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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. 47-10261

)

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.



Paul L. Arrington

Attorney for Magic Irrigators, Inc.

10/24/13

Date

OBJECTOR/RESPONDENT:

United States of America

Bureau of Land Management



David Negri, Attorney

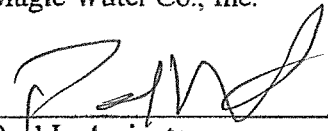
Attorney, U.S. Department of Justice
Environment and Natural Resources

12/3/13

Date

OBJECTOR:

Magic Water Co., Inc.

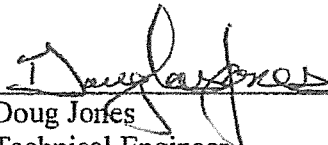


Date 10/24/13

Paul L. Arrington

Attorney for Magic Water Co., Inc.

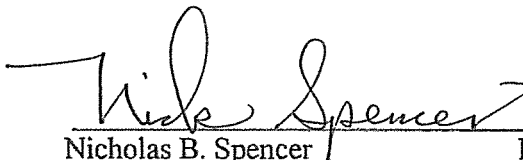
IDWR CONCURRENCE:



Date 10/2/13

Doug Jones

Technical Engineer



Date 10-3-13

Nicholas B. Spencer

Deputy Attorney General

Attorney for IDWR

RIGHT NUMBER: 47-10261

NAME AND ADDRESS:

MAGIC IRRIGATORS INC
716E E 4900 N
EUNL ID 83316

SOURCE: SALMON FALLS CREEK

Tributary: SNAKE RIVER

QUANTITY: 2,140 CFS

428,000 AFY

~~SECRET~~

The rights listed below are limited to a total combined diversion rate of 5.0 cfs and to a total combined annual diversion volume of 2258 AF. Combined Right Nos.: 47-2384, 47-2415, 47-10161, 47-17541.

~~The rights listed below are limited to a total combined diversion rate of 10% per year.~~

PRIORITY DATE: 03/15/1969

POINT OF DIVERSION:

T09S R13E S1 SWNESW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

140 CFS

428.00 BFX

PLACE OF USE:

IRRIGATION within TWIN FALLS County

T08S R12E S11 E2SW	39.0
T08S R12E S11 SESE	41.0
T08S R12E S22 NESE	21.0
T08S R12E S22 SESE	29.0
T08S R12E S22 NESE	13.0
T08S R13E S22 NWSE	24.0
T08S R13E S22 SWSE	41.0
T08S R13E S22 SESE	11.0
T08S R13E S23 NESE	33.0
T08S R13E S23 NWSE	29.0
T08S R13E S23 SESE	40.0
T08S R13E S23 SESE	10.0
T08S R13E S23 NESE	10.0
T08S R13E S23 NWSE	10.0
T08S R13E S23 SESE	10.0
T08S R13E S23 SESE	10.0
T08S R13E S23 NESE	40.0
T08S R13E S23 NWSE	10.0
T08S R13E S23 SESE	10.0
T08S R13E S23 SESE	10.0
T08S R13E S24 NWSE	25.0
T08S R13E S24 NWSE	10.0
T08S R13E S24 NWSE	10.0

7/

NBS

RWD

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1/2
NBS
ON

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

~~T09S R13E S22 SENW 40.0~~
~~T09S R13E S22 NESW 40.0~~
~~T09S R13E S22 NWSW 40.0~~
~~T09S R13E S22 SWSW 40.0~~
~~T09S R13E S22 SESEW 38.0~~
~~T09S R13E S22 NESE 33.0~~
~~T09S R13E S22 NWSE 40.0~~
~~T09S R13E S22 SWSE 35.0~~
~~T09S R13E S22 SESE 31.0~~
~~T09S R13E S22 NENE 20.0~~
~~T09S R13E S22 SENE 40.0~~
~~T09S R13E S22 NESE 40.0~~
~~T09S R13E S22 NWSE 30.0~~
~~T09S R13E S22 SWSE 36.0~~
~~T09S R13E S22 SESE 25.0~~
~~T09S R13E S24 NENE 35.0~~
~~T09S R13E S24 NWNE 35.0~~
~~T09S R13E S24 SWNE 34.0~~
~~T09S R13E S24 SENE 30.0~~
~~T09S R13E S24 SENW 30.0~~
~~T09S R13E S24 NWNW 41.0~~
~~T09S R13E S24 SWNW 41.0~~
~~T09S R13E S24 SENW 32.0~~
~~T09S R13E S24 NESW 41.0~~
~~T09S R13E S24 NWSW 40.0~~
~~T09S R13E S24 SWSW 34.0~~
~~T09S R13E S24 SESEW 40.0~~
~~T09S R13E S24 NESE 39.0~~
~~T09S R13E S24 NWSE 30.0~~
~~T09S R13E S24 SWSE 40.0~~
~~T09S R13E S24 SESE 30.0~~
~~T09S R13E S25 NWNE 0.3~~
~~T09S R13E S25 NWNE 0.3~~
~~T09S R13E S25 NENW 33.0~~
~~T09S R13E S25 NWNW 22.0~~
~~T09S R13E S25 SWNW 34.0~~
~~T09S R13E S25 SENW 20.0~~
~~T09S R13E S25 NWSW 30.0~~
~~T09S R13E S25 SWSW 30.0~~
~~T09S R13E S01 NWSW 34.0~~
~~T09S R13E S01 SWSW 25.0~~
~~T09S R13E S02 Lot 1 NENE 35.0~~
~~T09S R13E S02 Lot 2 NWNE 41.0~~
~~T09S R13E S02 SWNE 40.0~~
~~T09S R13E S02 SENE 40.0~~

~~T09S R13E S02 SENW 40.0~~
~~T09S R13E S01 NESW 30.0~~

~~T09S R13E S01 SWSW 40.0~~
~~T09S R13E S01 SESEW 17.0~~
~~T09S R13E S02 NESE 40.0~~
~~T09S R13E S01 NWSE 20.0~~
~~T09S R13E S01 SWSE 19.0~~
~~T09S R13E S01 SESE 40.0~~

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T09S R13E S01 NWSW 34.0
T09S R13E S01 SWSW 25.0
T09S R13E S02 Lot 1 NENE 35.0
T09S R13E S02 Lot 2 NWNE 41.0
T09S R13E S02 SWNE 40.0
T09S R13E S02 SENE 40.0

T09S R13E S02 SENW 40.0
T09S R13E S01 NESW 30.0

T09S R13E S01 SWSW 40.0
T09S R13E S01 SESEW 17.0
T09S R13E S02 NESE 40.0
T09S R13E S01 NWSE 20.0
T09S R13E S01 SWSE 19.0
T09S R13E S01 SESE 40.0

~~T09S R13E S01 NWSW 34.0~~
~~T09S R13E S01 SWSW 25.0~~
~~T09S R13E S02 SESEW 17.0~~
~~T09S R13E S02 NWSE 20.0~~
~~T09S R13E S02 SWSE 19.0~~

IDAHO DEPARTMENT OF WATER RESOURCES PERMITS/LEI
WATER RIGHTS ACQUIRED UNDER STATE LAW

~~T09S R13E S03 Lot 1 NENE 51.0~~
~~T09S R13E S03 Lot 1 NWNE 51.0~~
~~T09S R13E S03 SEWE 40.0~~
~~T09S R13E S03 SENE 35.0~~
~~T09S R13E S03 Lot 2 NENW 53.0~~
~~T09S R13E S03 Lot 4 NWNW 55.0~~
~~T09S R13E S03 SEWN 39.0~~
~~T09S R13E S03 SEWN 40.0~~
~~T09S R13E S03 NESE 40.0~~
~~T09S R13E S03 NWSE 20.0~~
~~T09S R13E S03 SWSW 39.0~~
~~T09S R13E S03 SESE 40.0~~
~~T09S R13E S03 NESE 39.0~~
~~T09S R13E S03 NWSE 40.0~~
~~T09S R13E S03 SWSW 40.0~~
~~T09S R13E S03 SESE 20.0~~
~~T09S R13E S04 Lot 1 NENE 53.0~~
~~T09S R13E S04 Lot 2 NWNE 53.0~~
~~T09S R13E S04 SEWE 41.0~~
~~T09S R13E S04 SENE 40.0~~
~~T09S R13E S04 SEWN 21.0~~
~~T09S R13E S04 NESE 4.2~~
~~T09S R13E S04 SESE 26.0~~
~~T09S R13E S04 NESE 40.0~~
~~T09S R13E S04 NWSE 40.0~~
~~T09S R13E S04 SWSW 40.0~~
~~T09S R13E S04 SESE 40.0~~
~~T09S R13E S04 NENE 26.0~~
~~T09S R13E S04 NWNE 40.0~~
~~T09S R13E S04 SEWE 20.0~~
~~T09S R13E S04 SEWE 30.0~~
~~T09S R13E S04 NENW 26.0~~
~~T09S R13E S04 NESE 31.0~~
~~T09S R13E S04 SESE 14.0~~
~~T09S R13E S10 NENE 26.0~~
~~T09S R13E S10 NWNE 20.0~~
~~T09S R13E S10 SEWE 40.0~~
~~T09S R13E S10 SEWE 39.0~~
~~T09S R13E S10 NENW 40.0~~
~~T09S R13E S10 NWNW 40.0~~
~~T09S R13E S10 SEWN 40.0~~
~~T09S R13E S10 NESE 40.0~~
~~T09S R13E S10 SWSW 21.0~~
~~T09S R13E S10 SESE 20.0~~

Handwritten:
 JF PRA
 NBS
 ON

T09S R13E S10 NESE 38.0

T09S R13E S11 NENE 4.7
T09S R13E S11 NENW 1.3
T09S R13E S11 NWNW 40.0
T09S R13E S11 SEWN 40.0

601 ACRES TOTAL

~~T09S R13E S10 NWSE 40.0~~

~~T09S R13E S11 NENW 1.4~~
~~T09S R13E S11 NWNW 20.0~~
~~T09S R13E S11 SEWN 30.0~~

~~2403.0 ACRES TOTAL~~

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

This right is limited to the irrigation of 137 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 601 acres in a single irrigation season. Combined Right Nos.: 47-2384, 47-2415, 47-10261, 47-17541.

~~The rights listed below are limited to the irrigation of a combined total of 2403.4 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 - Beneficial Use

DF PLA
DN

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

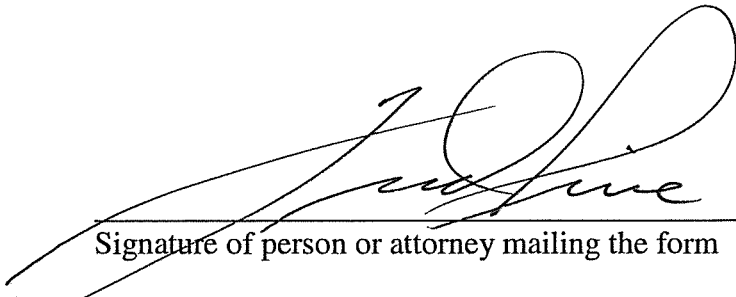
2. Copy to:

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