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APR 01 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

April 1, 2013

Via Hand Delivery

Doug Jones
Idaho Dept. of Water Resources
Southern Regional Office
1341 Fillmore St., Ste. 200
Twin Falls, Idaho 83301

Re: *Magic Irrigators Application for Permit Nos. 47-8059 & 47-8060*

Dear Mr. Jones,

Attached, please find the *Affidavit of Kenneth P. Elkin* regarding the above referenced matter.

It is my understanding that you will review this information and contact the State Office Permit Section to find out who will be reviewing it now that Monica is no longer with IDWR.

Should you have any questions, please contact our office at (208) 733-0700.

Thank you,


Jessica Nielsen
Assistant for Paul L. Arrington

Attachment
PLA/jn

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APR 01 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Travis L. Thompson, ISB #6168
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113 Main Ave. West, Suite 103
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Attorneys for Magic Water Company, Inc.

**BEFORE THE
IDAHO DEPARTMENT OF WATER RESOURCES**

IN THE MATTER OF APPLICATION FOR
PERMIT NOS. 47-8059 & 47-8060

In the name of Magic Irrigators, Inc.

AFFIDAVIT OF KENNETH P. ELKIN

KENNETH P. ELKIN, being first duly sworn upon oath, deposes and states as follows:

1. I am over the age of 18 and state the following based upon my personal knowledge.
2. My address is 4900 North 716A East, Buhl, Idaho. I am the Vice President of Magic Irrigators, Inc. and have held this position since 1988. In addition, I am the President of Magic Water Company, Inc. ("MWC") and have held this position since 1972. As such, I am familiar with the operations of these companies – including the development and use of water by these companies.

3. Both Magic Irrigators and MWC run farming operations near Buhl, Idaho. The operations are adjacent to each other, as identified on the map, included as **ATTACHMENT A**, hereto. In some instances, the water usage overlaps between the operations.

4. Both Magic Irrigators and MWC filed a number of claims in the Snake River Basin Adjudication ("SRBA"), including 47-2269 (MWC) and 47-2384, 47-2415, 47-10261 and 47-17541 (Magic Irrigators). These claims are pending in the SRBA and are referred to herein as the "SRBA Water Rights."

5. In addition, Magic Irrigators filed Applications for Permit for water rights 47-8059 and 47-8060. Through these applications, Magic Irrigators sought to obtain a water right for additional ground that had been developed.

6. These applications were both filed on February 17, 1987. Proof of beneficial use was due on April 1, 1994.

7. By 1992, Magic Irrigators has developed several acres outside of the place of use of the SRBA water rights. The Map, included as **ATTACHMENT B**, shows the Magic Irrigators and MWC operations in 1992. The acreage outlined in green was being irrigated at that time.

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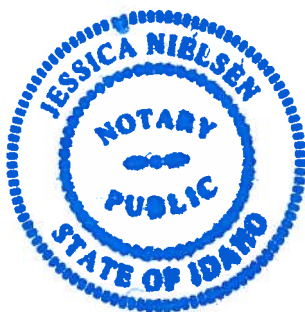
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 28 day of March, 2013.


KENNETH P. ELKIN

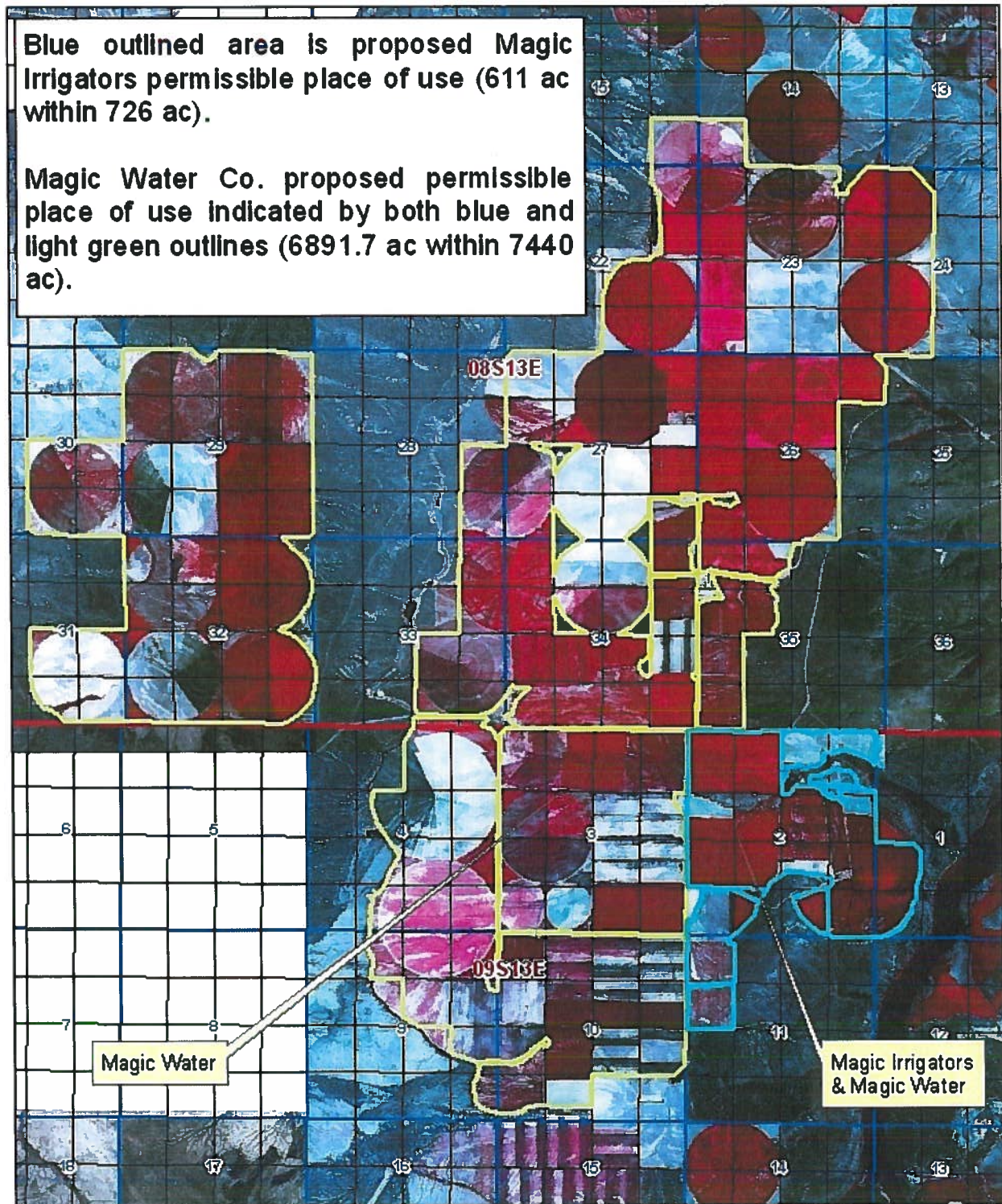
STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 28 day of March, 2013, before me, a Notary Public for said County and State, personally appeared KENNETH P. ELKIN, known or identified to me the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same




NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls,
My commission expires: 4/3/18

Attachment A



**Magic Water Co. and Magic Irrigators
proposed place of use boundaries.**

Attachment B

