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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. 47-2415

)

Case No. 39576

)

)

STANDARD FORM 5

)

)

STIPULATED ELEMENTS OF A
WATER RIGHT

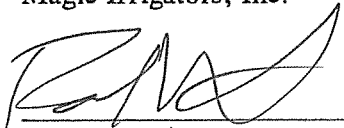
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

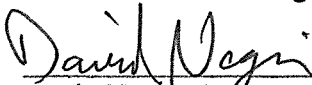
CLAIMANT/OBJECTOR:

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

 12/3/13
David Negri, Attorney Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

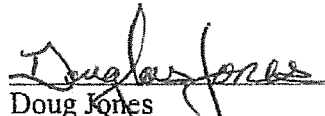
OBJECTOR:

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: 47-2415

NAME AND ADDRESS:

MAGIC IRRIGATORS INC
716B E 4900 N
BUHL ID 83316

SOURCE: SALMON FALLS CREEK

Tributary: SNAKE RIVER

QUANTITY: 1.640 CFS

920.000 AFY

0.990 AFY

The rights listed below are limited to a total combined diversion rate of 5.0 cfs.
Combined Right Nos.: 47-2364, 47-2415, 47-10261, 47-17541.

~~The rights listed below are limited to a total combined diversion rate of 10.0 cfs.
Combined Right Nos.: 47-2364, 47-2354, 47-2415, 47-10261~~

PRIORITY DATE: 04/03/1961

POINT OF DIVERSION:

T09S R13E S1 SWNESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

1.640 CFS

920.00 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 SWSE 37.0
T09S R13E S15 SESE 41.0
T09S R13E S16 NENE 37.0
T09S R13E S17 SESE 33.0
T09S R13E S18 NESE 41.0
T09S R13E S19 NWSE 34.0
T09S R13E S20 SESE 41.0
T09S R13E S21 SESE 41.0
T09S R13E S22 NENE 33.0
T09S R13E S23 NWNE 30.0
T09S R13E S24 SESE 40.0
T09S R13E S25 SESE 40.0
T09S R13E S26 NENE 40.0
T09S R13E S27 NWNE 40.0
T09S R13E S28 SESE 40.0
T09S R13E S29 NWSE 40.0
T09S R13E S30 NWSE 40.0
T09S R13E S31 SESE 40.0
T09S R13E S32 SESE 40.0
T09S R13E S33 NWSE 40.0

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

~~T088 R13E S23 ENEE 40.0~~
~~T088 R13E S23 ESEE 40.0~~
~~T088 R13E S24 NNNW 36.6~~
~~T088 R13E S24 SNNW 40.4~~
~~T088 R13E S24 NNSW 40.0~~
~~T088 R13E S24 SWSW 40.0~~
~~T088 R13E S26 NENE 30.0~~
~~T088 R13E S26 NNEE 40.0~~
~~T088 R13E S26 ENEE 40.6~~
~~T088 R13E S26 NENW 40.0~~
~~T088 R13E S26 NNNW 40.0~~
~~T088 R13E S26 SNNW 40.6~~
~~T088 R13E S26 SENW 40.0~~
~~T088 R13E S26 NESW 40.0~~
~~T088 R13E S26 NWSW 40.0~~
~~T088 R13E S26 SWSW 32.0~~
~~T088 R13E S26 ESWW 40.0~~
~~T088 R13E S26 NWEW 40.0~~
~~T088 R13E S26 ESEE 30.0~~
~~T088 R13E S27 NENE 41.0~~
~~T088 R13E S27 NNEE 41.6~~
~~T088 R13E S27 ENEE 41.0~~
~~T088 R13E S27 ESEE 41.0~~
~~T088 R13E S27 NENW 41.0~~
~~T088 R13E S27 NNNW 40.0~~
~~T088 R13E S27 SNNW 40.0~~
~~T088 R13E S27 SENW 40.0~~
~~T088 R13E S27 NESW 35.0~~
~~T088 R13E S27 NWSW 30.0~~
~~T088 R13E S27 SWSW 32.6~~
~~T088 R13E S27 ESWW 32.0~~
~~T088 R13E S27 NSEE 41.0~~
~~T088 R13E S27 NWEW 41.0~~
~~T088 R13E S27 ESEE 31.0~~
~~T088 R13E S27 ESEE 35.0~~
~~T088 R13E S28 NENE 0.0~~
~~T088 R13E S28 ENEE 11.0~~
~~T088 R13E S28 NENE 35.0~~
~~T088 R13E S28 ESEE 35.0~~
~~T088 R13E S28 NENE 37.0~~
~~T088 R13E S28 NENE 37.0~~
~~T088 R13E S28 NNEE 30.0~~
~~T088 R13E S28 ENEE 40.0~~
~~T088 R13E S28 ENEE 40.0~~
~~T088 R13E S28 NENW 37.0~~
~~T088 R13E S28 NNNW 40.0~~
~~T088 R13E S28 SNNW 40.0~~
~~T088 R13E S28 SENW 40.0~~
~~T088 R13E S28 NESW 40.0~~
~~T088 R13E S28 NWSW 41.0~~
~~T088 R13E S28 SWSW 41.0~~
~~T088 R13E S28 ESWW 40.0~~
~~T088 R13E S28 NSEE 40.0~~
~~T088 R13E S28 NWEW 40.0~~
~~T088 R13E S28 ESEE 40.0~~
~~T088 R13E S28 ESEE 39.0~~
~~T088 R13E S28 NSEE 41.0~~
~~T088 R13E S28 NWEW 41.0~~
~~T088 R13E S28 ESEE 40.0~~
~~T088 R13E S28 ESEE 41.0~~
~~T088 R13E S28 NSEE 40.0~~
~~T088 R13E S28 NWEW 40.0~~
~~T088 R13E S28 ESEE 40.0~~

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Standard Form 5

47-2415

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

T09S R13E S02 SENW 40.0
T09S R13E S02 NESW 36.0

T09S R13E S02 SWSW 40.0
T09S R13E S02 SLEW 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 S02 SENW 21.0~~

~~T09S R13E S02 NWSW 36.0~~
~~T09S R13E S02 SWSW 36.0~~
~~T09S R13E S02 SESE 16.0~~

~~T09S R13E S02 NWSE 27.0~~
~~T09S R13E S02 SWSE 19.0~~

~~T09S R13E S03 L& 1 NENE 51.0~~
~~T09S R13E S03 L& 2 NWNE 53.0~~
~~T09S R13E S03 SWNE 40.0~~
~~T09S R13E S03 SENE 36.0~~
~~T09S R13E S03 L& 3 NENW 53.0~~
~~T09S R13E S03 L& 4 NWNW 53.0~~
~~T09S R13E S03 SWNW 20.0~~
~~T09S R13E S03 SENW 40.0~~
~~T09S R13E S03 NESW 16.0~~
~~T09S R13E S03 NWSW 39.0~~
~~T09S R13E S03 SWSW 20.0~~
~~T09S R13E S03 SESE 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 L& 1 NENE 54.0~~
~~T09S R13E S04 L& 2 NWNE 53.0~~
~~T09S R13E S04 SWNE 41.0~~
~~T09S R13E S04 SENE 40.0~~
~~T09S R13E S04 SENW 21.0~~
~~T09S R13E S04 NESW 9.0~~
~~T09S R13E S04 SESE 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 S04 NENE 36.0~~
~~T09S R13E S04 NWNE 40.0~~
~~T09S R13E S04 SWNE 39.0~~
~~T09S R13E S04 SENE 36.0~~
~~T09S R13E S04 NENW 21.0~~
~~T09S R13E S04 NESE 21.0~~
~~T09S R13E S04 SESE 11.0~~
~~T09S R13E S10 NENE 36.0~~
~~T09S R13E S10 NWNE 29.0~~
~~T09S R13E S10 SWNE 40.0~~
~~T09S R13E S10 SENE 39.0~~
~~T09S R13E S10 NENW 40.0~~
~~T09S R13E S10 NESW 40.0~~
~~T09S R13E S10 NWSW 27.0~~
~~T09S R13E S10 SWSW 21.0~~
~~T09S R13E S10 SESE 21.0~~

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

T09S R13E S10 NESE 38.0

~~T09S R13E S10 NWSE 40.0~~

T09S R13E S11 NENE 4.7

~~T09S R13E S11 NENW 1.4~~

T09S R13E S11 NENW 1.3

~~T09S R13E S11 NNW 22.0~~

T09S R13E S11 NNW 40.0

~~T09S R13E S11 SNNW 34.0~~

T09S R13E S11 SNNW 40.0

601 ACRES TOTAL

~~7492.6 ACRES TOTAL~~

The rights listed below are limited to the irrigation of a combined total of 601 acres in a single irrigation season. Combined Right Nos.: 47-2384, 47-2415, 47-10261, 47-17541.

This right is limited to the irrigation of 130 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 7492.6 acres in a single irrigation season. Combined Right Nos.: 47-2384, 47-2224, 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 47-1415(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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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

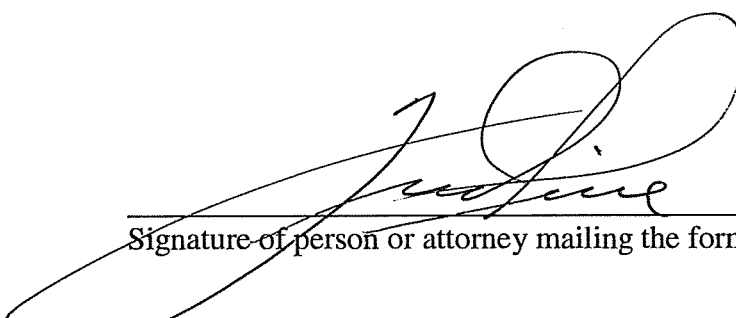
2. Copy to:

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