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DEC 05 2013
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	)	Subcase No. 47-2269
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

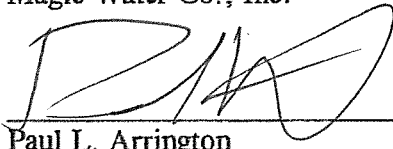
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

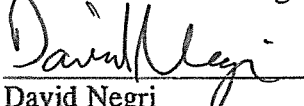
Magic Water Co., Inc.


Paul L. Arrington
Attorney for Magic Water Co., Inc.

10/24/13
Date

OBJECTOR / RESPONDENT:

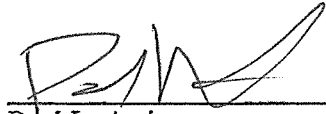
United States of America
Bureau of Land Management


David Negri
Attorney, U.S. Department of Justice
Environment and Natural Resources

12/3/13
Date

OBJECTOR:

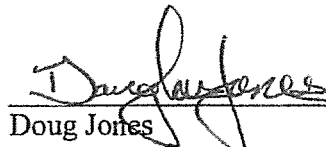
Magic Irrigators, Inc.

 10/24/13
Date

Paul L. Arrington

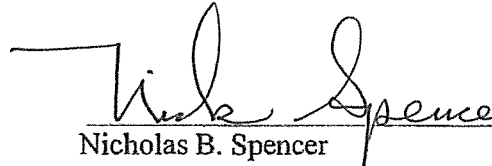
Attorney for Magic Irrigators, Inc.

IDWR CONCURRENCE:

 10/2/13
Date

Doug Jones

Technical Engineer

 10-3-13
Date

Nicholas B. Spencer

Deputy Attorney General

Attorney for IDWR

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

RIGHT NUMBER: 47-2269

NAME AND ADDRESS:

MAGIC WATER CO INC
4795 N 700 E
BUHL ID 83316

SOURCE: SALMON FALLS CREEK

Tributary: SNAKE RIVER

QUANTITY:

94.560 CFS

27,568.000 AFY

0.000 AFY

~~The rights listed below are limited to a total combined diversion rate of 181.7 cfs.
Combined Right Nos. 47-2269, 47-2384, 47-2415, 47-10261~~

PRIORITY DATE: 02/11/1953

POINT OF DIVERSION:

T10S R13E S2 NESENE Within TWIN FALLS County

T10S R13E S2 NESENW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

94.560 CFS

27,568.00 AFY

PLACE OF USE:

IRRIGATION

within TWIN FALLS County

T08S R13E S14 SWSW 39.0

T08S R13E S15 SESE 41.0

T08S R13E S22 NENE 37.0

T08S R13E S22 SENE 33.0

T08S R13E S22 NESE 41.0

T08S R13E S22 NWSE 34.0

T08S R13E S22 SWSE 41.0

T08S R13E S22 SESE 41.0

T08S R13E S23 NENE 33.0

T08S R13E S23 NWNE 39.0

T08S R13E S23 SWNE 40.0

T08S R13E S23 SENE 40.0

T08S R13E S23 NENW 40.0

T08S R13E S23 NWNW 40.0

T08S R13E S23 SWNW 40.0

T08S R13E S23 SENW 40.0

T08S R13E S23 NESW 40.0

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

T08S R13E S23 NWSW 40.0
T08S R13E S23 SWSW 40.0
T08S R13E S23 SESW 40.0
T08S R13E S23 NESE 40.0
T08S R13E S23 NWSE 40.0
T08S R13E S23 SWSE 40.0
T08S R13E S23 SESE 40.0
T08S R13E S24 NWNW 35.0
T08S R13E S24 SWNW 40.0
T08S R13E S24 NWSW 40.0
T08S R13E S24 SWSW 40.0
T08S R13E S26 NENE 38.0
T08S R13E S26 NWNE 40.0
T08S R13E S26 SWNE 40.0
T08S R13E S26 NENW 40.0
T08S R13E S26 NWNW 40.0
T08S R13E S26 SWNW 40.0
T08S R13E S26 SENW 40.0
T08S R13E S26 NESW 40.0
T08S R13E S26 NWSW 40.0
T08S R13E S26 SWSW 33.0
T08S R13E S26 SESW 40.0
T08S R13E S26 NWSE 40.0
T08S R13E S26 SWSE 38.0
T08S R13E S27 NENE 41.0
T08S R13E S27 NWNE 41.0
T08S R13E S27 SWNE 41.0
T08S R13E S27 SENE 41.0
T08S R13E S27 NENW 41.0
T08S R13E S27 NWNW 40.0
T08S R13E S27 SWNW 40.0
T08S R13E S27 SENW 40.0
T08S R13E S27 NESW 35.0
T08S R13E S27 NWSW 39.0
T08S R13E S27 SWSW 41.0
T08S R13E S27 SESW 32.0
T08S R13E S27 NESE 41.0
T08S R13E S27 NWSE 41.0
T08S R13E S27 SWSE 34.0
T08S R13E S27 SESE 35.0

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~~T08S R13E S28 NENE 9.8~~
~~T08S R13E S28 SENE 11.0~~

T08S R13E S28 NESE 38.0
T08S R13E S28 SESE 38.0
T08S R13E S29 NENE 37.0
T08S R13E S29 NWNE 39.0

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

T08S R13E S29 SWNE 40.0
T08S R13E S29 SENE 40.0
T08S R13E S29 NENW 37.0
T08S R13E S29 NWNW 40.0
T08S R13E S29 SWNW 40.0
T08S R13E S29 SENW 40.0
T08S R13E S29 NESW 40.0
T08S R13E S29 NWSW 41.0
T08S R13E S29 SWSW 41.0
T08S R13E S29 SESW 40.0
T08S R13E S29 NESE 40.0
T08S R13E S29 NWSE 40.0
T08S R13E S29 SWSE 40.0
T08S R13E S29 SESE 39.0
T08S R13E S30 NESE 41.0
T08S R13E S30 NWSE 41.0
T08S R13E S30 SWSE 40.0
T08S R13E S30 SESE 41.0
T08S R13E S31 NESE 40.0
T08S R13E S31 NWSE 40.0
T08S R13E S31 SWSE 32.0
T08S R13E S31 SESE 39.0
T08S R13E S32 NENE 30.0
T08S R13E S32 NNWE 40.0
T08S R13E S32 SWNE 40.0
T08S R13E S32 SENE 29.0
T08S R13E S32 NENW 40.0
T08S R13E S32 NWNW 40.0
T08S R13E S32 SWNW 40.0
T08S R13E S32 SENW 40.0
T08S R13E S32 NESW 40.0
T08S R13E S32 NWSW 40.0
T08S R13E S32 SWSW 38.0
T08S R13E S32 SESW 38.0
T08S R13E S32 NESE 33.0
T08S R13E S32 NWSE 40.0
T08S R13E S32 SWSE 38.0
T08S R13E S32 SESE 31.0
T08S R13E S33 NENE 39.0
T08S R13E S33 SENE 40.0
T08S R13E S33 NESE 40.0
T08S R13E S33 NWSE 36.0
T08S R13E S33 SWSE 36.0
T08S R13E S33 SESE 31.0

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

T08S R13E S34 NENE 35.0
T08S R13E S34 NNNE 36.0
T08S R13E S34 SWNE 34.0
T08S R13E S34 SENE 39.0
T08S R13E S34 NENW 35.0
T08S R13E S34 NWNW 41.0
T08S R13E S34 SWNW 41.0
T08S R13E S34 SENW 33.0
T08S R13E S34 NESW 41.0
T08S R13E S34 NWSW 40.0
T08S R13E S34 SWSW 34.0
T08S R13E S34 SESW 40.0
T08S R13E S34 NESE 39.0
T08S R13E S34 NWSE 38.0
T08S R13E S34 SWSE 40.0
T08S R13E S34 SESE 39.0
T08S R13E S35 NNNE 0.3
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T08S R13E S35 NWNW 32.0
T08S R13E S35 SWNW 34.0
T08S R13E S35 SENW 26.0
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T08S R13E S35 SWSW 38.0
T09S R13E S01 NWSW 38.0
T09S R13E S01 SWSW 27.0
T09S R13E S02 Lot 1 NENE 35.0
T09S R13E S02 Lot 2 NNNE 41.0
T09S R13E S02 SWNE 40.0
T09S R13E S02 SENE 39.0
T09S R13E S02 Lot 3 NENW 52.0
T09S R13E S02 Lot 4 NWNW 52.0
T09S R13E S02 SWNW 40.0
T09S R13E S02 SENW 40.0
T09S R13E S02 NESW 38.0
T09S R13E S02 NWSW 39.0
T09S R13E S02 SWSW 32.0
T09S R13E S02 SESW 16.0
T09S R13E S02 NESE 40.0
T09S R13E S02 NWSE 27.0
T09S R13E S02 SWSE 18.0
T09S R13E S02 SESE 40.0
T09S R13E S03 Lot 1 NENE 51.0
T09S R13E S03 Lot 2 NNNE 53.0
T09S R13E S03 SWNE 40.0
T09S R13E S03 SENE 35.0

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~~T09S R13E S02 Lot 1 NENE 13.0~~
~~T09S R13E S02 Lot 2 NNNE 3.0~~
~~T09S R13E S02 SWNE 39.0~~

~~T09S R13E S02 SENW 31.0~~

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

T09S R13E S03 Lot 3 NENW 53.0
T09S R13E S03 Lot 4 NWNW 52.0
T09S R13E S03 SNNW 39.0
T09S R13E S03 SENW 40.0
T09S R13E S03 NESW 40.0
T09S R13E S03 NWSW 39.0
T09S R13E S03 SWSW 39.0
T09S R13E S03 SESW 40.0
T09S R13E S03 NESE 39.0
T09S R13E S03 NWSE 40.0
T09S R13E S03 SWSE 40.0
T09S R13E S03 SESE 39.0
T09S R13E S04 Lot 1 NENE 53.0
T09S R13E S04 Lot 2 NWNE 53.0
T09S R13E S04 SWNE 41.0
T09S R13E S04 SENE 40.0
T09S R13E S04 SENW 24.0
T09S R13E S04 NESW 9.3
T09S R13E S04 SESW 26.0
T09S R13E S04 NESE 40.0
T09S R13E S04 NWSE 40.0
T09S R13E S04 SWSE 40.0
T09S R13E S04 SESE 40.0
T09S R13E S09 NENE 36.0
T09S R13E S09 NWNE 40.0
T09S R13E S09 SWNE 39.0
T09S R13E S09 SENE 38.0
T09S R13E S09 NENW 28.0
T09S R13E S09 NESE 31.0
T09S R13E S09 SESE 14.0
T09S R13E S10 NENE 38.0
T09S R13E S10 NWNE 39.0
T09S R13E S10 SWNE 40.0
T09S R13E S10 SENE 39.0
T09S R13E S10 NENW 40.0
T09S R13E S10 NWNW 39.0
T09S R13E S10 SNNW 40.0
T09S R13E S10 SENW 40.0
T09S R13E S10 NESW 40.0
T09S R13E S10 NWSW 37.0

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IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
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T09S R13E S10 SWSW 31.0
T09S R13E S10 SESW 28.0
T09S R13E S10 NESE 36.0
T09S R13E S10 NWSE 40.0
T09S R13E S11 NENW 1.4
T09S R13E S11 NWNW 39.0
T09S R13E S11 SWNW 38.0

7448 ACRES TOTAL

7492.6 ACRES TOTAL

This right is limited to the irrigation of 6891.7 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 7448 acres in a single irrigation season. Combined Right Nos.: 47-2269, 47-2384, 47-2415, 47-10261, 47-17541.

~~The rights listed below are limited to the irrigation of a combined total of 7492.6 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 - License

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CERTIFICATE OF MAILING

I certify that on Dec 4, 2013, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

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

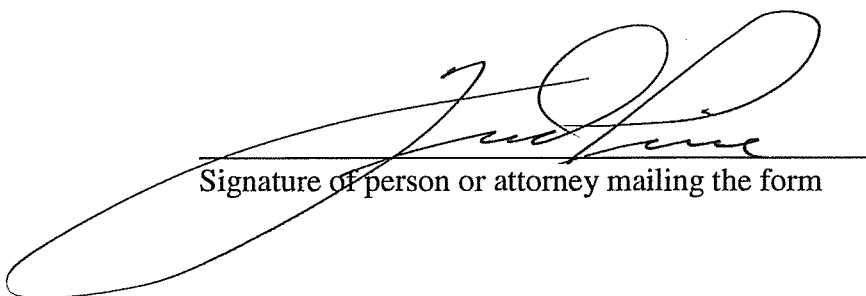
2. Copy to:

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

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724-0101

Paul L. Arrington (ISB #7198)
BARKER ROSHOLT & SIMPSON L.L.P.
195 River Vista Place, Suite 204
Twin Falls, Idaho 83301-3029
REPRESENTING:
Magic Water Company, Inc.



Signature of person or attorney mailing the form