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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 30 2011	
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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	Subcase No. 37-08165
	)	(Magic Mfg. Inc.)
_____	)	

On November 8, 2011, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED December 30, 2011.



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

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

DEC 30 2011

By _____

Clerk

Deputy Clerk

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 37-08165

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 NESENE 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	Within Gooding County
	T04S R13E S30	NESE 24.0 SWSE 35.0
	S31	SESE 27.0 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
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.

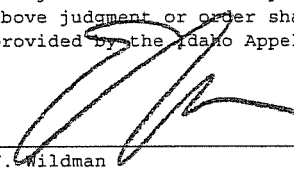
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 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

2011 DEC 30 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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): 37-08165

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 37-08165 was mailed
on December 30, 2011, with sufficient first-class postage prepaid
to the following:

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

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

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

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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12/30/11