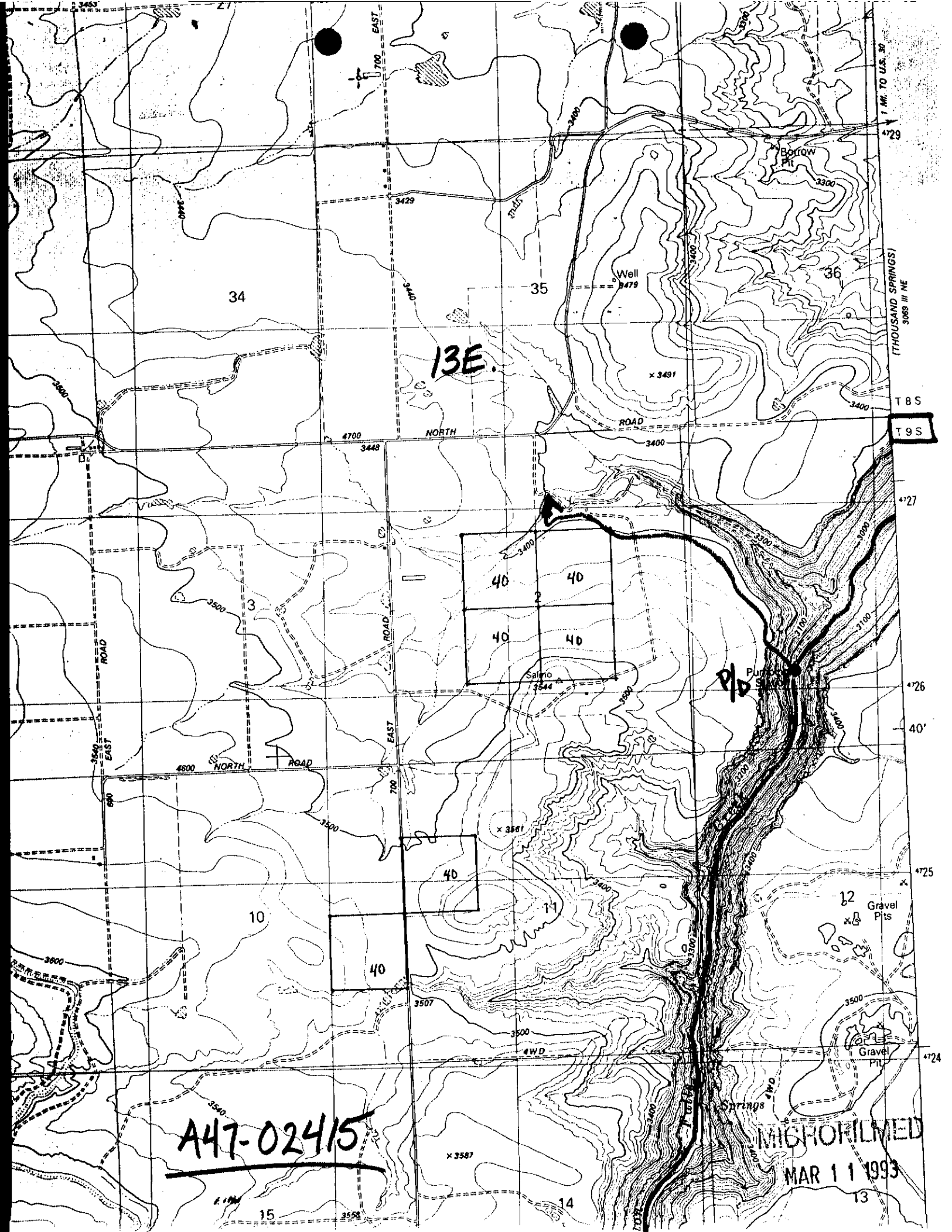
of September 19 88

Roxanne Stoney
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94



Log for claim 47-02415

Spatial Dynamics LTD

2/19/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s13e	2	SWNE	40	40	
09s13e	2	SENE	40	39	
09s13e	2	NESW	40	39	
09s13e	2	NWSE	40	38	
09s13e	10	NESE	40	37	
09s13e	11	SWNW	40	39	
Totals:			240	232	

 SPATIAL
DYNAMICS

Water Right Claim Number 47-02415

Township , 9S13E

02/19/2001



Legend

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

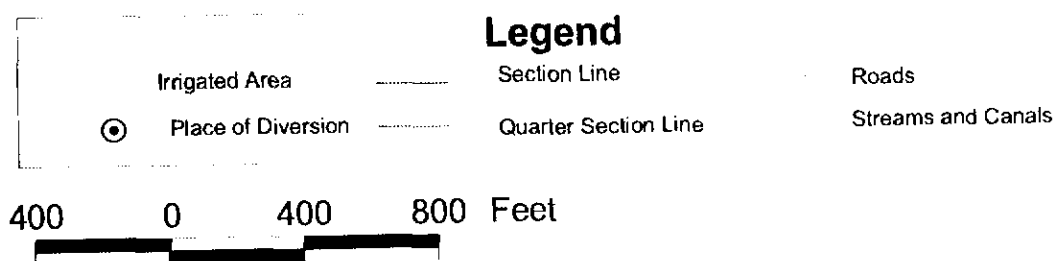


1000 0 1000 2000 Feet

SPATIAL
DYNAMICS

Water Right Claim Number 47-02415
Township , 9S13E

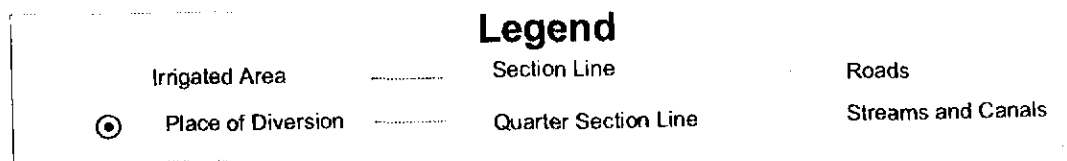
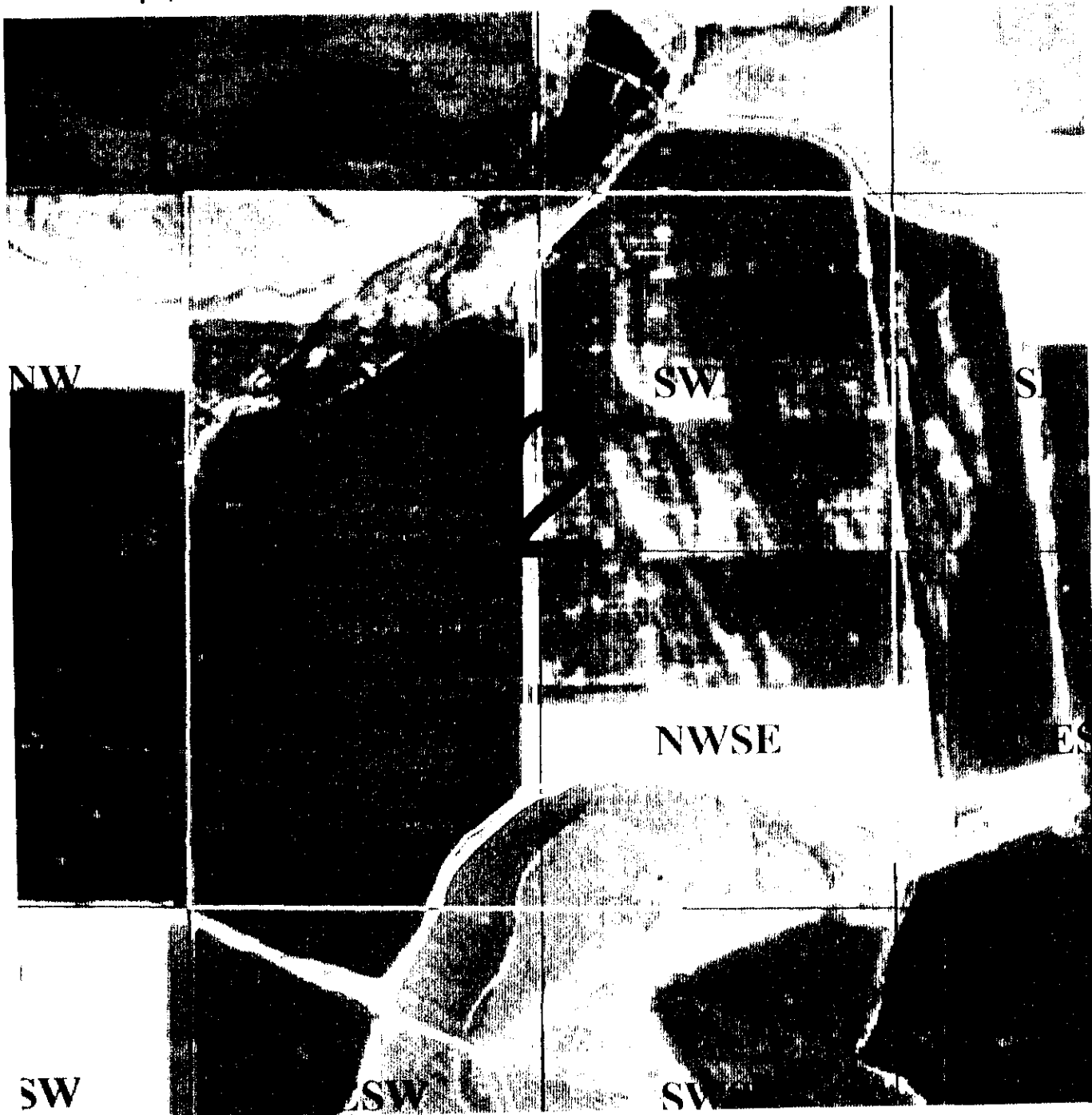
02/19/2001



*SPATIAL
DYNAMICS*

Water Right Claim Number 47-02415
Township , 9S13E

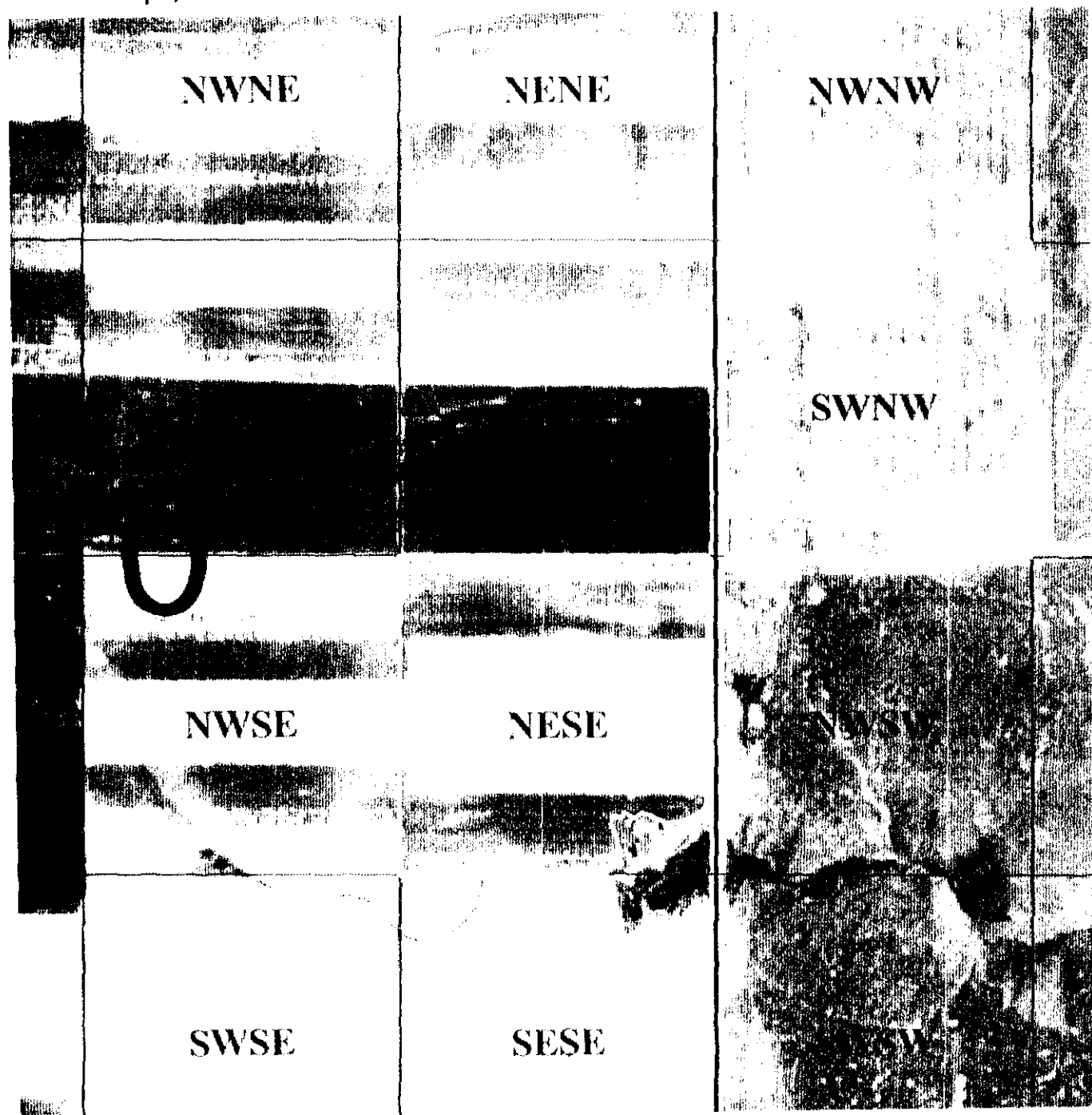
02/19/2001



SPATIAL
DYNAMICS

Water Right Claim Number 47-02415
Township , 9S13E

02/19/2001



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

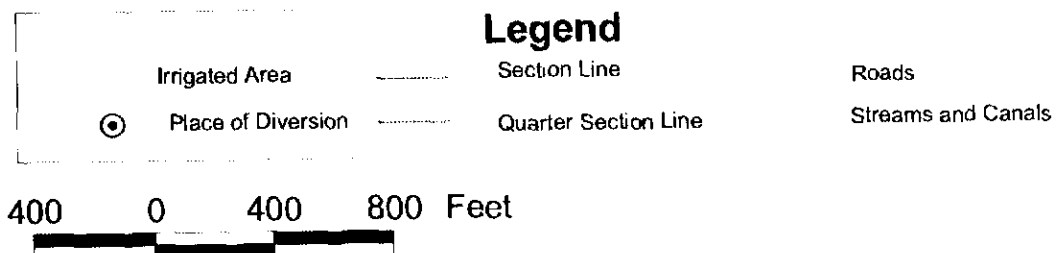
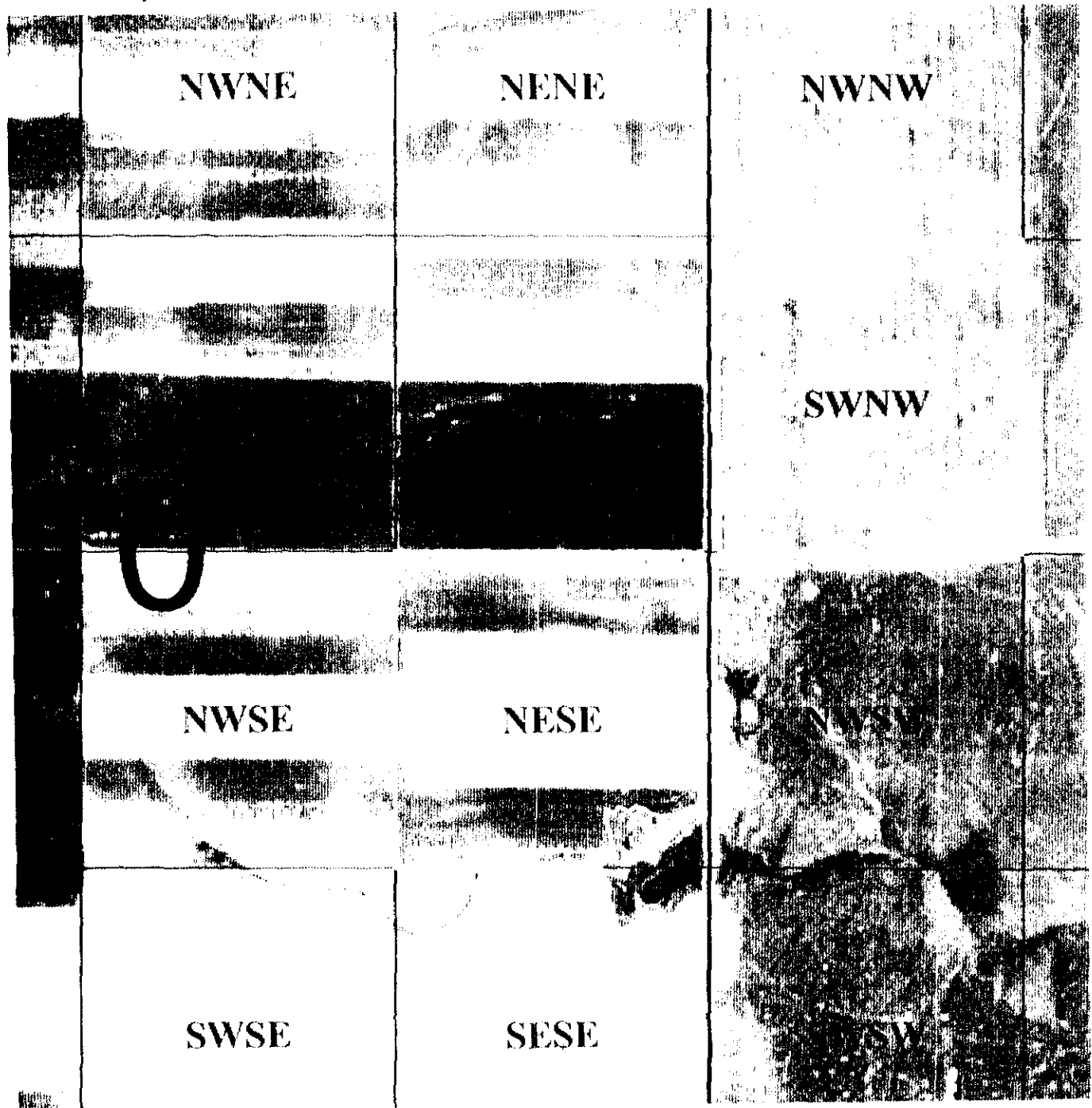
400 0 400 800 Feet



SPATIAL
DYNAMICS

Water Right Claim Number 47-02415
Township , 9S13E

02/19/2001



SPATIAL
DYNAMICS

Water Right Claim Number 47-02415
Township , 9S13E

02/19/2001



Legend

- | | | |
|----------------------|----------------------|--------------------|
| Irrigated Area | Section Line | Roads |
| ⊙ Place of Diversion | Quarter Section Line | Streams and Canals |

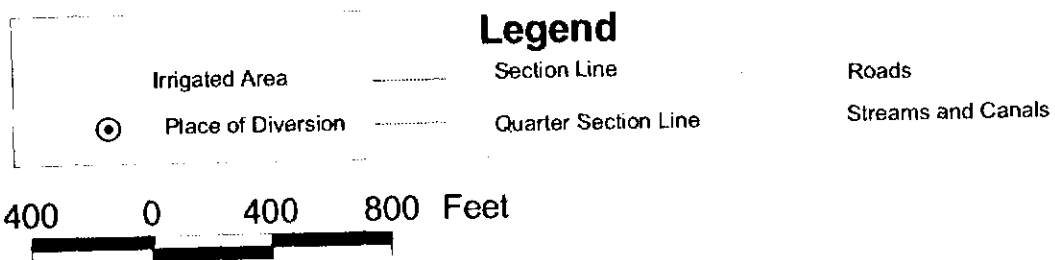
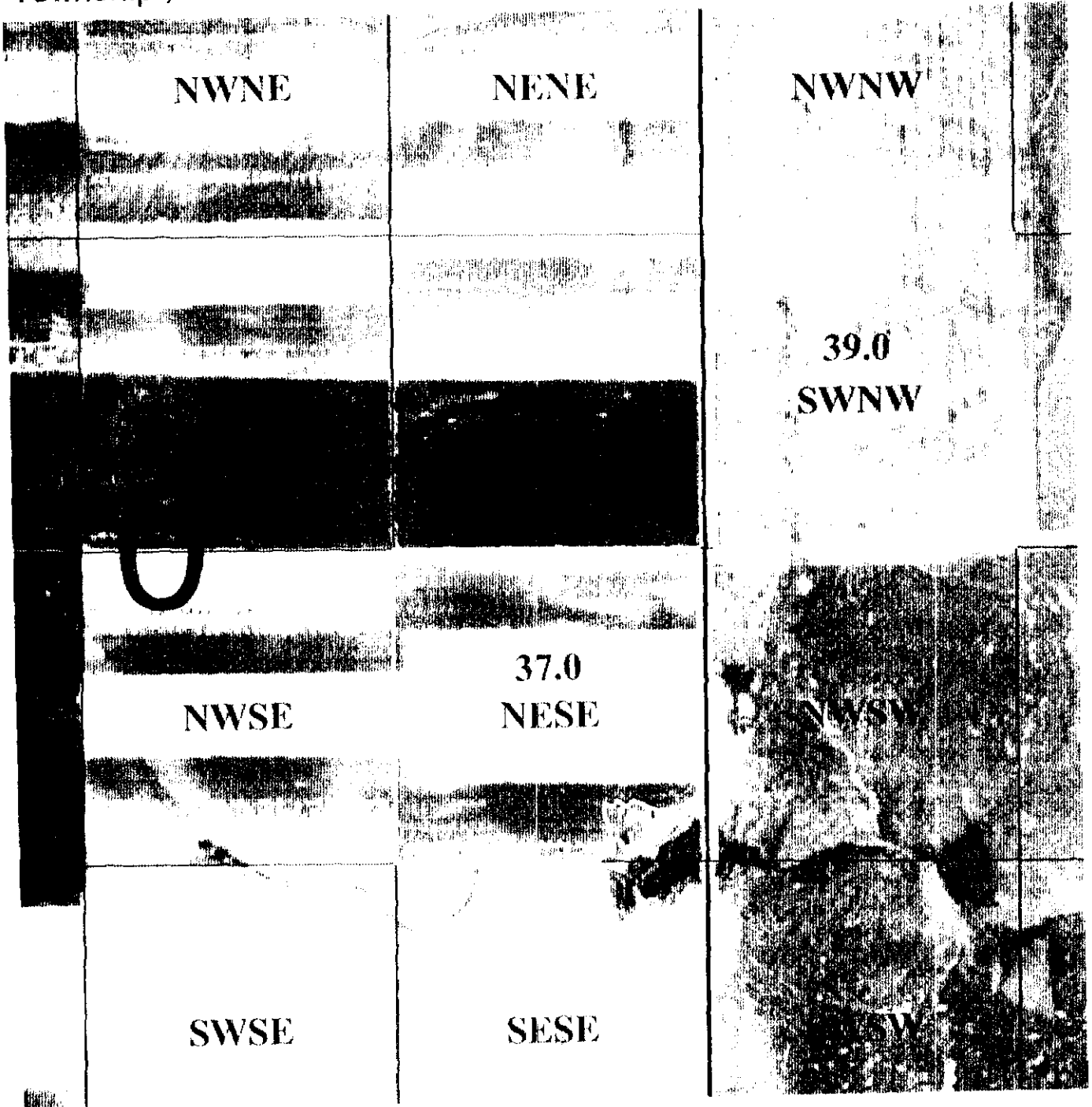


400 0 400 800 Feet

SPATIAL
DYNAMICS

Water Right Claim Number 47-02415
Township , 9S13E

02/19/2001



SPATIAL
DYNAMICS

AJ5809NP
No. A47-02415

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/30/01
PAGE: 63

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	2.640 CFS	920.00 AFA
					TOTAL DIVERSION:	2.640 CFS
					CONSUMPTIVE USE:	920.00 AFA 690.00 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	2	:				40	:					40	:	40				40	:	160.0
09S	13E	10	:					:						:				40		:	40.0
09S	13E	11	:					:			40			:						:	40.0
																				TOTAL ACRES	240.0

POU County: TWIN FALLS

Other Rights: A47-02384, A47-10261

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A47-02384 A47-10261 A47-15795

Remarks: GEN RT. IDENTIFIED IN DECREE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: E

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

PARTIAL

WATER LICENSE

Water License No. 29605 (partial) Priority April 3, 1961 Amount 2.64 c.f.s.

THIS IS TO CERTIFY, that Edward Herzinger-Assignee- Vernon L. Herzinger
 of Buhl, Idaho, made application for a permit to appropriate the public waters of
 the State of Idaho, dated April 3, 1961; that Permit 29605 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 4, 1966
 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 920
 acre feet per season, with a maximum rate of diversion of 2.64 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 $\frac{1}{4}$ SW $\frac{1}{4}$, 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 920 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9 S	13 E	2			40					40	40					40			160
		11							30										30
		10													40				40

Total number of acres irrigated 230

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

30th day of January, 1969

R. Keith Higin
 State Reclamation Engineer

29605

Application For Permit

To Appropriate the Public Waters of the State of Idaho

CANCELLED pursuant to sec. 42-311
Idaho Code Annotated, by order of
State Examination Engineer
dated May 5 - 1966

29605

APPLICATION No. 37609
PERMIT No. 29605
DISTRICT No.

Authorized by

Edward L. Herzinger
402-118-3100

State: Idaho

36-2478
417-2415

1. Name of Applicant: Edward Herzinger

Postoffice address: Rt. #1, Buhl

County: Twin Falls

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: 6.0

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 and 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 4.0 miles.

Average grade per mile feet.

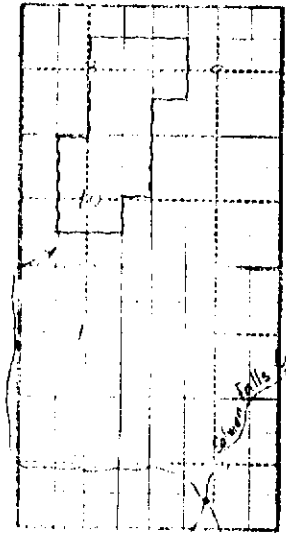
12. The time required for the completion of such work is 5 years.

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:

100" Magic Water Canal



P.D.

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/ Edward Herzinger Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 10:00 A.M. April 3, 1961

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 29605

Recorded in Book 104 Page 29605 Approved April 6, 1961

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 June 6, 1961

Work to begin on or before June 6, 1961 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 October 6, 1963

One-fifth of the work above specified to be completed on or before October 6, 1963

The whole of said work to be completed on or before April 6, 1966.

Beneficial use of water appropriated in accordance herewith, to be made on or before April 6, 1972

WITNESS My hand this 6th day of April, 1961

s/ GEO. N. CARTER

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLLIE, 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 6th

day of April, 1961

STATE OF IDAHO

Countersigned:

(SEAL)

By s/ ROBERT E. SMYLLIE

By s/ ARNOLD WILLIAMS
Secretary of State.

REMARKS:

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9 S	13 E	2 3 10			40	40			40			40			40	40			80 240 320
			40	40	40	40	40		40	40			Total Number of Acres to be irrigated						640

Application for Amendment

LAND LIST
Permit No. 29605

Comes Now EDWARD HERZINGER, 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. 29605, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2; S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, T. 9 S., R. 13 E., B. M., Ida., making a total of 960 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 Boise, Ida., this 1 day of April, 1963.

s/ Edward Herzinger

Date of receipt at office of Department of Reclamation April 3, 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. 29605. 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 April 4, 1963

ASSIGNMENT

For value received, I hereby assign one-half of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 29605 to Vernon L. Herzinger, 408-11th North, Buhl, Idaho.

SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T. 9 S., R. 13 E., B. M., Ida.

s/ EDWARD HERZINGER
Permit Holder

s/ OLGA HERZINGER
Wife of Permit Holder

STATE OF IDAHO)
County of Ada) ss

On this 4 day of April, 1963, before me, a Notary Public for the State of Idaho, residing at Boise, Idaho, personally appeared Edward and Olga Herzinger, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and duly acknowledged to me that they 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.

JOAN H. BAIN
Notary Public
Residing at Boise, Ida.

(SEAL)
My commission expires 6/20/65

Application for Amendment

POINT OF DIVERSION

Permit No. 29605

Comes now Vernon L. Herzinger and represents to the State Reclamation Engineer of the State of Idaho: That he is the part owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 29605. That the point of diversion is described in said Permit as being located: (omit) That he now requests that an additional point of diversion be added, a point located: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, T 9 S., R 13 E., B.M. That the reason for desiring to make such change is as follows: Due to an assignment, to tie in holders original land with this permit. That no one will be injured by such change, and that such change will be made at Permit Holders own risk.

Signed at Boise, Idaho this 14th day of January, 1966.

/s/ VERNON L. HERZINGER

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 above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho No. 29605. This approval constitutes a new permit and is issued as an amendment to the original permit to which it refers and of which

it refers and of which it becomes a part, and said application is approved insofar as the rights of others will not be adversely affected thereby.

/s/ R. KEITH HIGGINSON
Assistant State Reclamation Engineer

Recorded in book 104 of Permits, at page 29605 January 21, 1966

assigned portion priority adv
1/14/66 D. Wat

Partial

LICENSE ISSUED FOR 2.64 SEC. FT.
LICENSE PAGE NO. 29605

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

Permit No. 29605, pt.

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

1. Name of applicant Vernon L. Herzinger2. Source of water supply: Salmon Falls Creek, tributary Snake River3. Location of point of diversion: Is in the NE1/4SW1/4 of Section 1T. 9 S. R. 13 E. B.M. County of Twin Falls4. Describe works as they exist, giving dimensions and capacities of same: Pump at SalmonFalls Creek 350 H.P. Hollowshaft Sec. # 138.101712" discharge 1100' long into open ditch 500' lift.12" G.U. Pump at Res. where they divert anyWater not used 100 H.P. Hollowshaft 1368.325Lapua 44325 10" G.U.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):

SE1/4NW1/4, NE1/4SW1/4, SW1/4NE1/4, NW1/4SE1/4, SW1/4SW1/4, Sec. 2; NE1/4SE1/4, Sec. 10;W1/4NW1/4, Sec. 11, 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: Spouting water 300 feet in 60 sec.

$$\frac{309}{60} = 5.15$$

IRRIGATION REQUIREMENT = 4.0 cfs/acre/seasonNOTE PERMIT 31585 DRC

Point of diversion not marked: only six subdivisions
3.0 cfs is all that was advertised

This examination was made on the 12 day of July, 19 68

(Signed)

12-25-68

Examiner.

29605Plot 1/2

Vernon L. Herzinger

408 11 Ave., N.

Buhl, Idaho.

Permit No. 29605, pt

Examination for Completion of Works & Beneficial Use

County Twin Falls

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

Quantity: 6.0 c.f.s.

Source: Salmon Falls Creek

P.D.: NE 1/4 SW 1/4, Sec. 1, T. 9 S., R. 13 E., B.M.

Use: Irrigation

Filed: 4/3/61

Due: 4/6/72

Extension:

Protest:

Completion of Works:

Other Rights: 100" Magic Water Canal

Priorities = 4-3-61

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.

29605

Pg 13 EBY



FIELD EXAM SUMMARY FOR

29605 (PT) & 31585

$$A = 230 + 205 = 435$$

P = 5 C.F.S

Subd = 6

FOR LICENSE OF G-29605 (PT) ALLOW

AREA = 230 ACRES

SUBD = 6

Q = 2.64 cfs

VOL = 920 AC-FT / SEASON

PRORITY = 1-3-61

DRR 12-26-68

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-29605, -pt

REPORT ON PROOF OF Completion of Works & Beneficial Use