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JUN 17 1999

Department of Water Resources

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

A. Subcase 61-07189
(Insert water right number)

STANDARD FORM 1

OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: MAGIC WEST, INC.

Address: P. O. BOX 475

RUPERT, ID 83350

Daytime Phone: 208/436-3126

Name & Address of Attorney, if any:

ROSHOLT, ROBERTSON & TUCKER

P. O. BOX 1906

TWIN FALLS, ID 83303-1906

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: MAGIC WEST, INC.

Address: P. O. BOX 475

RUPERT, ID 83350

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address: _____ Should be: _____

2. ☐ Source: _____ Should be: _____

3. ☒ Quantity: _____ Should be: 423 AF

4. ☐ Priority Date: _____ Should be: _____

5. ☐ Point(s) of Diversion: _____ Should be: _____

6. ☐ Instream Flow Description: _____ Should be: _____

7. ☐ Purpose(s) of Use: _____ Should be: _____

8. ☒ Period of Use: _____ Should be: 01-01 TO 12-31

9. ☐ Place of Use: _____ Should be: _____

11. I object because:

☐ This water right should not exist

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): #3 - THE PLANT HAS ALWAYS RUN CONTINUOUSLY AND USED A CONSTANT RATE OF 300 GPM (.67 CFS) FROM THE WELL. AS A RESULT, THE ACTUAL USE DURING THE 10½ MONTH PERIOD OF USE AUTHORIZED BY THE PERMIT AND LICENSE, WAS AS HIGH AS 423 AF

#8 - THE WATER RIGHT HAS BEEN USED YEAR ROUND IN THE POTATO PROCESSING PLANT SINCE AT LEAST 1986, AND THE CHANGE IN PERIOD OF USE IS A LEGAL ACCOMPLISHED TRANSFER PURSUANT TO THE AMNESTY STATUTE, I.C. SEC. 42-1425.

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of TWIN FALLS)

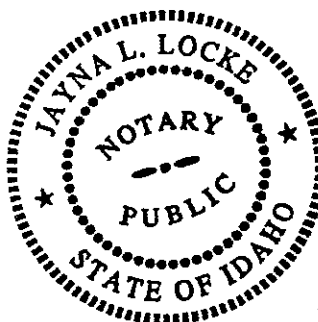
NORMAN M. SEMANKO, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 15, 1999



Jayna L. Locke
NOTARY PUBLIC FOR IDAHO
Residing at: Wendell, ID
My commission expires: 9-25-03

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all of the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on June 15, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Magic West, Inc
P. O. Box 475
Rupert, ID 83350

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Signature of party/claimant or attorney
mailing on Objector's behalf