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Attorneys for Magic Irrigators, Inc.

RECEIVED 6-15
JUN 16 2010
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. 47-17541
	)	
Case No. 39576	)	AFFIDAVIT OF PAUL L. ARRINGTON
	)	
	)	
	)	
	)	
	)	

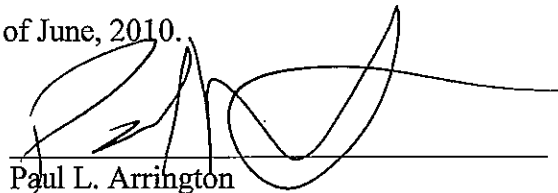
PAUL L. ARRINGTON, being first duly sworn upon oath, deposes and states as follows:

1. I am over the age of 18 and state the following based upon my personal knowledge. I am an attorney representing Magic Irrigators, Inc.
2. Attached hereto, as Exhibit A, is a true and correct copy of the License for water right 47-2384, obtained from the Idaho Department of Water Resources ("IDWR") website (www.idwr.idaho.gov).
3. Attached hereto, as Exhibit B, is a true and correct copy of the License for water right 47-2415, obtained from the IDWR website.

4. Attached hereto, as Exhibit C, is a true and correct copy of the 1987 aerial photo of the proposed place of use. The aerial photo has a number of colored shapes on it. The orange shape represents the original licensed place of use for water right 47-2269. The green shape represents the original place of use for water right 47-2384. The yellow shape represents the original place of use for water right 47-2415. The red shapes represent enlargement acres claimed by Magic Water Company (47-17540). The blue shapes represent enlargement acres claimed by Magic Irrigators, Inc. (47-17541).

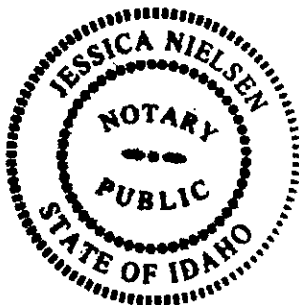
FURTHER YOUR AFFIANT SAYETH NAUGHT.

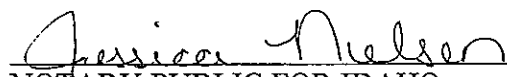
DATED this 15th day of June, 2010.


Paul L. Arrington

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 15 day of June, 2010, before me, a Notary Public for said County and State, personally appeared PAUL L. ARRINGTON, known or identified to me the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same




NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 4/3/12

CERTIFICATE OF SERVICE

I certify that on this 14 day of June, 2010, I served a copy of the foregoing **AFFIDAVIT OF PAUL L. ARRINGTON**, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO 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


Paul L. Arrington

Exhibit A

WATER LICENSE

Water License No. 31585 Priority January 14, 1966 Amount 2.36 c.f.s.

THIS IS TO CERTIFY, that BETTY JEANE HERZINGER
 of Buhl, Idaho, made application for a permit to appropriate the public waters of
 the State of Idaho, dated December 9, 1963; that Permit 31585 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 21, 1966
 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 820
 acre feet per season, with a maximum rate of diversion of 2.36 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 1/4 SW 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 820 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>9 S</u>	<u>13 E</u>	<u>1</u>									<u>30</u>	<u>35</u>							<u>65</u>
		<u>2</u>	<u>L1</u> <u>10</u>	<u>L2</u> <u>10</u>		<u>10</u>									<u>40</u>			<u>40</u>	<u>140</u>

Total number of acres irrigated 205

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

25th day of February, 19 69.

R. Keith Higin
 State Reclamation Engineer

31585

47 2384

Exhibit B

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 that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in NE 1/4 SW 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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 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.

E. V. H. H. H.
State Reclamation Engineer

29605

Exhibit C

