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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. 47-17541
	)	(Uncontested Overlap)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

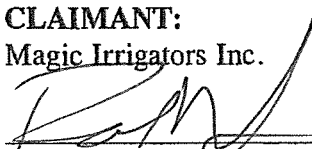
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

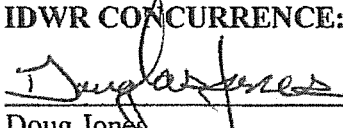
CLAIMANT:

Magic Irrigators Inc.

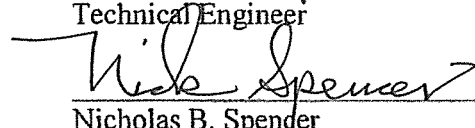

 Paul L. Arrington
 Attorney for Magic Irrigators Inc.

10/24/13
 Date

IDWR CONCURRENCE:


 Doug Jones
 Technical Engineer

10/2/13
 Date


 Nicholas B. Spender
 Deputy Attorney General
 Attorney for IDWR

10/8-13
 Date

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

RIGHT NUMBER: 47-17541

NAME AND ADDRESS: MAGIC IRRIGATORS INC
716E E 4900 N
BOHL ID 83316

SOURCE: SALMON FALLS CREEK

Tributary:

SHAKE RIVER

QUANTITY: 0.490 CFS 0.680 CFS
90.000 AFY 0.000 AFY

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, 47-10261, 47-17541.

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

PRIORITY DATE: 04/01/1987

This water right is subordinate to all water rights with a priority date earlier than April 13, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

~~T09S R12E S1 NE6W Within TWIN FALLS County~~

T09S R13E S1 SWNE6W Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/21
03/15 11/15

0.680 CFS
0.490 CFS 90.00 AFY

PLACE OF USE:

IRRIGATION within TWIN FALLS County

~~T09S R13E S01 NW6W 34.0~~

~~T09S R13E S01 NW6W 34.0~~

~~T09S R13E S01 SW6W 35.0~~

~~T09S R13E S01 SW6W 35.0~~

~~T09S R13E S01 Lot 1 NENE 35.0~~

~~T09S R13E S01 Lot 1 NENE 35.0~~

~~T09S R13E S02 Lot 2 NWNE 41.0~~

~~T09S R13E S02 Lot 2 NWNE 41.0~~

~~T09S R13E S02 SWNE 40.0~~

~~T09S R13E S02 SWNE 40.0~~

~~T09S R13E S02 SENE 40.0~~

~~T09S R13E S02 SENE 40.0~~

~~T09S R13E S02 Lot 3 NENE 52.0~~

~~T09S R13E S02 Lot 3 NENE 52.0~~

~~T09S R13E S02 Lot 4 NENE 52.0~~

~~T09S R13E S02 Lot 4 NENE 52.0~~

~~T09S R13E S02 SWNE 40.0~~

~~T09S R13E S02 SWNE 40.0~~

~~T09S R13E S01 SE6W 40.0~~

~~T09S R13E S01 SE6W 40.0~~

~~T09S R13E S01 NE6W 34.0~~

~~T09S R13E S01 NE6W 34.0~~

~~T09S R13E S02 SW6W 35.0~~

~~T09S R13E S02 SW6W 35.0~~

~~T09S R13E S02 SE6W 17.0~~

~~T09S R13E S02 SE6W 17.0~~

~~T09S R13E S02 NE6E 40.0~~

~~T09S R13E S02 NE6E 40.0~~

Handwritten: RIA
NBS

T09S R13E S02 NWSE 24.0

T09S R13E S02 SWSE 19.0

T09S R13E S02 SESE 40.0

T09S R13E S10 NESE 36.0

T09S R13E S11 NENE 4.7

T09S R13E S11 NENW 1.3

T09S R13E S11 MNW 40.0

T09S R13E S11 SNW 40.0

~~T09S R13E S02 NWSE 24.0~~

~~T09S R13E S02 SWSE 19.0~~

~~T09S R13E S11 NENW 1.3~~

~~T09S R13E S11 MNW 40.0~~

~~T09S R13E S11 SNW 40.0~~

601 ACRES TOTAL ~~726.4 ACRES TOTAL~~

This right is limited to the irrigation of 59 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 and 47-17541.

~~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 and 47-17541.~~

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.

This right is based upon an enlargement of Right Nos. 47-2384, 47-2415 and 47-10261 pursuant to Section 42-1426, Idaho Code.

~~This right is based upon an enlargement of Right Nos. 47-2384 and 47-2415 pursuant to Section 42-1426, Idaho Code.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 59 acres within the place of use described for this right.

Handwritten:
PLIA
NBS

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

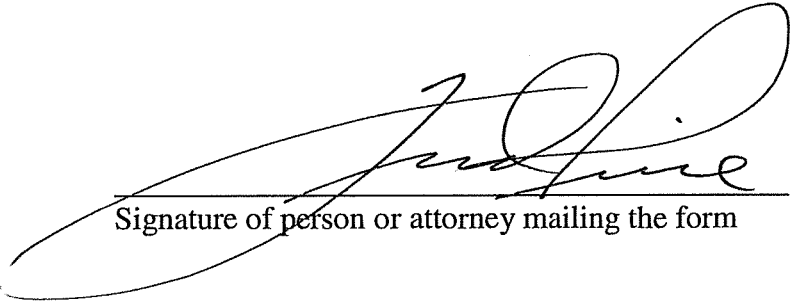
2. Copy to:

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