

12-5

RECEIVED

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. 47-2384
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

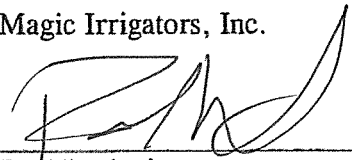
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

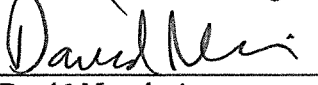
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Magic Irrigators, Inc.

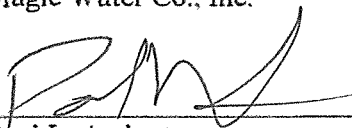
 10/24/13
 Paul L. Arrington Date
 Attorney for Magic Irrigators, Inc.

OBJECTOR/RESPONDENT:United States of America
Bureau of Land Management

 12/13/13
 David Negri, Attorney Date
 Attorney, U.S. Department of Justice
 Environment and Natural Resources

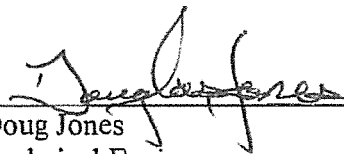
OBJECTOR:

Magic Water Co., Inc.

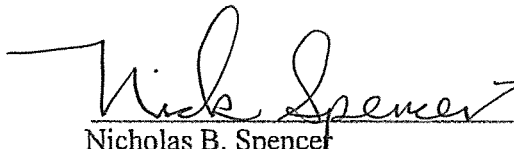

Paul L. Arrington
Attorney for Magic Water Co., Inc.

10/24/13
Date

IDWR CONCURRENCE:


Doug Jones
Technical Engineer

10/2/13
Date


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

10-3-13
Date

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

RIGHT NUMBER: 47-2384

NAME AND ADDRESS:

MAGIC IRRIGATORS INC
716B E 4900 N
BOHL ID 83316

SOURCE: SALMON FALLS CREEK

Tributary: SNAKE RIVER

QUANTITY: 2.360 CFS

820.000 AFY

0.000 AFY

The rights listed below are limited to a total combined diversion rate of 5.0 cfs.
Combined Right Nos.: 47-2384, 47-2415, 47-10261 & 47-17541.

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

PRIORITY DATE: 01/14/1966

POINT OF DIVERSION:

T09S R13E S1 SW1/4 Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

2.360 CFS

820.00 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION

within TWIN FALLS County

T09S R13E S14 SW1/4 20.0
T09S R13E S15 SE1/4 41.0
T09S R13E S22 NE1/4 17.0
T09S R13E S22 SE1/4 33.0
T09S R13E S22 NE1/4 41.0
T09S R13E S22 NW1/4 34.0
T09S R13E S22 SW1/4 41.0
T09S R13E S22 SE1/4 41.0
T09S R13E S22 NE1/4 33.0
T09S R13E S22 NW1/4 34.0
T09S R13E S22 SW1/4 40.0
T09S R13E S22 SE1/4 40.0
T09S R13E S22 NW1/4 40.0
T09S R13E S22 SW1/4 40.0
T09S R13E S22 SE1/4 40.0
T09S R13E S22 NW1/4 40.0

Handwritten signature and initials: NBS, RLA, DN

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

~~T088 R13E S23 EWSW 40.0~~
~~T088 R13E S23 EESW 40.0~~
~~T088 R13E S23 NESE 40.0~~
~~T088 R13E S23 NWSE 40.0~~
~~T088 R13E S23 EWE 40.0~~
~~T088 R13E S24 ESEE 40.0~~
~~T088 R13E S24 NWNW 33.0~~
~~T088 R13E S24 EWNW 40.0~~
~~T088 R13E S24 NNEW 40.0~~
~~T088 R13E S24 EWSW 40.0~~
~~T088 R13E S26 NENE 25.0~~
~~T088 R13E S26 NWE 40.0~~
~~T088 R13E S26 ENE 40.0~~
~~T088 R13E S26 NENW 40.0~~
~~T088 R13E S26 NWNW 40.0~~
~~T088 R13E S26 EWNW 40.0~~
~~T088 R13E S26 ENW 40.0~~
~~T088 R13E S26 NESE 40.0~~
~~T088 R13E S26 NWSW 40.0~~
~~T088 R13E S27 EWSW 33.0~~
~~T088 R13E S27 ESEW 40.0~~
~~T088 R13E S27 NNE 40.0~~
~~T088 R13E S27 NWE 40.0~~
~~T088 R13E S27 ENE 40.0~~
~~T088 R13E S27 ENW 40.0~~
~~T088 R13E S27 NENW 40.0~~
~~T088 R13E S27 EWNW 40.0~~
~~T088 R13E S27 ENW 40.0~~
~~T088 R13E S27 NESE 33.0~~
~~T088 R13E S27 NWSW 33.0~~
~~T088 R13E S27 EWSW 40.0~~
~~T088 R13E S27 ESEW 40.0~~
~~T088 R13E S27 NESE 40.0~~
~~T088 R13E S27 NWE 40.0~~
~~T088 R13E S27 EWE 40.0~~
~~T088 R13E S27 ESEE 33.0~~
~~T088 R13E S28 NENE 40.0~~
~~T088 R13E S28 ENE 40.0~~
~~T088 R13E S28 NENW 40.0~~
~~T088 R13E S28 EWNW 40.0~~
~~T088 R13E S28 ENW 40.0~~
~~T088 R13E S28 NESE 40.0~~
~~T088 R13E S28 NWSW 40.0~~
~~T088 R13E S28 EWSW 40.0~~
~~T088 R13E S28 ESEW 40.0~~
~~T088 R13E S28 NESE 40.0~~
~~T088 R13E S28 NWE 40.0~~
~~T088 R13E S28 EWE 40.0~~
~~T088 R13E S28 ESEE 40.0~~

DI
PLANS
ON

[illegible]

PLA
~~IS~~
NBS
ON

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

T09S R13E S01 NWSW 34.0
T09S R13E S01 SWSW 15.0
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 40.0

T09S R13E S02 SENW 40.0
T09S R13E S02 NESW 38.0

T09S R13E S02 SWSW 40.0
T09S R13E S02 SESW 17.0
T09S R13E S02 NESE 40.0
T09S R13E S02 NWSE 28.0
T09S R13E S02 SWSE 19.0
T09S R13E S02 SESE 40.0

T09S R13E S01 NWSW 34.0
T09S R13E S01 CWSW 27.0
T09S R13E S02 Lot 1 NENE 13.0
T09S R13E S02 Lot 2 NNNE 7.0
T09S R13E S02 SWNE 29.0
T09S R13E S02 SENE 29.0
T09S R13E S02 Lot 3 NENW 52.0
T09S R13E S02 Lot 4 NNWN 52.0
T09S R13E S02 SWNW 40.0
T09S R13E S02 SENW 21.0

T09S R13E S02 NWSW 34.0
T09S R13E S02 CWSW 27.0
T09S R13E S02 SESW 16.0

T09S R13E S02 NWSE 27.0
T09S R13E S02 SWSE 19.0

T09S R13E S03 Lot 1 NENE 51.0
T09S R13E S03 Lot 2 NNNE 52.0
T09S R13E S03 SWNE 40.0
T09S R13E S03 SENE 25.0
T09S R13E S03 Lot 3 NENW 52.0
T09S R13E S03 Lot 4 NNWN 52.0
T09S R13E S03 SWNW 30.0
T09S R13E S03 SENW 40.0
T09S R13E S03 NESW 40.0
T09S R13E S03 NWSW 30.0
T09S R13E S03 SWSW 30.0
T09S R13E S03 SESW 40.0
T09S R13E S03 NESE 29.0
T09S R13E S03 NWSE 40.0
T09S R13E S03 SWSE 40.0
T09S R13E S03 SESE 30.0
T09S R13E S04 Lot 1 NENE 52.0
T09S R13E S04 Lot 2 NNNE 52.0
T09S R13E S04 SWNE 41.0
T09S R13E S04 SENE 40.0
T09S R13E S04 SENW 24.0
T09S R13E S04 NESW 0.3
T09S R13E S04 CSEW 26.0
T09S R13E S04 NSEW 40.0
T09S R13E S04 NWSE 40.0
T09S R13E S04 CWSW 40.0
T09S R13E S04 SESE 40.0
T09S R13E S04 NENE 36.0
T09S R13E S04 NNNE 42.0
T09S R13E S04 SWNE 39.0
T09S R13E S04 SENE 32.0
T09S R13E S04 SWNW 26.0
T09S R13E S04 NESW 11.0

DA
NBS
PLA
ON

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

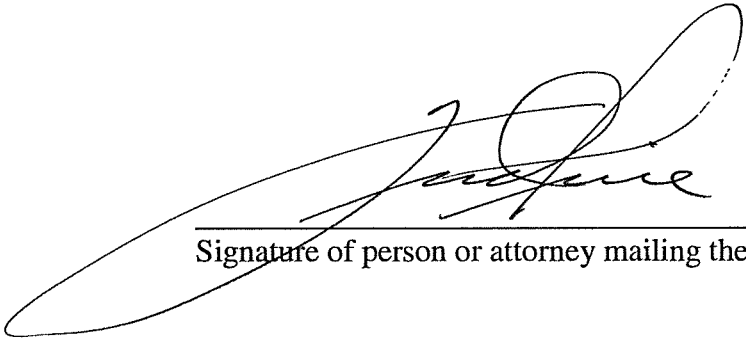
2. Copy to:

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 Irrigators, Inc.



Signature of person or attorney mailing the form