

RECEIVED

NOV 21 2007

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)

A. Subcase 47-10261
(Insert water right number)

Case No. 39576)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Magic Water Co., Inc. & Magic Irrigators, Inc.
Address: 4795 N 700 E; Buhl, Idaho 83316
Name: _____
Address: _____;
Name: _____
Address: _____;

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use Objection is vague.

11. **Recommendation:**

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

REASONS SUPPORTING RESPONSE:

The legal description for the place of use may include Federal land. The description should be specific enough to exclude Federal land.

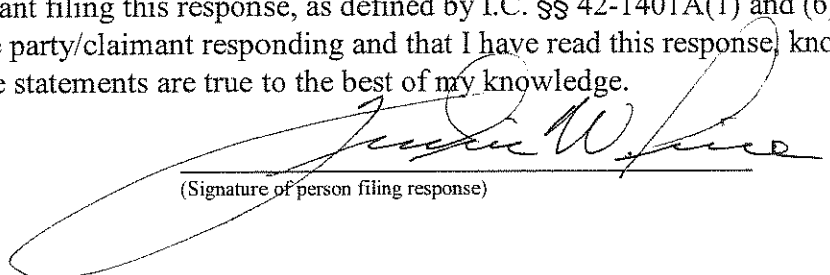
E.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

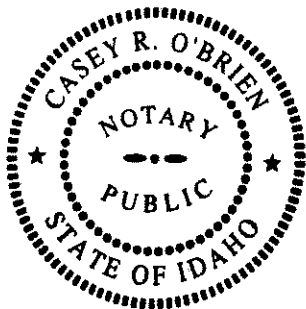
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing response)

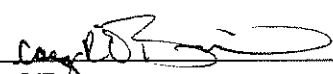
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 20, 2007




Casey R. O'Brien

Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009

INSTRUCTIONS FOR MAILING

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

E.

CERTIFICATE OF MAILING

I certify that on 11/20, 2007, I mailed the original and copies of this response, 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, ID 83303-2707

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

Magic Irrigators, Inc.
716B E 4900 N; Buhl, Idaho 83316

3. One copy to the party who filed the objection at the following address:

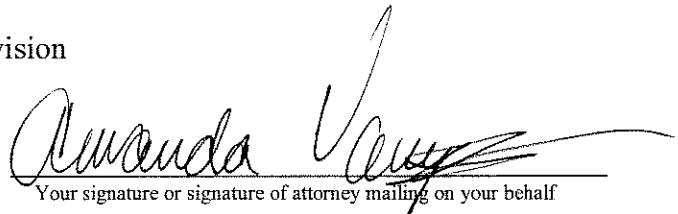
Magic Water Co., Inc. & Magic Irrigators, Inc.
4795 N 700 E; Buhl, Idaho 83316

4. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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


Your signature or signature of attorney mailing on your behalf

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

RIGHT NUMBER: 47-10261

NAME AND ADDRESS: MAGIC IRRIGATORS INC
716B E 4900 N
BUHL ID 83316

SOURCE: SALMON FALLS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.140 CFS

The rights listed below are limited to a total combined diversion rate of 101.7 cfs.
Combined Right Nos.: 47-2269, 47-2384, 47-2415, 47-10261

PRIORITY DATE: 03/15/1969

POINT OF
DIVERSION: T09S R13E S1 SWNESW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 11/15	2.140 CFS
PLACE OF USE:	<u>IRRIGATION in TWIN FALLS County</u>		
	T08S R13E S14 SWSW	39.00	T08S R13E S15 SESE 41.00
	T08S R13E S22 NENE	37.00	T08S R13E S22 SENE 33.00
	T08S R13E S22 NESE	41.00	T08S R13E S22 NWSE 34.00
	T08S R13E S22 SWSE	41.00	T08S R13E S22 SESE 41.00
	T08S R13E S23 NENE	33.00	T08S R13E S23 NWNE 39.00
	T08S R13E S23 SWNE	40.00	T08S R13E S23 SENE 40.00
	T08S R13E S23 NENW	40.00	T08S R13E S23 NWNW 40.00
	T08S R13E S23 SWNW	40.00	T08S R13E S23 SENW 40.00
	T08S R13E S23 NESW	40.00	T08S R13E S23 NWSW 40.00
	T08S R13E S23 SWSW	40.00	T08S R13E S23 SESW 40.00
	T08S R13E S23 NESE	40.00	T08S R13E S23 NWSE 40.00
	T08S R13E S23 SWSE	40.00	T08S R13E S23 SESE 40.00
	T08S R13E S24 NWNW	35.00	T08S R13E S24 SWNW 40.00
	T08S R13E S24 NWSW	40.00	T08S R13E S24 SWSW 40.00
	T08S R13E S26 NENE	38.00	T08S R13E S26 NWNE 40.00
	T08S R13E S26 SWNE	40.00	T08S R13E S26 NENW 40.00
	T08S R13E S26 NWNW	40.00	T08S R13E S26 SWNW 40.00
	T08S R13E S26 SENW	40.00	T08S R13E S26 NESW 40.00
	T08S R13E S26 NWSW	40.00	T08S R13E S26 SWSW 33.00
	T08S R13E S26 SESW	40.00	T08S R13E S26 NWSE 40.00
	T08S R13E S26 SWSE	38.00	T08S R13E S27 NENE 41.00
	T08S R13E S27 NWNE	41.00	T08S R13E S27 SWNE 41.00
	T08S R13E S27 SENE	41.00	T08S R13E S27 NENW 41.00
	T08S R13E S27 NWNW	40.00	T08S R13E S27 SWNW 40.00
	T08S R13E S27 SENW	40.00	T08S R13E S27 NESW 35.00
	T08S R13E S27 NWSW	39.00	T08S R13E S27 SWSW 41.00
	T08S R13E S27 SESW	32.00	T08S R13E S27 NESE 41.00
	T08S R13E S27 NWSE	41.00	T08S R13E S27 SWSE 34.00
	T08S R13E S27 SESE	35.00	T08S R13E S28 NENE 9.80

T08S R13E S28	SENE	11.00	T08S R13E S28	NESE	38.00
T08S R13E S28	SESE	38.00	T08S R13E S29	NENE	37.00
T08S R13E S29	NWNE	39.00	T08S R13E S29	SWNE	40.00
T08S R13E S29	SENE	40.00	T08S R13E S29	NENW	37.00
T08S R13E S29	NWNW	40.00	T08S R13E S29	SWNW	40.00
T08S R13E S29	SENW	40.00	T08S R13E S29	NESW	40.00
T08S R13E S29	NWSW	41.00	T08S R13E S29	SWSW	41.00
T08S R13E S29	SESW	40.00	T08S R13E S29	NESE	40.00
T08S R13E S29	NWSE	40.00	T08S R13E S29	SWSE	40.00
T08S R13E S29	SESE	39.00	T08S R13E S30	NESE	41.00
T08S R13E S30	NWSE	41.00	T08S R13E S30	SWSE	40.00
T08S R13E S30	SESE	41.00	T08S R13E S31	NESE	40.00
T08S R13E S31	NWSE	40.00	T08S R13E S31	SWSE	32.00
T08S R13E S31	SESE	39.00	T08S R13E S32	NENE	30.00
T08S R13E S32	NWNE	40.00	T08S R13E S32	SWNE	40.00
T08S R13E S32	SENE	29.00	T08S R13E S32	NENW	40.00
T08S R13E S32	NWNW	40.00	T08S R13E S32	SWNW	40.00
T08S R13E S32	SENW	40.00	T08S R13E S32	NESW	40.00
T08S R13E S32	NWSW	40.00	T08S R13E S32	SWSW	38.00
T08S R13E S32	SESW	38.00	T08S R13E S32	NESE	33.00
T08S R13E S32	NWSE	40.00	T08S R13E S32	SWSE	38.00
T08S R13E S32	SESE	31.00	T08S R13E S33	NENE	39.00
T08S R13E S33	SENE	40.00	T08S R13E S33	NESE	40.00
T08S R13E S33	NWSE	36.00	T08S R13E S33	SWSE	36.00
T08S R13E S33	SESE	31.00	T08S R13E S34	NENE	35.00
T08S R13E S34	NWNE	36.00	T08S R13E S34	SWNE	34.00
T08S R13E S34	SENE	39.00	T08S R13E S34	NENW	35.00
T08S R13E S34	NWNW	41.00	T08S R13E S34	SWNW	41.00
T08S R13E S34	SENW	33.00	T08S R13E S34	NESW	41.00
T08S R13E S34	NWSW	40.00	T08S R13E S34	SWSW	34.00
T08S R13E S34	SESW	40.00	T08S R13E S34	NESE	39.00
T08S R13E S34	NWSE	38.00	T08S R13E S34	SWSE	40.00
T08S R13E S34	SESE	39.00	T08S R13E S35	NWNE	0.30
T08S R13E S35	NENW	33.00	T08S R13E S35	NWNW	32.00
T08S R13E S35	SWNW	34.00	T08S R13E S35	SENW	26.00
T08S R13E S35	NWSW	38.00	T08S R13E S35	SWSW	38.00
T09S R13E S01	NWSW	38.00	T09S R13E S01	SWSW	27.00
T09S R13E S02 Lot 1	NENE	13.00	T09S R13E S02 Lot 2	NWNE	7.80
T09S R13E S02	SWNE	39.00	T09S R13E S02	SENE	39.00
T09S R13E S02 Lot 3	NENW	52.00	T09S R13E S02 Lot 4	NWNW	52.00
T09S R13E S02	SWNW	40.00	T09S R13E S02	SENW	31.00
T09S R13E S02	NESW	38.00	T09S R13E S02	NWSW	39.00
T09S R13E S02	SWSW	32.00	T09S R13E S02	SESW	16.00
T09S R13E S02	NESE	40.00	T09S R13E S02	NWSE	27.00
T09S R13E S02	SWSE	18.00	T09S R13E S02	SESE	40.00

T09S R13E S03 Lot 1	NENE	51.00	T09S R13E S03 Lot 2	NWNE	53.00
T09S R13E S03	SWNE	40.00	T09S R13E S03	SENE	35.00
T09S R13E S03 Lot 3	NENW	53.00	T09S R13E S03 Lot 4	NWNW	52.00
T09S R13E S03	SWNW	39.00	T09S R13E S03	SENE	40.00
T09S R13E S03	NESW	40.00	T09S R13E S03	NWSW	39.00
T09S R13E S03	SWSW	39.00	T09S R13E S03	SESW	40.00
T09S R13E S03	NESE	39.00	T09S R13E S03	NWSE	40.00
T09S R13E S03	SWSE	40.00	T09S R13E S03	SESE	39.00
T09S R13E S04 Lot 1	NENE	53.00	T09S R13E S04 Lot 2	NWNE	53.00
T09S R13E S04	SWNE	41.00	T09S R13E S04	SENE	40.00
T09S R13E S04	SENE	24.00	T09S R13E S04	NESW	9.30
T09S R13E S04	SESW	26.00	T09S R13E S04	NESE	40.00
T09S R13E S04	NWSE	40.00	T09S R13E S04	SWSE	40.00
T09S R13E S04	SESE	40.00	T09S R13E S09	NENE	36.00
T09S R13E S09	NWNE	40.00	T09S R13E S09	SWNE	39.00
T09S R13E S09	SENE	38.00	T09S R13E S09	NENW	28.00
T09S R13E S09	NESE	31.00	T09S R13E S09	SESE	14.00
T09S R13E S10	NENE	38.00	T09S R13E S10	NWNE	39.00
T09S R13E S10	SWNE	40.00	T09S R13E S10	SENE	39.00
T09S R13E S10	NENW	40.00	T09S R13E S10	NWNW	39.00
T09S R13E S10	SWNW	40.00	T09S R13E S10	SENE	40.00
T09S R13E S10	NESW	40.00	T09S R13E S10	NWSW	37.00
T09S R13E S10	SWSW	31.00	T09S R13E S10	SESW	28.00
T09S R13E S10	NESE	38.00	T09S R13E S10	NWSE	40.00
T09S R13E S11	NENW	1.40	T09S R13E S11	NWNW	39.00
T09S R13E S11	SWNW	38.00			

7403.6 ACRES TOTAL

This right is limited to the irrigation of 107 acres within the place of use described above in a single irrigation season.

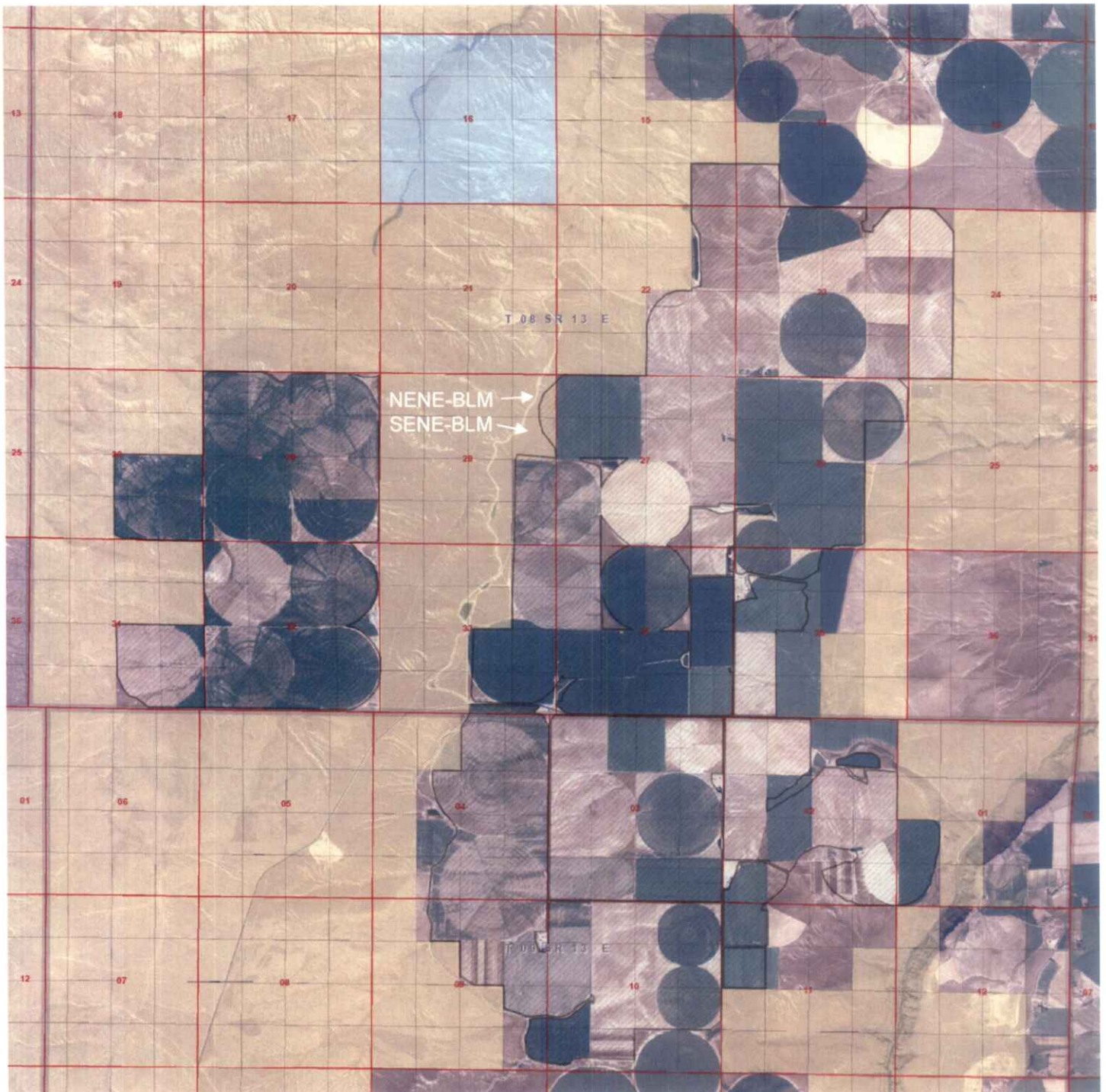
The rights listed below are limited to the irrigation of a combined total of 7403.6 acres in a single irrigation season. Combined Right Nos.: 47-2269, 47-2384, 47-2415, 47-10261

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 - Beneficial Use

47-02269; Magic Water Co. Inc.
47-02384, 47-02415 & 47-10261; Magic Irrigators Inc.



POUs on BLM:

- The POU's on BLM are not authorized and are not being irrigated.
- Please remove those POU's on BLM from recommendation and adjust shapefile accordingly.