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Form 42-1761-1 08/11

DEC 07 2012

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

WSB No. _____
Receipt No. C096298
Date/by 12-7-12 HP
(For Department Use Only)

APPLICATION TO SELL OR LEASE A WATER RIGHT TO THE WATER SUPPLY BANK

Name of Seller/Lessor Magic Valley MFG Inc Phone _____
Mailing address 716 B East 4900 North Buhl, Idaho 83316 Email _____

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, check here ☒, list the water right number, and skip to Part B.

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>37-4041</u>	<u>/250.1</u>	<u>Irrigation Storage</u>	<u>1/01</u> to <u>12/31</u>
	<u>/250.1</u>	<u>Irrigation from Storage</u>	<u>3/15</u> to <u>11/15</u>
	<u>/250.1</u>	<u>Fish Propagation Storage</u>	<u>1/01</u> to <u>12/31</u>
Total Amount:	<u>/250.1</u>		

2. Source of water Unnamed Stream tributary to Clover Creek

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
4S	13E	29			SW	SW	Gooding
4S	13E	29			SW	SW	Gooding
4S	13E	31			NE	NE	

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	13E	30															18	15	33
		31	24	23															47

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 80

B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.

2. Is the point of diversion for the water right owned or managed by an irrigation district? Yes ☒ No ☐
If yes, provide written consent from the company, corporation or irrigation district to the proposed sale or lease and list name of entity:

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

Diversion, pumps and piping

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

37-810, 37-811, 37-4040, 37, 37-4041 & 37-8165 are limited to 133 acres of irrigation

3. Will the present place of use continue to receive water from any source?

Yes ☐ No ☒

If yes, describe.

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.

5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes
- ☐
- No
- ☒

If yes, describe.

D. REQUIRED ITEMS

This form must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.

E. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board (IWRB) for sale
- ☐
- or lease
- ☒
- .

If lease, for a period from 11/26/2012 to 11/26/2017 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Signature of Applicant

Printed Name and Title*

Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

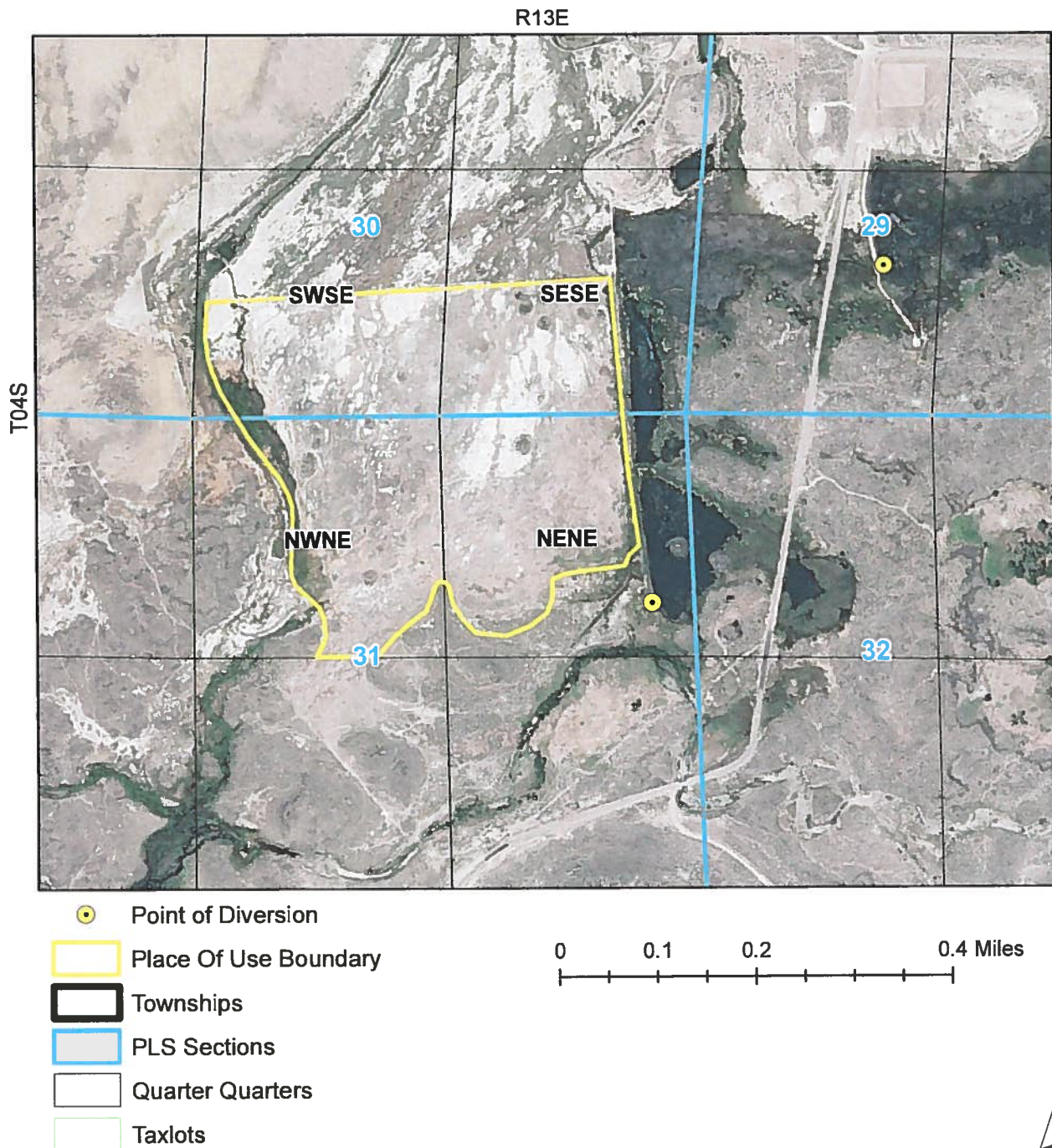
Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

State of Idaho
Department of Water Resources

Water Right 37-4041

IRRIGATION FROM STORAGE

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



No. C 104063		Due no later than Nov 30, 2012 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. MAGIC MFG., INC. ARMAND ECKERT 716-B EAST 4900 N BUHL ID 83316 USA		ARMAND ECKERT 716-B EAST 4900 N BUHL ID 83316			
				3. New Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).							
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
PRESIDENT	ARMAND M ECKERT	716-B EAST 4900 N	BUHL	ID	USA	83316	
5. Organized Under the Laws of: ID C 104063		6. Annual Report must be signed.* Signature: Armand M. Eckert Name (type or print): Armand M. Eckert					
		Date: 09/13/2012 Title: President					
Processed 09/13/2012		* Electronically provided signatures are accepted as original signatures.					

SPECIAL MEETING OF MAGIC MANUFACTURING, INC.

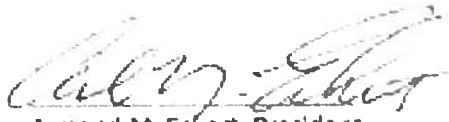
NOVEMBER 27, 2012

A Special Meeting of the stockholder's of Magic Manufacturing, Inc. was held at Angler's in Hagerman for the purpose of electing an officer of the Corporation. The meeting commenced at 6 p.m.

Present were President Armand Eckert and George Panagiotou, stockholders of the Company.

President Eckert announced that George Panagiotou was being appointed Vice President of Operations for the Corporation for the purpose of performing and carrying on the normal business activities of the Corporation in accordance with the By-Laws of Magic Manufacturing, Inc.

There being no further business, the meeting was adjourned.



Armand M. Eckert, President
Magic Manufacturing, Inc.