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NOV 14 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 13 2012	
By _____	Clerk
_____	Deputy Clerk

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

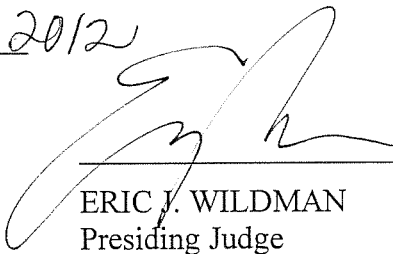
) Water Right No.: 37-8165
)
) NOTICE OF COURT'S INTENT TO
) ISSUE 2ND AMENDED PARTIAL
) DECREE, AND NOTICE OF HEARING
) THEREON
)
)
)
)
)
)
)

An *Amended Partial Decree* was issued for the above-captioned water right on January 12, 2012. On July 27, 2012, the Idaho Department of Water Resources ("Department") filed a *Request for Correction of Error*, requesting that this Court correct an error in the *Partial Decree*. On November 5, 2012, the Department filed an *Amended Request for Correction of Error*. The *Amended Request* identifies an error in the point of diversion element, asserting that the *Amended Partial Decree* erroneously lists the legal description as "T04S R13E S30 NESENE within Gooding County," when the correct legal description is "T04S R13E S30 NWSENE." The *Amended Request* also identifies an error in the place of use element, asserting that the *Amended Partial Decree* erroneously did not list the place of use description for the recreation or domestic purposes associated with the claim. Therefore, it is the intent of the Court to issue a *2nd Amended Partial Decree* correcting the above-mentioned clerical errors in accordance with the corrected recommendation attached to the Department's *Request*. A copy of the proposed *2nd Amended Partial Decree* is attached as Exhibit A.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **February 19, 2013, at 1:30 p.m.** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North,

Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimant is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone participation will be available by calling 1-215-446-0193 and when prompted entering code 406128 followed by the # sign. **However, no cell phones or speaker phones will be permitted as they interfere with our sound system making the proceeding difficult to accurately record.**

Dated: November 13, 2012



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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

2nd AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 37-08165

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

SOURCE: WHITE ARROW HOT SPRING TRIBUTARY: CLOVER CREEK

QUANTITY: 1.93 CFS
1397.30 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.

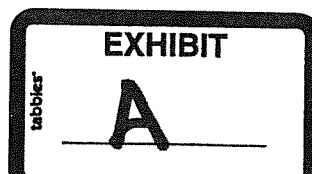
PRIORITY DATE: 06/30/1983

POINT OF DIVERSION: T04S R13E S30 NWSENE Within Gooding County
NENWSE (Injection)
NWSWSE (Rediversion)
S31 SWNWNE (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.93 CFS 532.00 AFY
	Fish Propagation	01-01 TO 12-31	1.93 CFS 1397.30 AFY
	Heating	01-01 TO 12-31	0.50 CFS 68.40 AFY
	Domestic	01-01 TO 12-31	0.06 CFS 1.80 AFY
	Recreation	01-01 TO 12-31	0.30 CFS 217.20 AFY
	Aesthetic	01-01 TO 12-31	1.93 CFS 1397.30 AFY
	Commercial	01-01 TO 12-31	0.25 CFS 106.30 AFY
	Fish Propagation Storage	01-01 TO 12-31	1.90 AFY

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.

PLACE OF USE:	Irrigation	Within Gooding County
	T04S R13E S30	NESE 24.0 SESE 27.0
	S31	NENE 24.0 NWNE 23.0



PLACE OF USE (continued)

133.0 Acres Total		
Commercial		Within Gooding County
T04S R13E S30	SENE	NESE
Fish Propagation		Within Gooding County
T04S R13E S30	NESE	
S31	NWNE	
Fish Propagation Storage		Within Gooding County
T04S R13E S30	SWSE	
Heating		Within Gooding County
T04S R13E S30	SENE	NESE
Domestic		Within Gooding County
T04S R13E S30	NESE	
Recreation		Within Gooding County
T04S R13E S30	NESE	
Aesthetic		Within Gooding County
T04S R13E S30	NESE	

Rights 37-810, 38-811, 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 water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gaging station meet or exceed the minimum stream flows established by state action.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO ISSUE 2ND AMENDED PARTIAL DECREE AND NOTICE OF HEARING THEREON was mailed on November 13, 2012, with sufficient first-class postage to the following:

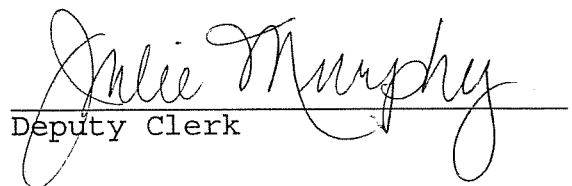
UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MAGIC MFG INC
716 B E 4900 N
BUHL, ID 83316

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 13 2012	
By _____	Clerk _____
	Deputy Clerk _____

**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 Right Claim: 02-02097A NOTICE SETTING HEARING ON MOTION TO FILE LATE NOTICE OF CLAIM
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On November 13, 2012, the Indian Cove Irrigation District filed a *Motion to File Late Notice of Claim* for the above-captioned water right.

NOTICE IS GIVEN that hearing on the *Motion to File Late Notice of Claim* is set for **Tuesday, February 19, 2013, at 1:30 p.m. (Mountain Time), at the Snake River Basin Adjudication District Court, 253 - 3rd Avenue North, Twin Falls, Idaho.** It is not mandatory for you to appear in person at this hearing. Parties may participate by telephone by dialing the number **1-215-446-0193** and when prompted entering code **406128, followed by the # sign.** Should you experience difficulty connecting to the conference call or experience a disconnect during the proceedings, please hang up and call the court clerk at 208-736-3011, for further instructions.

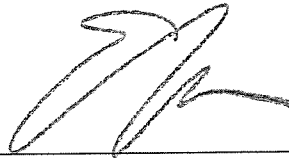
NOTE: It is customary for multiple hearings to be scheduled for this time slot. You will need to call in promptly at 1:30 p.m. (Mountain Time). Momentarily, the court clerk will come on the line and provide further instruction. In an effort to proceed as quickly as possible and minimize any confusion, please wait to identify yourself until Judge Wildman calls your water right number. At that time, he will inquire as to who is participating in that particular hearing. Once your hearing is completed, you are free to hang up your phone.

The courtroom is equipped with a very sensitive sound system and can pick up any whispering, paper shuffling and background noise. As you are waiting for your hearing, we request you remain as quiet as possible in order for the court reporter to accurately record the

proceedings. When at all possible, please avoid calling in using a cell phone and the use of the "speaker" feature on your handset phone is prohibited, as these two uses can result in interference with the sound system.

Failure to appear at the hearing, either in person or by telephone, may result in dismissal of your Motion to File Late Notice of Claim.

Dated: November 13, 2012.

A handwritten signature in black ink, appearing to read 'Eric J. Wildman', written over a horizontal line.

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE SETTING HEARING ON MOTION TO FILE LATE NOTICE OF CLAIM was mailed on November 13, 2012, with sufficient first-class postage to the following:

INDIAN COVE IRRIGATION DIST
PO BOX 35
HAMMETT, ID 83627
Phone: 208-366-2158

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.