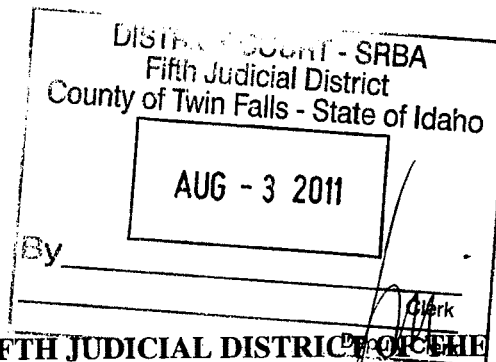




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA
Case No. 39576

Water Rights: 37-8165

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer
 - ☐ Point of diversion
 - ☐ Period of use
 - ☐ Split of water right
 - ☐ Other
 - ☐ Place of use
 - ☐ Nature of use
 - ☐ Change in ownership

XX IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 8/1/2011

Signature of IDWR Representative

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

RIGHT NUMBER: 37-8165

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

BERNARDINE M ERKINS
ROBERT A ERKINS
PO BOX 108
BLISS, ID 83314

SOURCE: WHITE ARROW HOT SPRING

TRIBUTARY: CLOVER CREEK

QUANTITY: 1.930 CFS ~~3.00 CFS~~
1,397.300 AFY

Fish propagation storage is for an on-stream pond with a total capacity of 1.0 AF. This right authorizes the storage of 1.0 AF in the pond and 0.9 AF to replace evaporation losses from the pond.

Water diverted under this right is injected into and rediverted from an unnamed stream tributary to Clover Creek. The rate and volume of water rediverted from the unnamed stream under this right shall not exceed the rate and volume of water simultaneously injected into the unnamed stream.

Rights 37-810, 37-811, 37-4040 and 37-8165 when combined shall not exceed a total diversion rate of 2.66 cfs for irrigation purposes.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 06/30/1983

POINT OF DIVERSION:

T04S R13E S30 NESENE Within GOODING County

T04S R13E S30 NENWSE Injection Within GOODING County

T04S R13E S30 NWSWSE Rediversion Within GOODING County

T04S R13E S31 SWNWNE Rediversion Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>		<u>QUANTITY</u>
IRRIGATION	<u>03/15</u>	<u>11/15</u>	<u>04/01</u> ~~10/31~~ <u>1.930 CFS</u> ~~3.00 CFS~~ <u>532.00 AFY</u>
RECREATION	01/01	12/31	0.300 CFS <u>217.20 AFY</u>
DOMESTIC	01/01	12/31	0.060 CFS <u>1.80 AFY</u>
HEATING	01/01	12/31	<u>0.500 CFS</u> ~~3.00 CFS~~ <u>68.40 AFY</u>
FISH PROPAGATION	01/01	12/31	<u>1.930 CFS</u> ~~3.00 CFS~~ <u>1,397.30 AFY</u>
<u>AESTHETIC</u>	<u>01/01</u>	<u>12/31</u>	<u>1.930 CFS</u> <u>1,397.30 AFY</u>
<u>COMMERCIAL</u>	<u>01/01</u>	<u>12/31</u>	<u>0.250 CFS</u> <u>106.30 AFY</u>
<u>FISH PROPAGATION STORAGE</u>	<u>01/01</u>	<u>12/31</u>	<u>1.90 AFY</u>

Domestic use is for 3 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.

06/23/2011

PLACE OF USE: IRRIGATION in GOODING County

T04S R13E S30	NESE	<u>24.00</u>	~~30.00~~	T04S R13E S30	SWSE	<u>35.00</u>	~~40.00~~
T04S R13E S30	SESE	<u>27.00</u>	~~30.00~~	T04S R13E S31	NENE	<u>24.00</u>	~~20.00~~
T04S R13E S31	NWNE	<u>23.00</u>	~~30.00~~	~~T04S R13E S31~~	~~SWNE~~	~~20.00~~	
~~T04S R13E S31~~	~~SENE~~	~~20.00~~					

COMMERCIAL in GOODING County

<u>T04S R13E S30</u>	<u>SENE</u>	<u>T04S R13E S30</u>	<u>NESE</u>
----------------------	-------------	----------------------	-------------

FISH PROPAGATION in GOODING County

<u>T04S R13E S30</u>	<u>NESE</u>	<u>T04S R13E S31</u>	<u>NWNE</u>
----------------------	-------------	----------------------	-------------

FISH PROPAGATION STORAGE in GOODING County

<u>T04S R13E S30</u>	<u>SWSE</u>
----------------------	-------------

HEATING in GOODING County

<u>T04S R13E S30</u>	<u>SENE</u>	<u>T04S R13E S30</u>	<u>NESE</u>
----------------------	-------------	----------------------	-------------

AESTHETIC in GOODING County

<u>T04S R13E S30</u>	<u>NESE</u>
----------------------	-------------

133 ACRES TOTAL

Rights 37-810, 37-811, 37-4040, 37-4041 and 37-8165 when combined shall not exceed the irrigation of 133 acres.

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

This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

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.

This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License Permit

Recreation use is for a pool.

Fish propagation is for 6 raceways and an off-stream pond.

Aesthetic use is for a moat.

The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.

Heating is for 3 homes and a greenhouse facility.

Commercial use is for a greenhouse facility.

CERTIFICATE OF MAILING

I certify that on August 2, 2011, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Director of IDWR
PO Box 83720
Boise ID 83720

☒ hand-delivered

3. Copies to all parties to the subcase:

Magic Mfg Inc
716 B E 4900 N
Buhl ID 83316

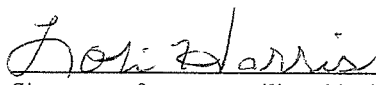
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Robert Erkins
Bernadine Erkins
PO Box 108
Bliss ID 83314

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Robert E Williams
153 E Main St
Jerome ID 83330

☒ regular mail


Signature of person mailing this document