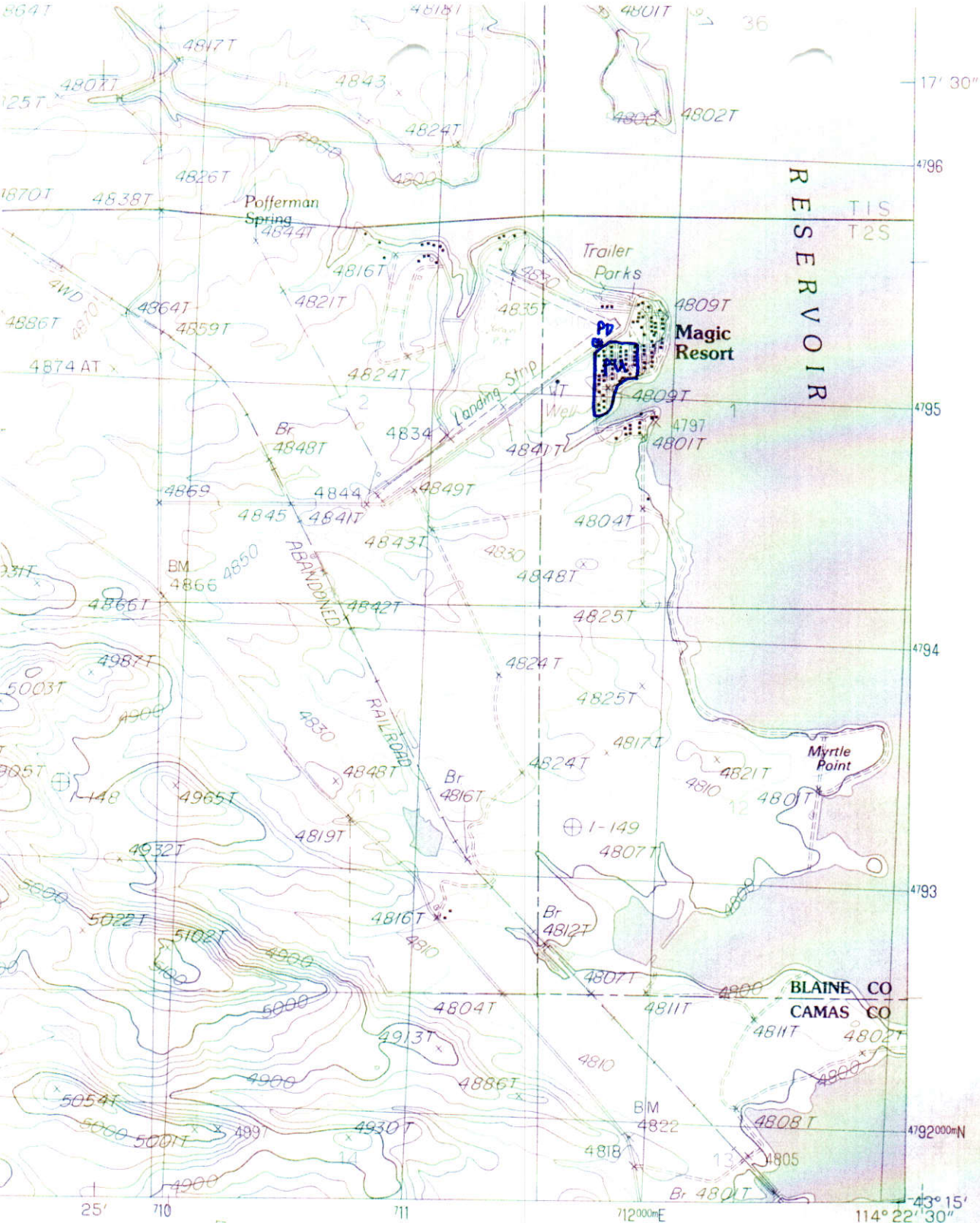




INTERIOR GEOLOGICAL SURVEY, RESTON, VIRGINIA-1986

ROAD LEGEND

Improved Road
 Unimproved Road
 Trail

Interstate Route U.S. Route State Route

QUADRANGLE LOCATION

1	2	3	1 Beaver Creek
			2 Richardson Summit
			3 Bellevue
4		5	4 Macon
			5 Magic Reservoir East
			6 Thorn Creek Reservoir
			7 Summit Reservoir
6	7	8	8 Shoshone Ice Cave

ADJOINING 7.5' QUADRANGLE NAMES

MAGIC RESERVOIR WEST, IDAHO
 PROVISIONAL EDITION 1986

MICROFILMED 43114-C4-TF-024

JAN 09 2003

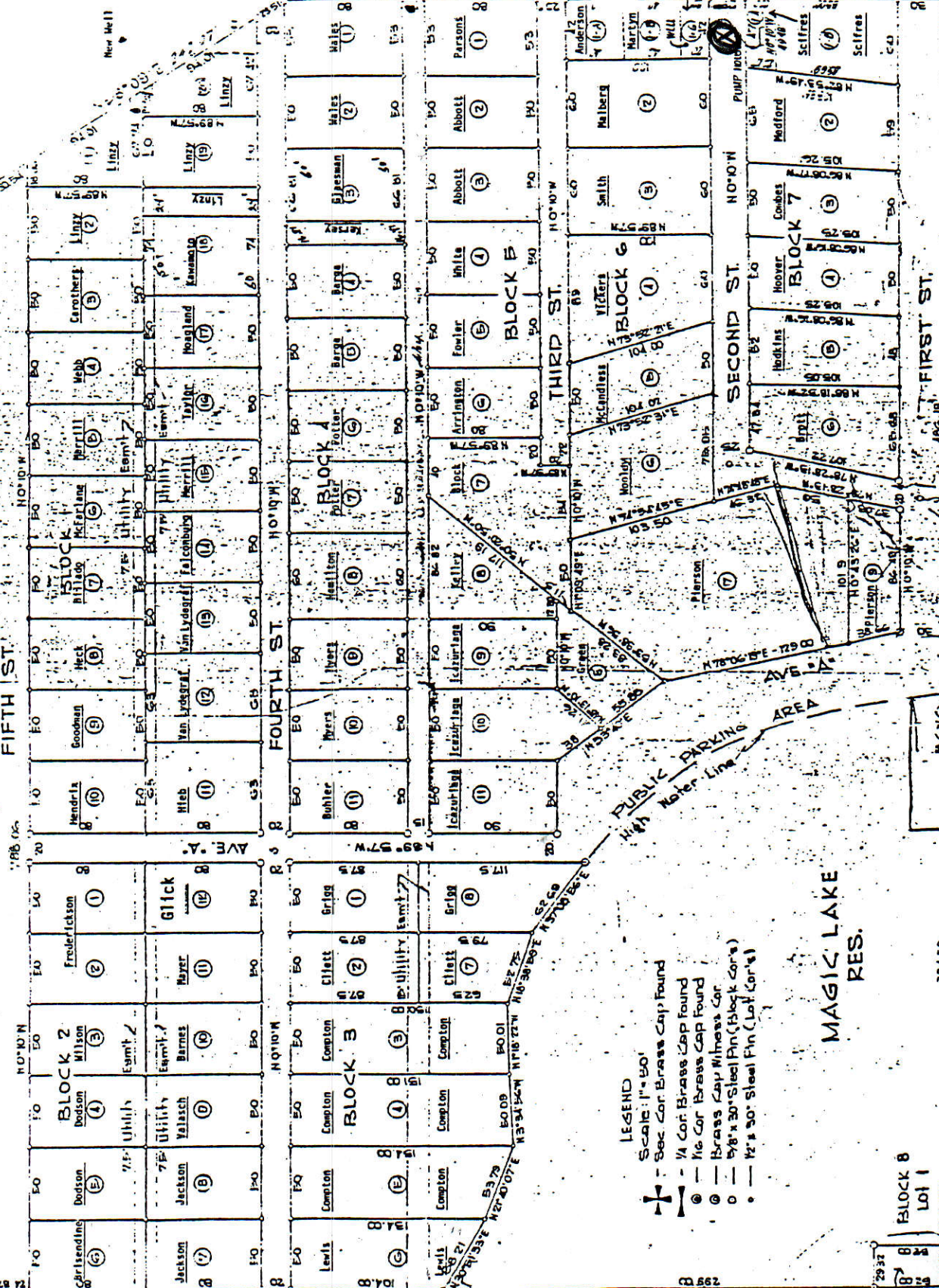
37-20801

WEST SIDE SUBDIVISION

Located in SW 4 NW 1 Sec 1, T. 2 S., R. 17 E., B. M.
Blaine County, Idaho

N 0° 15' W - 771.01'

FIFTH ST.



- LEGEND
- Scale: 1" = 50'
 - Sec. Cor. Brass Cap Found
 - 1/4 Cor. Brass Cap Found
 - 1/16 Cor. Brass Cap Found
 - Brass Cap Witness Cor.
 - 5/8" x 30" Steel Pin (Block Cor.)
 - 1/2" x 30" Steel Pin (Lot Cor.)

MAGIC LAKE RES.

MICROFILMED

JAN 09 2003

MICROFILMED
FEB 23 1993

37-20801

←Z

MICROFILMED
JAN 09 2003

37-20801

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

JAN - 2 2003

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 57-20901 Telephone No. 208 324 8420
2. Name of Permit Holder(s): MAGIC West Side Water Users Inc.
3. Mailing Address: % WARREN H. Merrill
City Jerome State IDAHO Zip 83338
4. Source of Water: Well If GROUNDWATER (well), Date Drilled: mo. July / yr. 1982
Well Driller: Roessler, Robert Drilling Permit Number: UNK out of Business
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 73 lots 45 households Stockwater (No. and type of stock): None
Irrigation (No. of acres): None Other: SMALL LAWNS 15 APPROX
6. Total rate of diversion and/or volume for which proof is submitted: 0.32 cfs OR None acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes or No X
Has the measuring device been installed? Yes or No X
Fee Enclosed: \$ None (See Fee Schedule on back of the instructions for filing proof of beneficial use)
8. Person to contact to accompany the Department representative during field examination of the water system.
Name: TOM WORTMAN Telephone Number: 208 487-2004
Address: 106 3rd St #6 West MAGIC IDAHO 83352
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
Signature of permit holder: ~~Warren H. Merrill~~ Warren H. Merrill Date: 12/30/02
(include your title, if on behalf of company or organization)
Director / Treasurer

MICROFILMED
JAN 10 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20801

Priority: September 11, 2002

Maximum Diversion Rate: 0.32 CFS

This is to certify, that MAGIC WEST SIDE WATER USERS INC
C/O WARREN MERRILL
1016 4TH AVE DRIVE
JEROME ID 83338

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.32 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE¼SW¼NW¼ Sec. 1, Twp 2S, Rge 17E, B.M. BLAINE County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	17E	1							X										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 1, 2003**.
2. Subject to all prior water rights.
3. Domestic use is for 73 homes or cabins located within Lots 1-20, Blk. 1; Lots 1-9, Blk. 2; Lots 1-8, Blk. 3; Lots 1-11, Blk. 4; Lots 1-11, Blk. 5; Lots 1A-9, Blk. 6; and Lots 1B-6, Blk. 7; West Side Subdivision.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
8. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of November, 2002

MICROFILMED

444 9 1 1007


for **KARL J DREHER, Director**

RECEIVED
Page 1

NOV 15 2002

Ident. No. 37-20801

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

RECEIVED

SEP 11 2002

Department of Water Resources
Southern Region

1. Name: MAGIC WEST SIDE WATER USERS, INC.
C/o WARREN MERRILL
1016 4th AVE DRIVE
JEROME, ID 83338

2. Source: GROUND WATER

3. Location of Point of Diversion:

#1 GROUND WATER NE1/4SW1/4NW1/4 Sec. 1, Twp 02S, Rge 17E, B.M.
BLAINE County

4. Water will be used for the following purposes:

Purpose	From	To	RATE OF DIVERSION	ANNUAL VOLUME
DOMESTIC	01/01	12/31	0.32 CFS	

5. Total quantity to be appropriated is: 0.32 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: EXISTING WELL, 7.5 HP MOTOR, PUMP, MAINLINE TO 73 LOTS

b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;

c. Well diameter is _____ 8 _____ inches;
Depth of well is _____ 160? _____ feet.

d. Is ground water with a temperature of greater than 85F being sought? No

e. If well is already drilled, when? _____ July 1982 _____;
Drilling Firm _____ Roessler _____;
Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	17E	1							X										

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

This well was drilled in 1982 to supply the buried water lines that were installed then. Most lots run about 0.1 acres in size. Fifteen lots have small lawns. All 73 lots have access to water, but only about 45 have homes. System has changed little since 1982. The original well provides 0.11 cfs for emergencies only (not covered by this application). We request processing of this application as a pre-1987 development.

11. Map of proposed point of diversion and place of use attached? ☒

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Warren H. Merrill
Applicant Director/Treasurer

Received by J. Estlin Date 9-11-02 Time 10:45 Preliminary check by JS
Publication prepared by MB Date 9/13/02 Published in Wood River Journal
Publication approved MB Date 10/8/02

Receipt No. S025216

Date: 7-11-03

Received by: JS

MICROFILMED
10-9-2003





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 7, 2003

MAGIC WEST SIDE WATER USERS INC
C/O WARREN H MERRILL
1016 4TH AVE DR
JEROME ID 83338

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-20801

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Southern** Regional Office of the department in Twin Falls (208) 736-3033.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED
JAN 14 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 37-20801

Reviewed By: dgibson

Date: January 6, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		S025216, C066671	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		01/06/2003
Date proof due	-	03/01/2003
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	09/11/2002
New priority date	=	09/11/2002

Deficiencies of Actions Items

Acknowledge proof.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 3, 2003

MAGIC WEST SIDE WATER USERS INC
C/O WARREN MERRILL
1016 4TH AVE DR
JEROME ID 83338

RE: PERMIT NO. 37-20801

Dear Mr. Hall:

Enclosed is the original Proof of Beneficial Use form ("proof") you have filed with the Department, I am returning this document to you since the department cannot accept it without the appropriate license exam fee or a Beneficial Use Field Report done by a certified water right examiner. The only time a fee is waived for a proof is if the rate of diversion is 0.04 cubic feet per second ("cfs") or less for a well which is a ground water right. Since your rate is 0.32 your license exam fee is \$100.00. Please see the enclosed fee schedule.

Please return the enclosed proof form along with the filing fee to my attention on or before **March 1, 2003** to avoid lapsing of this water right. If you have any questions regarding filing the proof, please contact me at (208) 327-7953, or with any water right questions, contact the regional office in Twin Falls at (208) 736-3033.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure
c: IDWR- Region

MICROFILMED

JAN 15 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
JAN - 2 2003

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 37-20901 Telephone No. 208 324 8420
2. Name of Permit Holder(s): MAGIC West Side Water Users Inc.
3. Mailing Address: 96 WARREN H. Merrill
City Jerome State IDAHO Zip 83338
4. Source of Water: Well If GROUNDWATER (well), Date Drilled: mo. July / yr. 1982
Well Driller: Roessler, Robert Drilling Permit Number: UNK out of Business
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 73 lots 45 households Stockwater (No. and type of stock): None
Irrigation (No. of acres): None Other: SMALL LAWNS 15 APPROX
6. Total rate of diversion and/or volume for which proof is submitted: 0.32 cfs OR None acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X
8. Fee Enclosed: \$ None (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: TOM WORTMAN Telephone Number: 208 487-2004
Address: 106 3rd St #6 West MAGIC IDAHO 83352
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: ~~Warren H. Merrill~~ Warren H. Merrill Date: 12/30/02
(include your title, if on behalf of company or organization)
Director/Treasurer

MICROFILMED

December 31, 2002

MAGIC WEST SIDE WATER USERS INC
C/O WARREN MERRILL
1016 4TH AVE DRIVE
JEROME, ID 83338

PROOF DUE NOTICE

RE: PERMIT NO. 37-20801

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

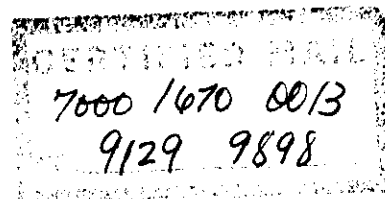
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



MICROFILMED

SEP 25 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 19, 2002

MAGIC WEST SIDE WATER USERS INC
C/O WARREN MERRILL
1016 4TH AVE DRIVE
JEROME ID 83338

RE: Permit No. 37-20801

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

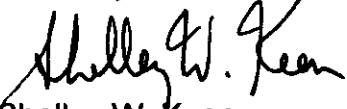
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED
11-19-02

If you have any questions, please contact me at 208-327-7946.

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
JAN 09 2003

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-20801

**MAGIC WEST SIDE WATER USERS INC
C/O WARREN MERRILL
1016 4TH AVE DRIVE
JEROME ID 83338**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED
NOV 29 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

JAN 9 3 2003

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: November 19, 2002
To: Water Right File 37-20801
From: Shelley Keen *SKK*
Re: Permit conditions

No overlap conditions. Claim 37-4172 is located at the same place of use, but it has not been confirmed as a valid water right.

The diversion is not located within a water district, ground water district, or water measurement district, so no measuring device is required at this time.

The diversion is within the trust water area and will be marked as such.

MICROFILMED

1997 11 19

FILE PROGRESS SUMMARY

APPLICANT: Magic West Side Water Users WATER RIGHT NO. 37-20801

[illegible]

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☐ Idaho Dept of Fish & Game	_____	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☐ Water Dist. No. _____	_____	_____
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?

☐ Yes ☒ No Statewide Advertising?

☒ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?

If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received?

☐ Yes ☐ No Application published correctly? If not, record action taken.

☐ Yes ☐ No Publication dates and paper recorded?

Final date for protest: _____

☐ Yes ☒ No Protests received?

☐ Yes ☒ No Protested?

Describe Resolution: _____

☒ Yes ☐ No Measuring device required?

☐ Yes ☒ No Access port required?

☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist? _____

☐ Yes ☒ No Special conditions codes: _____

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo _____

Date of priority recommended: 9/11/2002

COMMENTS:

RECOMMEND

☒ Approval

☐ Denial

By

AM

Date

11/8/02



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

601 Pole Line Road, Suite 2 • Twin Falls, Idaho 83301-3035 • (208) 736-2190

Dirk Kempthorne, Governor
C. Stephen Allred, Director

October 8, 2002

RECEIVED
OCT 09 2002
Department of Water Resources
Southern Region

Mary A. Baldwin
Administrative Assistant
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: Application for Permit filed in the name of Magic West Side Users Inc, (37-20801)

Dear Mary:

This office has received your letter seeking comments and/or recommendations for the above referenced application for permit.

It appears the application is for an existing well to serve 73 lots

The water system is existing and is regulated by the South Central District Health Department. Current inspection and monitoring reports will be available at the South Central District Health Department

Plan and specification review letters on file in this office indicate that the well may have been drilled earlier than 1982 to a depth of about 200 feet.

If you have any questions, please do not hesitate to contact this office at 736-2190.

Sincerely,

A handwritten signature in cursive script, reading "Gregory T. Misbach".

Gregory T. Misbach, P.E.
Technical Engineer I

GTM/ab

cc: File, Water Rights Applications
Bill Beck, SCDHD, Twin Falls

MICROFILMED

OCT 10 2002

AFFIDAVIT of PUBLICATION

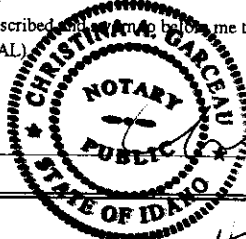
RECEIVED

OCT 08 2002

Department of Water Resources
Southern Region

State of Idaho, } SS.
County of Blaine }

On this 26 day of September in the year 2002, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 18 day of September, and the date of the last publication was on the 25 day of September, 2002.

Subscribed and sworn to before me this 26 day of September, 2002.
(SEAL)  Christina Garceau
NOTARY PUBLIC

11722
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11-5
Number of Lines in Notice 113
Number of Insertions 2
Lines tabular at — 7¢ / Pica
113 Lines straight at 1.43 6¢ / Pica
Subsequent lines at — 5¢ / Pica
TOTAL COST 166.59

Applications for water rights

A. The following applications have been filed to appropriate the public waters of the State of Idaho within Blaine County:

37-20743
JOHN &/or BILLIE TANNER
PO BOX 6667
KETCHUM ID 83340
Point(s) of Diversion: NESWNW S36
T02N R18E & NWSESW S07 T01N
R19E

Source: BIG WOOD RIVER Tributary
To MALAD RIVER

Source: GROUND WATER
Use: 01/01 To 12/31 FIRE PROTECTION
STORAGE (1.2 AFA)

Use: 01/01 To 12/31 AESTHETIC STORAGE (1.2 AFA)

Use: 05/15 To 09/15 DIVERSION TO STORAGE (0.2 CFS)

Total Diversion: 0.2 CFS, 1.2 AFA
Date Filed: 07/17/2002

Place of Use: SWSE S07 T01N R19E
Remark: This application proposes to provide water for a small pond using water that is already diverted from the Big Wood River through the District 45 Canal for irrigation of the Bellevue Farms Subdivision. Some land has been taken out of production for construction of the pond and adjacent new home. The pond is lined to minimize water loss. A domestic well will be used to keep the pond full when river water is not available. The pond can be pumped out for fire fighting if needed. The pond is located on the east side of Bellevue Farms Sub. near the Gannett-Picabo Rd.

37-20798
KENNEDY LIVING TRUST
JACK F. KENNEDY, TRUSTEE
PO BOX 752
SUN VALLEY ID 83353

Point of Diversion: SWSWNE S23
T05N R17E

Source: GROUND WATER
Use: 04/15 To 10/15 IRRIGATION (0.08 CFS)

Use: 01/01 To 12/31 DOMESTIC (0.04 CFS)

Total Diversion: 0.08 CFS
Date Filed: 08/30/2002

Place of Use: DOMESTIC and Irrigation of a total of 3 acres within SWNE & NWSE, S23 T05N R17E

Remark: This application proposes to legalize a water system that was developed in 1968 and used ever since without a water right. The property is located at 13370 Hwy. 75 between the highway and the Big Wood River.

37-20801
MAGIC WEST SIDE WATER USERS
INC
C/O WARREN MERRILL
1016 4TH AVE DRIVE
JEROME ID 83338

Point(s) of Diversion: NESWNW, S01
T02S R17E

Source: GROUND WATER
Use: 01/01 To 12/31
DOMESTIC (0.32 CFS)

Date Filed: 09/11/2002
Place of Use: SWNW S01, T02S R17E

Remark: This well was drilled in 1982 to supply the buried water lines that were installed then. Fifteen lots have small lawns; all 73 lots have access to water, but only about 45 have homes. The two applications listed immediately above have both submitted material as evidence of pre-1987 development as part of the application.

The permits, if approved, will be subject to all prior water rights &/or mitigation plan. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of an application must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 10/1/2002. The protestant must also send a copy of the protest to the applicant.

KARL LUDREHER, Director

Publish: Wood River Journal-September 18 & 25, 2002.

MICRO

Magic West Side Water Users, Inc.
c / o Warren Merrill
1016 4th. Ave Dr.
Jerome, ID. 83338

25 Sept. 2002

Dept. of Water Resources
1341 Fillmore St.
Suite 200
Twin Falls, ID. 83301-3380

RECEIVED

OCT 01 2002

Department of Water Resources
Southern Region

Ref. Letter dated 17 Sept. 2002

Dear Sir:

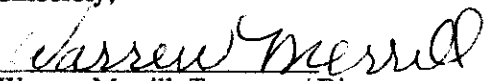
In accordance with Ref., the following is submitted.

Active President:
Tom Wortman
106 3rd. St. # 6
W Magic, ID. 83352

Secretary:
Terri Vanhoosen
616 E Ave H
Jerome, ID. 83338

Treasurer / Director
Warren Merrill
1016 4th Ave. Dr.
Jerome, ID. 83338

Sincerely;


Warren Merrill, Treasurer/ Director

MICROFILMED

OCT 1 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 17, 2002

MAGIC WEST SIDE WATER USERS INC
C/O WARREN MERRILL
1016 4TH AVE DRIVE
JEROME ID 83338

Re: Application for Permit No. **37-20801**

Dear Mr. Merrill:

The Department of Water Resources acknowledges receipt of your water right application. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the **Wood River Journal** for 9/18 & 9/25/02. A **period of ten days following the second publication will be allowed for the submittal of protests. (October 7, 2002)**

If an application is protested the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify the applicant of the outcome of this review. If a permit is issued, the applicant will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please note that additional information is needed prior to completion of the Regional review as listed :

A list of names, titles and addresses of all corporate directors and officers. (Rule 035.03.b, i).

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

MICROFILMED

SEP 17 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 17, 2002

ATTN GREG MISBACH
ID DEPT OF DEQ
601 POLE LINE RD
TWIN FALLS ID 83301

Re: Applications for Permit filed in the name of John N. Infanger (37-20800) and Magic West Side Water Users, Inc. (37-20801)

Dear Mr. Misbach:

The Department is seeking your comment and/or recommendations regarding the above referenced applications; copies are enclosed for your information and files.

Your prompt cooperation is appreciated. If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very Truly Yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

MICROFILMED

SEP 17 2002

The following applications have been filed to appropriate the public waters of the State of Idaho within Blaine County:

37-20743

JOHN &/or BILLIE TANNER

P.O. BX 6667

KETCHUM ID 83340

Point(s) of Diversion: NESWNW S36 T02N R18E & NWSESW S07 T01N R19E

Source: BIG WOOD RIVER Tributary To MALAD RIVER

Source: GROUND WATER

Use: 01/01 To 12/31 FIRE PROTECTION STORAGE (1.2 AFA)

Use: 01/01 To 12/31 AESTHETIC STORAGE (1.2 AFA)

Use: 05/15 To 09/15 DIVERSION TO STORAGE (0.2 CFS)

Total Diversion: 0.2 CFS, 1.2 AFA

Date Filed: 07/17/2002

Place of Use: SWSE S07 T01N R19E

Remark: This application proposes to provide water for a small pond using water that is already diverted from the Big Wood River through the District 45 Canal for irrigation of the Bellevue Farms Subdivision. Some land has been taken out of production for construction of the pond and adjacent new home. The pond is lined to minimize water loss. A domestic well will be used to keep the pond full when river water is not available. The pond can be pumped out for fire fighting if needed. The pond is located on the east side of Bellevue Farms Sub. near the Gannett-Picabo Rd.

37-20798

KENNEDY LIVING TRUST

JACK F. KENNEDY, TRUSTEE

P O BOX 752

SUN VALLEY ID 83353

Point of Diversion: SWSWNE S23 T05N R17E

Source: GROUND WATER

Use: 04/15 To 10/15 IRRIGATION (0.08 CFS)

Use: 01/01 To 12/31 DOMESTIC (0.04 CFS)

Total Diversion: 0.08 CFS

Date Filed: 08/30/2002

Place of Use: DOMESTIC and Irrigation of a total of 3 acres within SWNE & NWSE, S23 T05N R17E

Remark: This application proposes to legalize a water system that was developed in 1968 and used ever since without a water right. The property is located at 13370 Hwy. 75 between the highway and the Big Wood River.

37-20801

MAGIC WEST SIDE WATER USERS INC

C/O WARREN MERRILL

1016 4TH AVE DRIVE

JEROME ID 83338

Point(s) of Diversion: NESWNW, S01 T02S R17E

Source: GROUND WATER

Use: 01/01 To 12/31

DOMESTIC (0.32 CFS)

Date Filed: 09/11/2002

Place of Use: SWNW S01, T02S R17E

Remark: This well was drilled in 1982 to supply the buried water lines that were installed then. Fifteen lots have small lawns; all 73 lots have access to water, but only about 45 have homes.

MICHAEL J. MERRILL

WARREN MERRILL

The two applications listed immediately above have both submitted material as evidence of pre-1987 development as part of the application.

The permits, if approved, will be subject to all prior water rights &/or mitigation plan. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of an application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 10/07/2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in the Wood River Journal on 9/18 & 9/25/02.

MICROFILMED

1987-1988

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax# : 736-3037

September 13, 2002

ATTN: Scott Kraus-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Scott:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MIOS 10/10/02

10/10/02



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 26, 2002

W H Merrill
1016 4th Ave Drive
Jerome, ID 83338

RE: Snake River Basin Adjudication Claims 37-4172 & 37-11397, Magic West Side Water Users Inc

Dear Mr. Merrill;

As we discussed, these claims cover the two wells that serve the subdivision west of Magic Reservoir. Claim 37-11397, which covers the north well in the system, appears to represent an illegal diversion due to its development after the 1963 mandatory permit requirement for groundwater diversions. Therefore, this claim must be recommended for disallowal in the Adjudication. We may be able to approve a water permit for this well, however, if you can show that the well was put to use before November 19 of 1987. An application form and instructions are enclosed for your use, as are printouts of the two claims. We do have a process to relinquish a claim and request a refund of your filing fee; you may wish to do this if the water permit is approved. A withdrawal form is also enclosed.

Since there is a new claimant address (yours), you should also submit a Change of Address form for these claims; a form is enclosed. There is no fee for this service.

If I can be of further assistance, feel free to contact me.

Regards,

James E. Stanton
Sr. Water Resource Agent

MICROFILMED

JUN 29 2002

37-20801

ROESSLER WELL & PUMP SERVICE

P. O. Box 537
SHOSHONE, ID 83352
Phone 886-2031

No 3089

PROPOSAL SUBMITTED TO WEST SIDE WATER USERS		PHONE	DATE MAY 14, 1982
STREET		JOB NAME AIRPORT WELL	
CITY, STATE AND ZIP CODE		JOB LOCATION MAGIC DAM	
ARCHITECT	DATE OF PLANS	JOB PHONE	

We hereby submit specifications and estimates for:

Contractor agrees to supply pump, pipe and wire in well. Contractor also will install pipe and electrical conduit from well to well house and across road to hook to existing main line. All materials listed on attached sheet will be furnished and installed by contractor.

All materials on attached sheet
Labor

\$	5667.65
	432.00
Total	6099.65

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Six thousand ninety-nine and sixty-five cents dollars (\$ 6,099.65).

Payment to be made as follows:

On completion of job.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized
Signature

Bob Roessler

Note: This proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature _____

Signature _____

37-20801

ROESSLER WELL & PUMP SERVICE

Sales & Repairs
Box 59719 303 North Rail
SHOSHONE, IDAHO 83352

MATERIALS LIST FOR WEST SIDE WATER USERS AIRPORT WELL

1	2" 90° Ell Galv.	\$ 3.30
192'	3" Galv. Pipe T&C @ 521.84 per hundred	1661.93
1	3" Mass Weld on Discharge Coup.	344.60
1	8" Baker Water Tite Well Cap	33.90
2 sets	3" Flanges	48.00
10	3" Nipples (average 4") @ 406	40.60
2	3" Check Valves (iron) @ 91.20	182.40
1	3" Bermad Flow Valve with Gauges	775.00
1	3" X 2" Tee	16.66
1	3" Gate Valve (cast iron)	93.00
2	3" Cross	50.84
1	2" Mc Donald Relief Valve	162.80
10'	2" Galv. Pipe T&C	24.52
3	1 1/2" 90° L.S. Elbow @ 4.49	8.98
70'	1 1/2" Rigid Conduit @ 1.15	80.50
1	252 X-Trol Tank or Equal	349.55
1	3" Dresser Adapter Coup.	28.00
5	3" Bushings	18.50
1	3" Tee	14.56
2	3" Plugs	8.76
2	3" 90° Ells	26.92
1	3" P.V.C. Adapters	1.86
1	1 1/2" Union	4.52
1	1 1/2" Gate Valve	11.85
2	1 1/2" X 4 Nipples	2.00
1	Pressure Switch	10.80
1	7 1/2" H.P. Pump (approx. 145 G.P.M. @ 140 ft. head) and Control Box with magnetic starter	2200.00
130'	#6-3 Submersible Cable @ 1.30 ft.	169.00
130'	#10 Ground @ 11¢ ft.	14.30

TOTAL \$5,667.65

MICRO

Phone 886-2031
886-2794

27-20801

May 82.

[illegible]

37-20801

Comment Report

37-20801

1. jstanton 9/11/2002 2:30:54 PM Special Administration Area Notes

Comment: Special Administration Areas : Big Wood River GWMA

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 9/11/2002 2:31:39 PM Additional Information Supporting Application

Comment:

Evidence of Pre-1987 development: Attached

3. jstanton 9/11/2002 Comment/Analysis

Comment: No driller log was found in our records, but this has been common with Roessler Drilling. Page from applicant expense book shows that well was paid for on 8-31-1982. Materials list from driller (supplied by applicant) shows a 7.5 hp motor rated at 145 gpm, which is the flow rate applied for. The 1986 quad map shows the subdivision, as does 1986/87 ArcView data. There appears to be sufficient documentation to prove pre-1987 development, so application appears to be approvable.

MICHAEL J. STANTON

SEP 11 4 2003