

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	)	Subcase No. 61-07189
	)	
Case No. 39576	)	
	)	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.

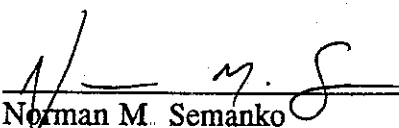
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Magic West, Inc.

RESPONDENT:

State of Idaho


Norman M. Semanko

2-1-00
Date

Attorney


Peter Ampe

2/2/00
Date
Deputy Attorney General

IDWR Concurrence:

Kay Walker 1/24/2000
Agent

SE Hamlin 1/24/2000
Susan E. Hamlin
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on 2/2, 2000, I 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



Signature of person or attorney mailing the form

AJS856NP

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

DATE: FEB-01-2000

PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 61-07189

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

SOURCE: GROUNDWATER

QUANTITY: 0.67 CFS
58.0 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 61-022488 AND 61-07724 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.67 CFS AND TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 338 AF.

PRIORITY DATE: 07/10/1974

POINT OF DIVERSION: T05S R10E S29 SWSE Within ELMORE County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	INDUSTRIAL	01-01 12-31	0.67 CFS
		08/19 07/01	58.0 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.

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ANY OTHER WATER
RIGHTS IN BASIN 61:

WATER RIGHT NO/	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ANY OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

SP5 - 61-07189

AJ5856NP

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

DATE: FEB-01-2000

PAGE: A-2

61-07189 (CONT.)

WATER RIGHT NO/ SOURCE
NONE NONE

ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - LICENSE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER TEMPERATURE MEASURED AT 112 DEGREES F..

USE OF THIS RIGHT IS COMBINED WITH WATER FROM THE CITY OF
GLENNS FERRY.

RIGHT NOS. 61-022488 AND 61-07724 ARE ALSO DIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE.

RIGHT NO/ 61/022488 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Sehn
CF NMS
PP

SF5 - 61-07189