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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 19 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	)	SUBCASE NO. 37-08165
	)	
Case No. 39576	)	ORDER OF 2 ND AMENDED PARTIAL
	)	DECREE TO CORRECT CLERICAL
	)	ERROR; I.R.C.P. 60(a)
	)	(Magic Mfg. Inc.)

On January 12, 2012, an *Amended Partial Decree* was issued for the above-captioned water right. On July 27, 2012, the Idaho Department of Water Resources filed a *Request for Correction of Error*, requesting this Court correct an error in the *Amended Partial Decree*. This Court filed a *Notice of Court's Intent to Issue 2nd Amended Partial Decree and Notice of Hearing Thereon* on November 13, 2012. Said hearing was held on February 19, 2013, and no objections were filed.

Therefore, IT IS ORDERED pursuant to I.R.C.P. 60(a) that the above-captioned water right be amended as set forth in the attached 2nd *Amended Partial Decree*. The previously issued *Amended Partial Decree* is superseded thereby.

DATED: February 19, 2013.



ERIC J. WILDMAN
Presiding Judge
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

2nd **AMENDED**

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

FEB 19 2013

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS:

MAGIC MFG INC
716 B E 4900 N
BUHL, ID 83316

SOURCE:

WHITE ARROW HOT SPRING TRIBUTARY: CLOVER CREEK

QUANTITY:

1.93 CFS
1397.30 AFY

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 rediverted from an unnamed stream tributary to Clover Creek. The rate and volume of water rediverted 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)

S31

SWNWNE (Rediversion)

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

SESE 27.0

S31

NENE 24.0

Within Gooding County

SWSE 35.0

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.

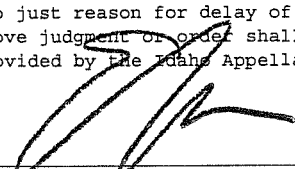
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF
2ND AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR; I.R.C.P.
60(A) was mailed on February 19, 2013, with sufficient first-class
postage to the following:

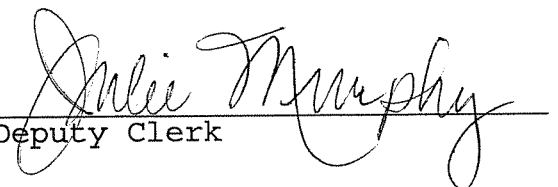
UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

MAGIC MFG INC
716 B E 4900 N
BUHL, ID 83316

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".