

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Subcase No. 61-07189

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

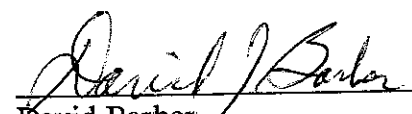
Magic West, Inc.

RESPONDENT:

State of Idaho


Norman M. Semanko
Attorney

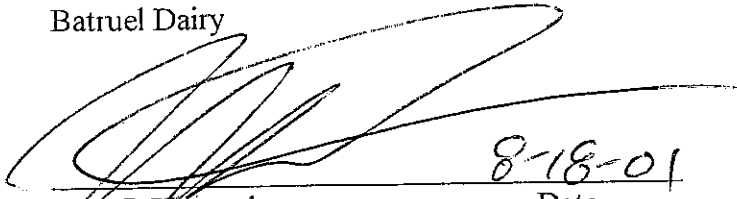
8-22-01
Date


David Barber
Deputy Attorney General

8/23/01
Date

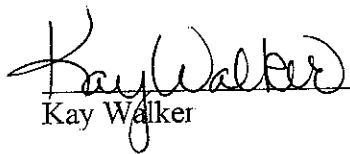
PARTICIPANT(s)/MOVANT(s):

Batrue Dairy



Matt J. Howard 8-18-01
Attorney Date

IDWR Concurrence:



Kay Walker 8/24/2001
 Date



Candice M. McHugh 8/24/01
Deputy Attorney General Date

07/31/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 61-7189

NAME AND ADDRESS: MAGIC WEST INC
PO BOX 475
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 0.67 CFS
58 AFY

USE OF THIS RIGHT WITH RIGHT NO. 61-02248B IS LIMITED
TO A TOTAL COMBINED DIVERSION RATE OF 0.67 CFS

PRIORITY DATE: 07/10/1974

POINT OF DIVERSION: T05S R10E S29 SWSE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	08-15 07-01	0.67 CFS 58.00 AFY

INDUSTRIAL USE IS FOR POTATO PROCESSING PLANT.

PLACE OF USE:

INDUSTRIAL Within ELMORE County
T05S R10E S29 SWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL
PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS
OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER
RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT
AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL
UNIFIED DECREE SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

WATER TEMPERATURE MEASURED AT 112 DEGREES F.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM THE
CITY OF GLENNS FERRY.

RIGHT NO. 61-02248B IS ALSO DIVERTED THROUGH POINT
OF DIVERSION DESCRIBED ABOVE

kw
NMS 2/B
~~WAT~~ 8m²

CERTIFICATE OF MAILING

I certify that on 8-24-01, 2001, mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

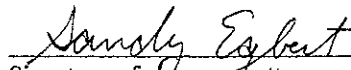
2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 83720
Boise, ID 83720-0098

Norman M. Semanko
P. O. Box 1906
Twin Falls, ID 83303-1906

Matt J. Howard
2402 W. Jefferson
Boise, ID 83702

IDWR Repository
P. O. Box 83720
Boise, ID 83720-0098



Signature of person or attorney mailing the form

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389	8/24 2:51PM	1'02"	12087362121	Send	5/ 5	EC144	Completed

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