

RECEIVED
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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
DEC 30 2013
By _____ Clerk
_____ Deputy Clerk

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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 47-02269

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

Objections were filed by the claimant Magic Water Co., Inc., and by the United States of America, Department of Interior, Bureau of Land Management. On December 5, 2013, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objections. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 47-02269 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Dec. 30, 2013


Theodore R. Booth
Special Master
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 47-02269

NAME AND ADDRESS: MAGIC WATER CO INC
716B E 4900 N
BUHL, ID 83316

SOURCE: SALMON FALLS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 94.56 CFS
27568.00 AFY

PRIORITY DATE: 02/11/1953

POINT OF DIVERSION: T10S R13E S02 NESENE Within Twin Falls County
NESENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	94.56 CFS 27568.00 AFY

PLACE OF USE: Irrigation Within Twin Falls County

T08S R13E S14	SWSW 39.0	
S15	SESE 41.0	
S22	NENE 37.0	SENE 33.0
	NESE 41.0	NWSE 34.0
	SWSE 41.0	SESE 41.0
S23	NENE 33.0	NWNE 39.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S24	NWNW 35.0	SWNW 40.0
	NWSW 40.0	SWSW 40.0
S26	NENE 38.0	NWNE 40.0
	SWNE 40.0	NENW 40.0
	NWNW 40.0	SWNW 40.0
	SENW 40.0	NESW 40.0
	NWSW 40.0	SWSW 33.0
	SESW 40.0	NWSE 40.0
	SWSE 38.0	
S27	NENE 41.0	NWNE 41.0
	SWNE 41.0	SENE 41.0
	NENW 41.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 35.0	NWSW 39.0
	SWSW 41.0	SESW 32.0
	NESE 41.0	NWSE 41.0
	SWSE 34.0	SESE 35.0
S28	NESE 38.0	SESE 38.0
S29	NENE 37.0	NWNE 39.0
	SWNE 40.0	SENE 40.0
	NENW 37.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 41.0
	SWSW 41.0	SESW 40.0
	NESE 40.0	NWSE 40.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

		SWSE 40.0		SESE 39.0
S30		NESE 41.0		NWSE 41.0
		SWSE 40.0		SESE 41.0
S31		NESE 40.0		NWSE 40.0
		SWSE 32.0		SESE 39.0
S32		NENE 30.0		NWNE 40.0
		SWNE 40.0		SENE 29.0
		NENW 40.0		NWNW 40.0
		SWNW 40.0		SENE 40.0
		NESW 40.0		NWSW 40.0
		SWSW 38.0		SESW 38.0
		NESE 33.0		NWSE 40.0
		SWSE 38.0		SESE 31.0
S33		NENE 39.0		SENE 40.0
		NESE 40.0		NWSE 36.0
		SWSE 36.0		SESE 31.0
S34		NENE 35.0		NWNE 36.0
		SWNE 34.0		SENE 39.0
		NENW 35.0		NWNW 41.0
		SWNW 41.0		SENE 33.0
		NESW 41.0		NWSW 40.0
		SWSW 34.0		SESW 40.0
		NESE 39.0		NWSE 38.0
		SWSE 40.0		SESE 39.0
S35		NWNE 0.3		NENW 33.0
		NWNW 32.0		SWNW 34.0
		SENE 26.0		NWSW 38.0
		SWSW 38.0		
T09S R13E S01		NWSW 38.0		SWSW 27.0
S02 LOT 1	(NENE) 35.0	LOT 2	(NWNE) 41.0	
	SWNE 40.0		SENE 39.0	
LOT 3	(NENW) 52.0	LOT 4	(NWNW) 52.0	
	SWNW 40.0		SENE 40.0	
	NESW 38.0		NWSW 39.0	
	SWSW 32.0		SESW 16.0	
	NESE 40.0		NWSE 27.0	
	SWSE 18.0		SESE 40.0	
S03 LOT 1	(NENE) 51.0	LOT 2	(NWNE) 53.0	
	SWNE 40.0		SENE 35.0	
LOT 3	(NENW) 53.0	LOT 4	(NWNW) 52.0	
	SWNW 39.0		SENE 40.0	
	NESW 40.0		NWSW 39.0	
	SWSW 39.0		SESW 40.0	
	NESE 39.0		NWSE 40.0	
	SWSE 40.0		SESE 39.0	
S04 LOT 1	(NENE) 53.0	LOT 2	(NWNE) 53.0	
	SWNE 41.0		SENE 40.0	
	SENE 24.0		NESW 9.3	
	SESW 26.0		NESE 40.0	
	NWSE 40.0		SWSE 40.0	
	SESE 40.0			
S09	NENE 36.0		NWNE 40.0	
	SWNE 39.0		SENE 38.0	
	NENW 28.0		NESE 31.0	
	SESE 14.0			
S10	NENE 38.0		NWNE 39.0	
	SWNE 40.0		SENE 39.0	
	NENW 40.0		NWNW 39.0	
	SWNW 40.0		SENE 40.0	
	NESW 40.0		NWSW 37.0	
	SWSW 31.0		SESW 28.0	
	NESE 38.0		NWSE 40.0	
S11	NENW 1.4		NWNW 39.0	
	SWNW 38.0			

PLACE OF USE (continued)

7448.0 Acres Total

7448 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.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

DEC 30 2013

Lee R. Booth

SPECIAL MASTER

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
DEC 30 2013	
By _____	Clerk
_____	Deputy Clerk

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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

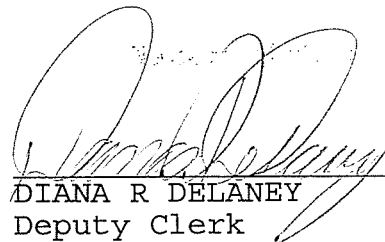
Water Right(s): 47-02269

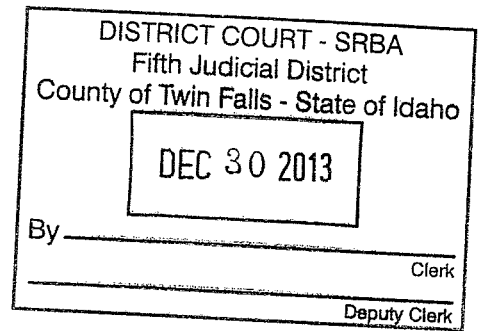
On December 30, 2013, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED December 30, 2013.


DIANA R DELANEY
Deputy Clerk



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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 47-02269

CERTIFICATE OF MAILING

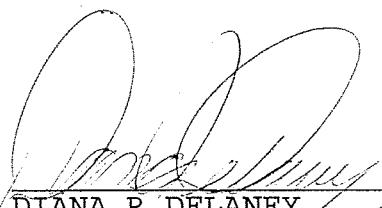
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 30, 2013, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MAGIC WATER CO INC
Represented by:
PAUL L ARRINGTON
195 RIVER VISTA PL STE 204
TWIN FALLS, ID 83301-3029
Phone: 208-733-0700

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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