

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

JUN 26 2015

3RD AMENDED

DEPT. OF WATER RESOURCES

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-08165

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 25 2015

NAME AND ADDRESS:

MAGIC MFG INC
716 E 4900 N
BUHL, ID 83316

SOURCE:

WHITE ARROW HOT SPRING TRIBUTARY: CLOVER CREEK

QUANTITY:

1.93 CFS
1397.30 AFY

By

Clerk

Deputy Clerk

Fish propagation storage is for an on-stream pond with a total capacity of 1.0 AF. This right authorizes the storage of 1.0 AF in the pond and 0.9 AF to replace evaporation losses from the pond.

Water diverted under this right is injected into and reddiverted from an unnamed stream tributary to Clover Creek. The rate and volume of water reddiverted from the unnamed stream under this right shall not exceed the rate and volume of water simultaneously injected into the unnamed stream.

Rights 37-810, 37-811, 37-4040 and 37-8165 when combined shall not exceed a total diversion rate of 2.66 cfs for irrigation purposes.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE:

06/30/1983

POINT OF DIVERSION:

T04S R13E S30

NWSENE Within Gooding County

NENWSE (Injection)

NWSWSE (Rediversion)

SWNWNE (Rediversion)

S31

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	1.93 CFS
		532.00 AFY
Fish Propagation	01-01 TO 12-31	1.93 CFS
		1397.30 AFY
Heating	01-01 TO 12-31	0.50 CFS
		68.40 AFY
Domestic	01-01 TO 12-31	0.06 CFS
		1.80 AFY
Recreation	01-01 TO 12-31	0.30 CFS
		217.20 AFY
Aesthetic	01-01 TO 12-31	1.93 CFS
		1397.30 AFY
Commercial	01-01 TO 12-31	0.25 CFS
		106.30 AFY
Fish Propagation Storage	01-01 TO 12-31	1.90 AFY

Domestic use is for 3 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.

PLACE OF USE:

Irrigation

T04S R13E S30

NESE 24.0

Within Gooding County

SWSE 35.0

SESE 27.0

S31

NENE 24.0

NWNE 23.0

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

PLACE OF USE (continued)

133.0 Acres Total		
Commercial		Within Gooding County
T04S R13E S30	SENE	NESE
Fish Propagation		Within Gooding County
T04S R13E S30	NESE	
S31	NWNE	
Fish Propagation Storage		Within Gooding County
T04S R13E S30	SWSE	
Heating		Within Gooding County
T04S R13E S30	SENE	NESE
Domestic		Within Gooding County
T04S R13E S30	NESE	
Recreation		Within Gooding County
T04S R13E S30	NESE	
Aesthetic		Within Gooding County
T04S R13E S30	NESE	

Rights 37-810, 38-811, 37-4040, 37-4041 and 37-8165 when combined shall not exceed the irrigation of 133 acres.

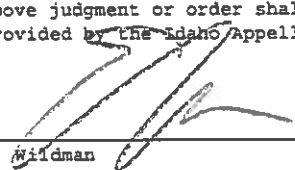
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest. This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gaging station meet or exceed the minimum stream flows established by state action. This water right is a trust water right as defined in the SRBA Final Decree and therefore cannot make a delivery call on any water rights with a priority date senior to October 25, 1984, or any water rights identified on its face as receiving the benefit of unqualified subordination of hydropower water rights nos. 02-00100, 02-04000A, 02-04001A, 02-02032A, 02-04000B, 02-04001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026. This water right may only make a delivery call against other junior trust water rights.

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