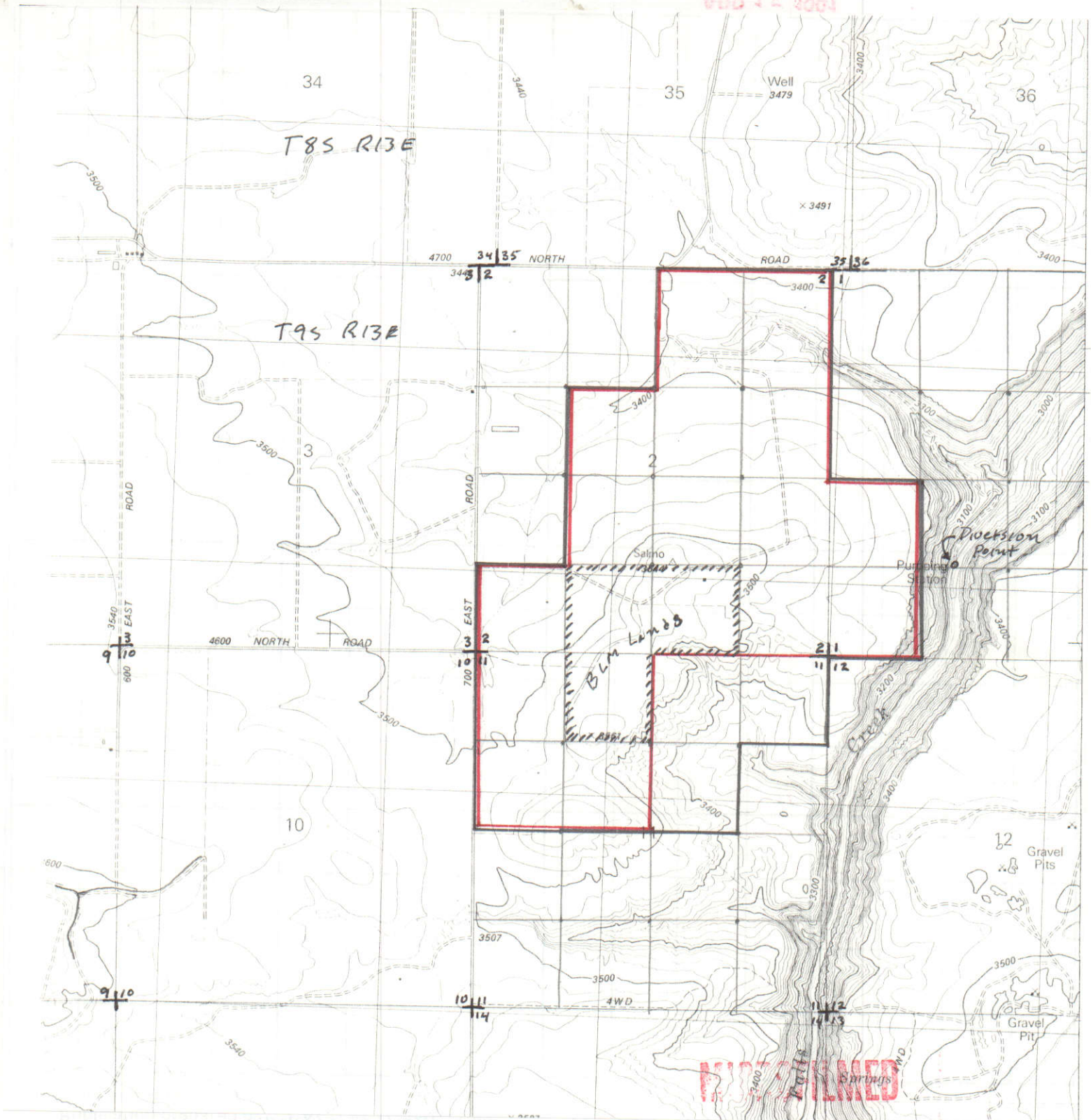
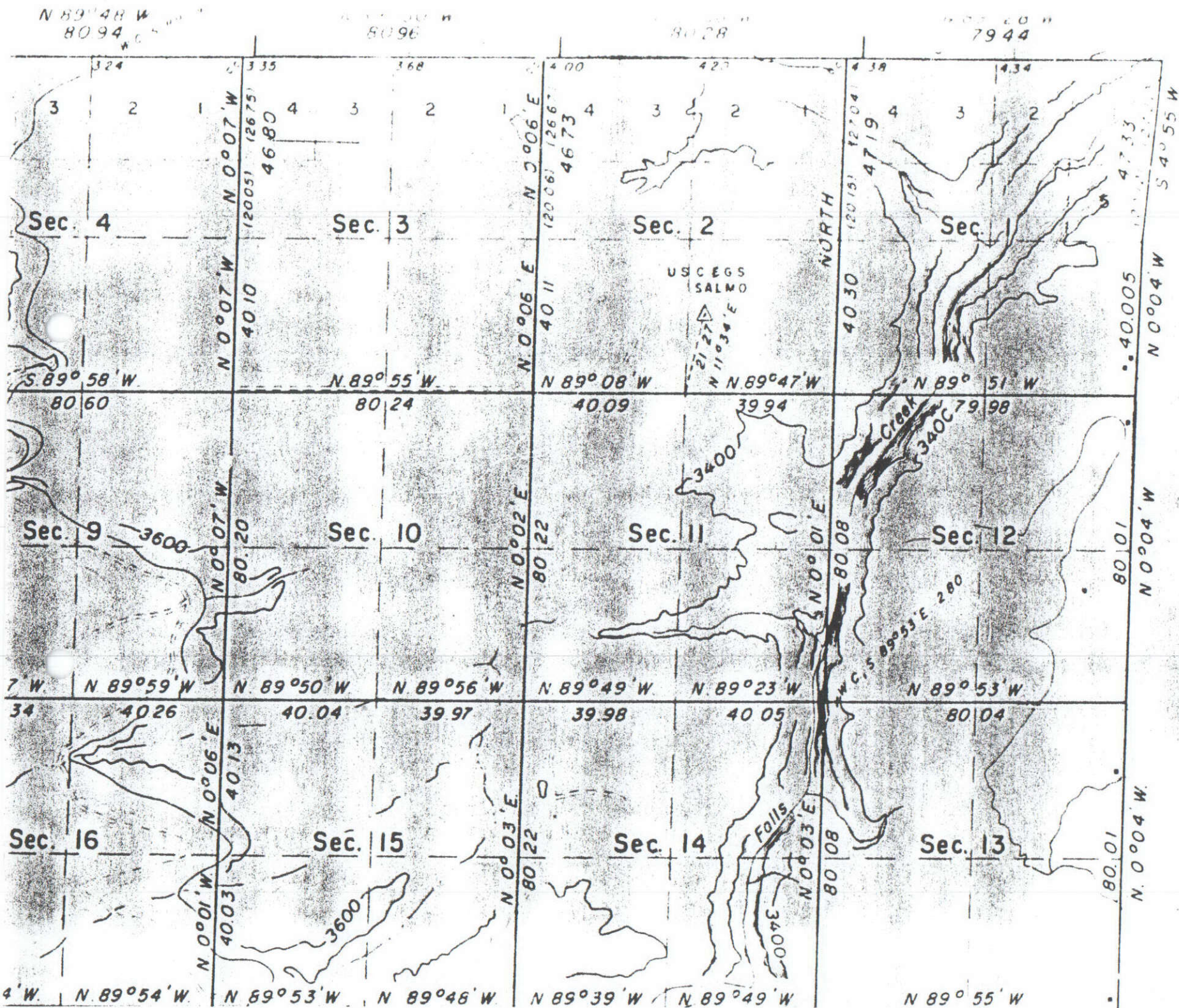


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Wagee Irrigators Inc
 (Applicant)
 by *Kenneth A. Elkin* (Vice Pres)

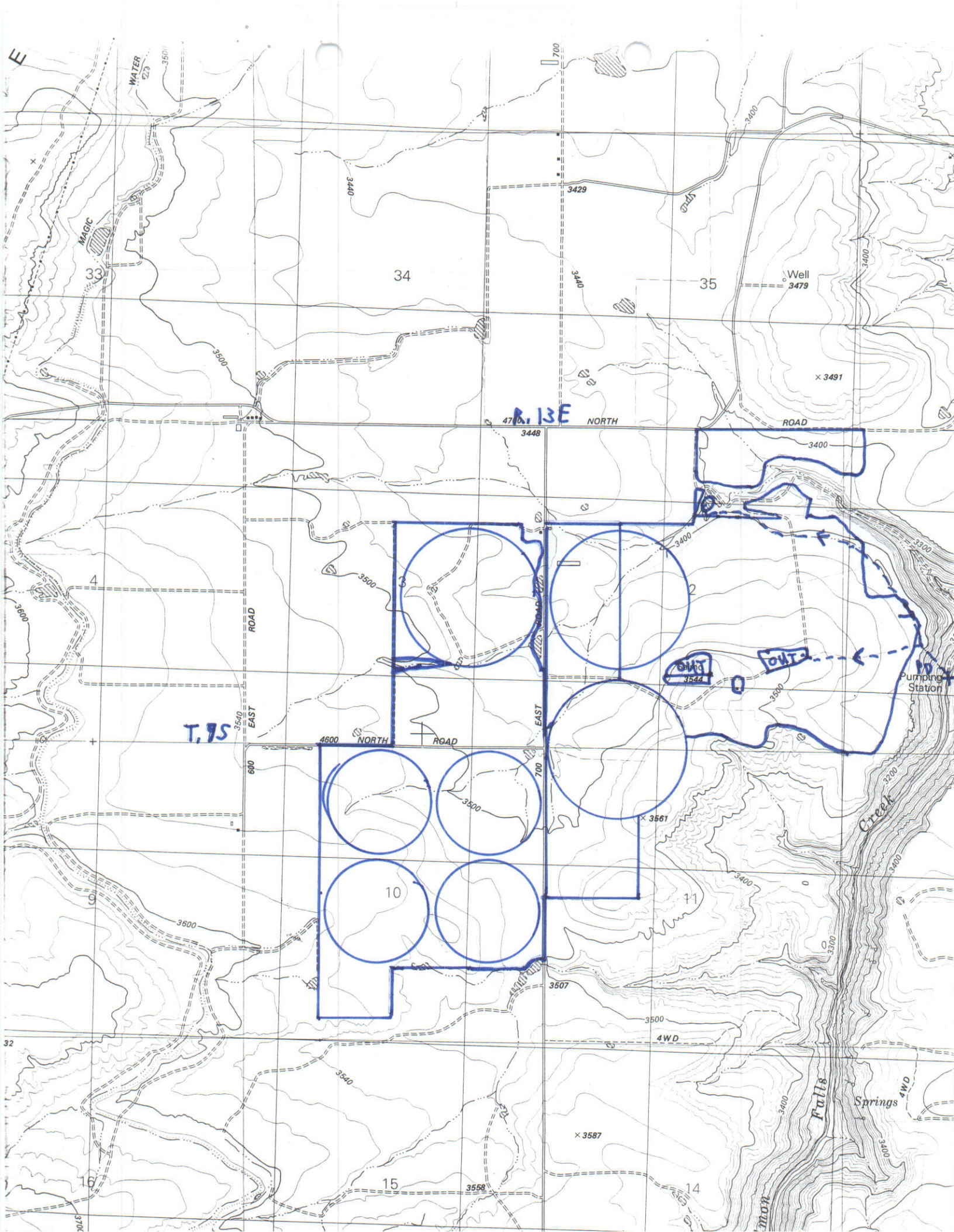


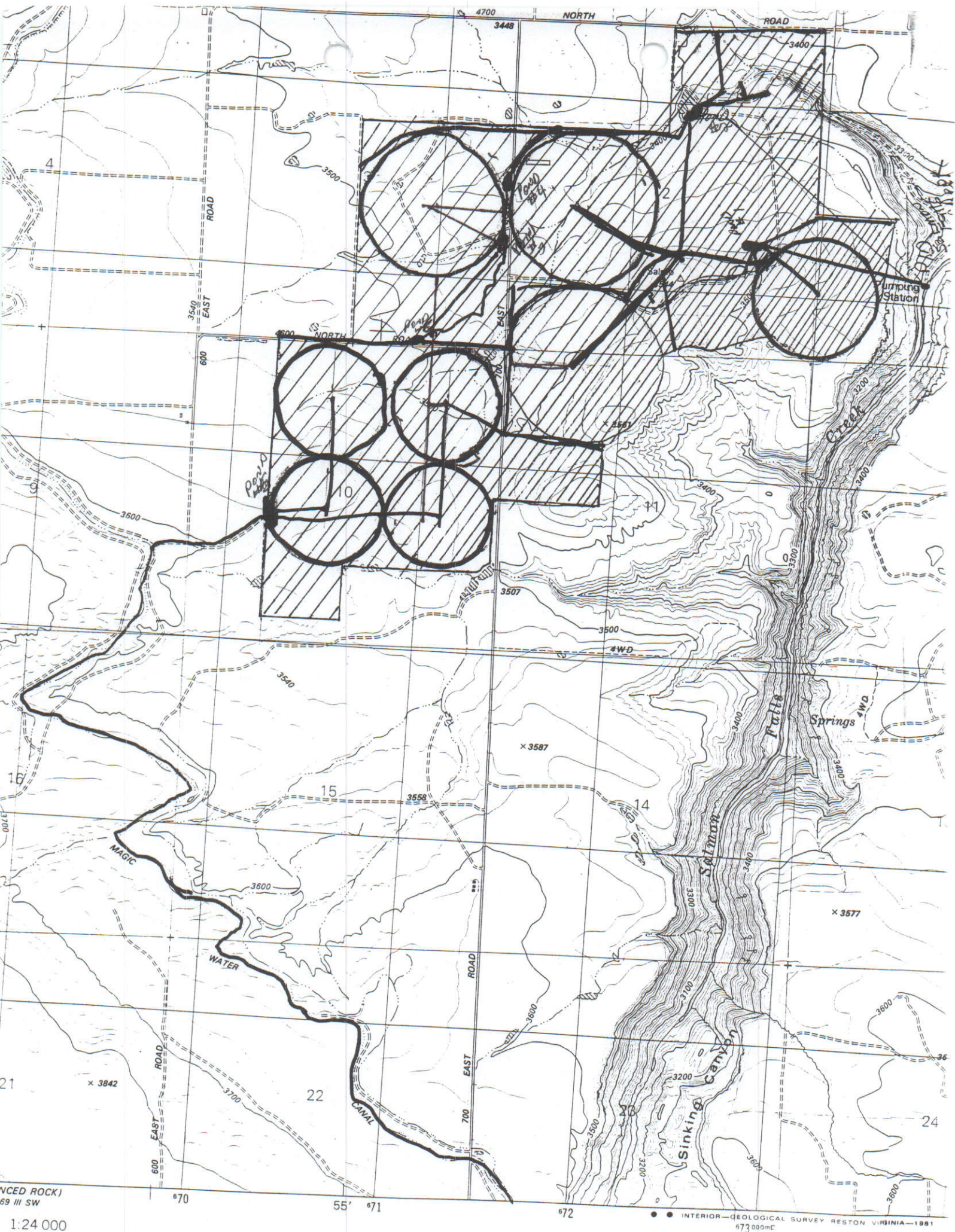
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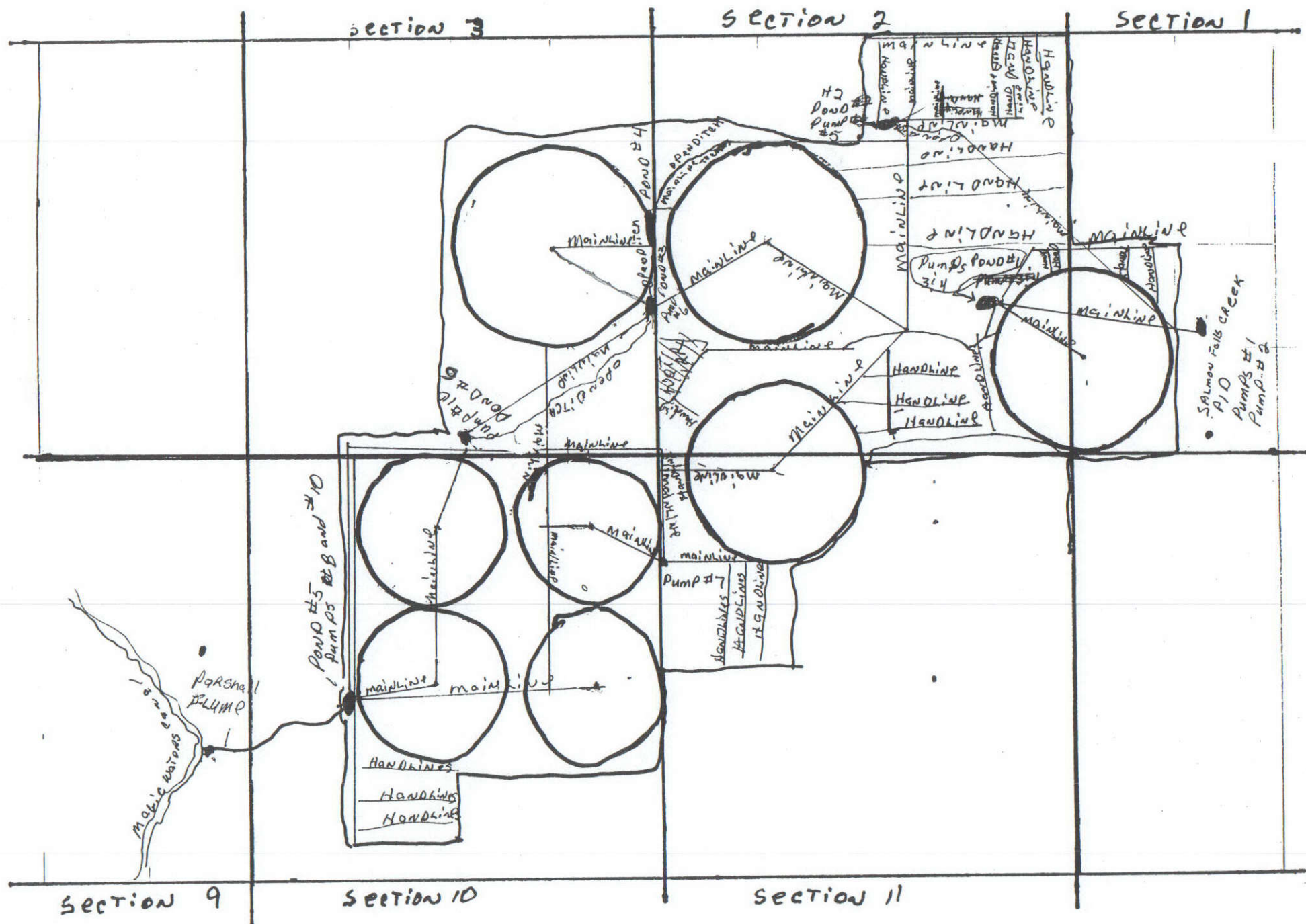
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T31880(NW)

3198 ALL

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21
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20
42.9

Note: Not drawn
To Scale
T 1304 →

22
4.4

23
37.6

24
43.9

27
6.3

26
43.7

28
86.2

29
41.0

30
28.3

1.5

2
5.9

CRP# 94
192-2001

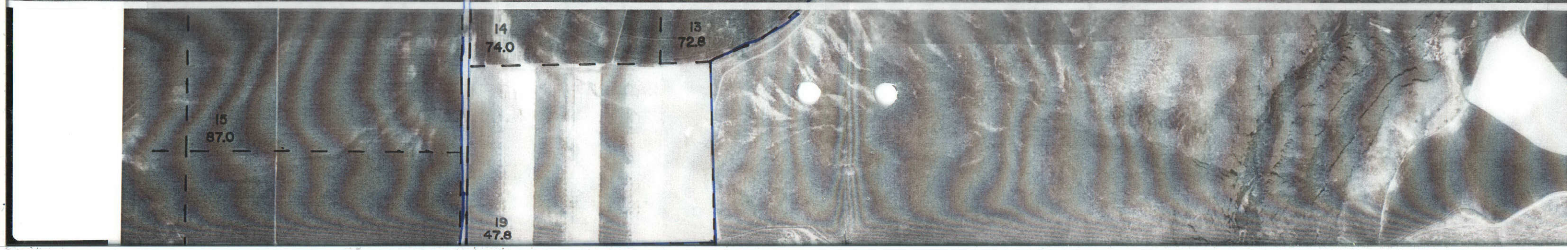
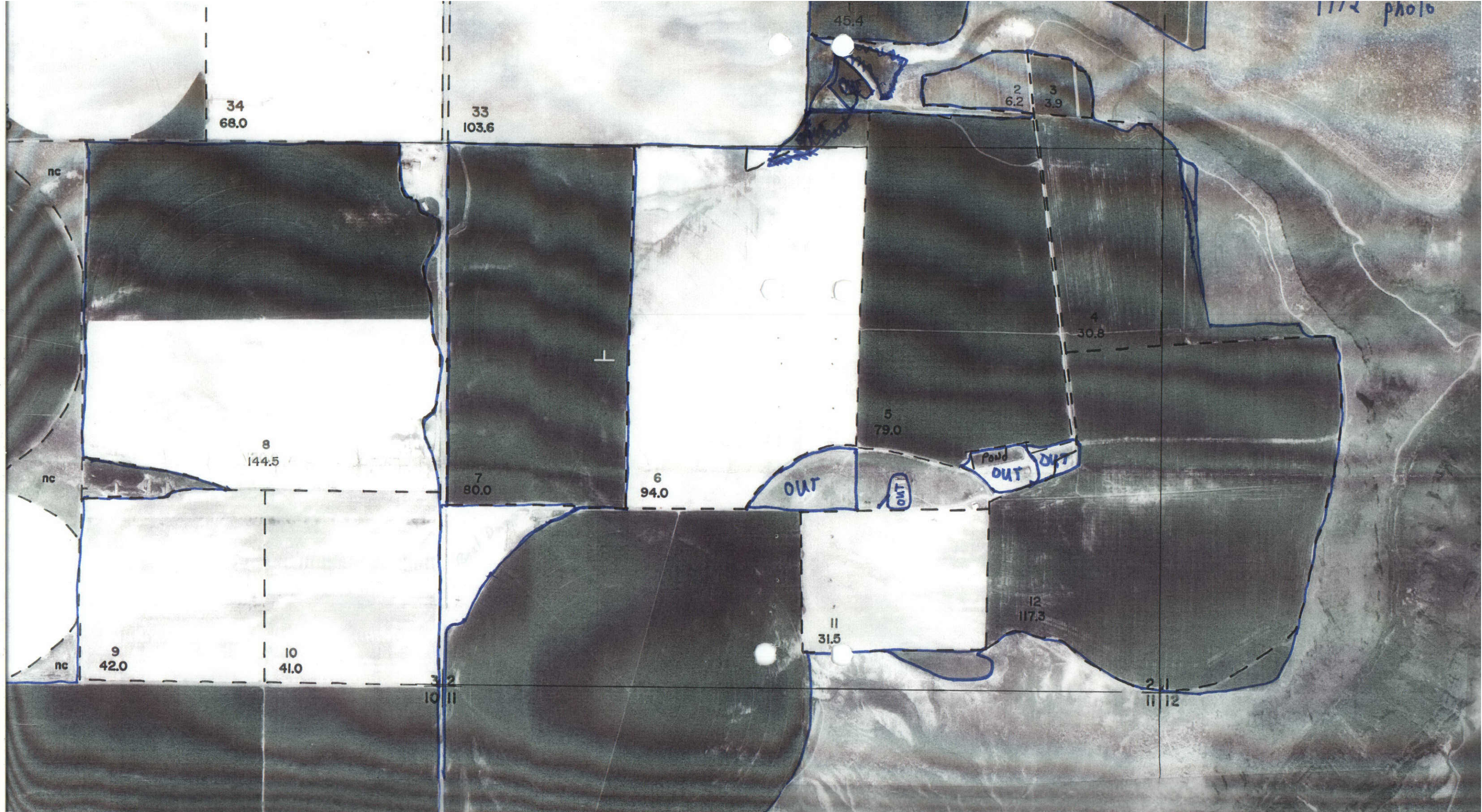
⑤ 119.9

307
3603

CRP# 94
192-2001

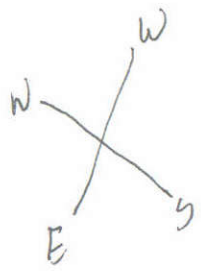
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4.0

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15
14





SALMON FALLS CREEK POINT OF DIVERSION.
 WATER FROM SALMON FALLS CREEK ARE PUMPED THROUGH PUMP #1, PUMP #2, OR BOTH
 PUMPS INTO A MAINLINE (14") THAT TRAVELS UP THE CANYON WALL TO
 THE FARM ON THE CANYON RIM.



The water for Salmon Falls Creek PID is drawn out of Salmon Falls Creek and pumped up the hill



Pond #1 is fed by the Mainline from Salmon Falls Creek Point of Diversion. The water is then drawn from the Pond through Pump #3 (100HP) and Pump #4 (75HP) and into the main line system.



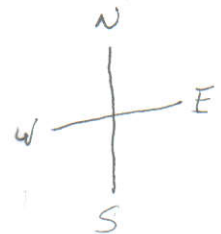
INLET FROM SALMON FALLS CREEK POINT OF DIVERSION INTO POND #1



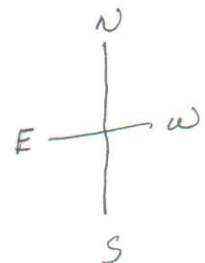
Pump #5 and POND #2
 PUMP #5 DRAWS WATER OUT OF POND #2 AND DIVERTS IT
 INTO THE MAIN LINE SYSTEM



WATER FROM POND #1 IS PUMPED BY MAINLINE TO
 A OPEN DITCH. THIS WATER IS THEN DIVERTED INTO
 POND #2 BY THAT SAME DITCH. WATER FROM POND #4
 CAN ALSO BE DIVERTED INTO POND #2 BY BEING TRANSPORTED THROUGH
 AN OPEN DITCH



POND #3 PUMP #6 (60HP)
 WATER FROM POND #6 EMPTIES INTO A DITCH THAT CONVEYS
 WATER TO POND #3. PUMP #6 PUMPS WATER OUT OF
 POND #3 TO REPRESSURIZE THE MAINLINE



OPEN DITCH TO POND #4. POND #4 DOES
 NOT HAVE A PUMP IN IT. POND #4 IS A HOLDING
 POND USE TO SETTLE OUT SEDIMENTS. THE MAINLINE
 COMES FROM THE CENTER PIVOT AND GOES ACROSS ROAD

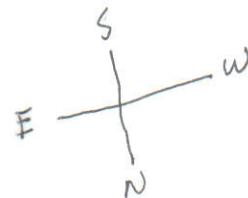
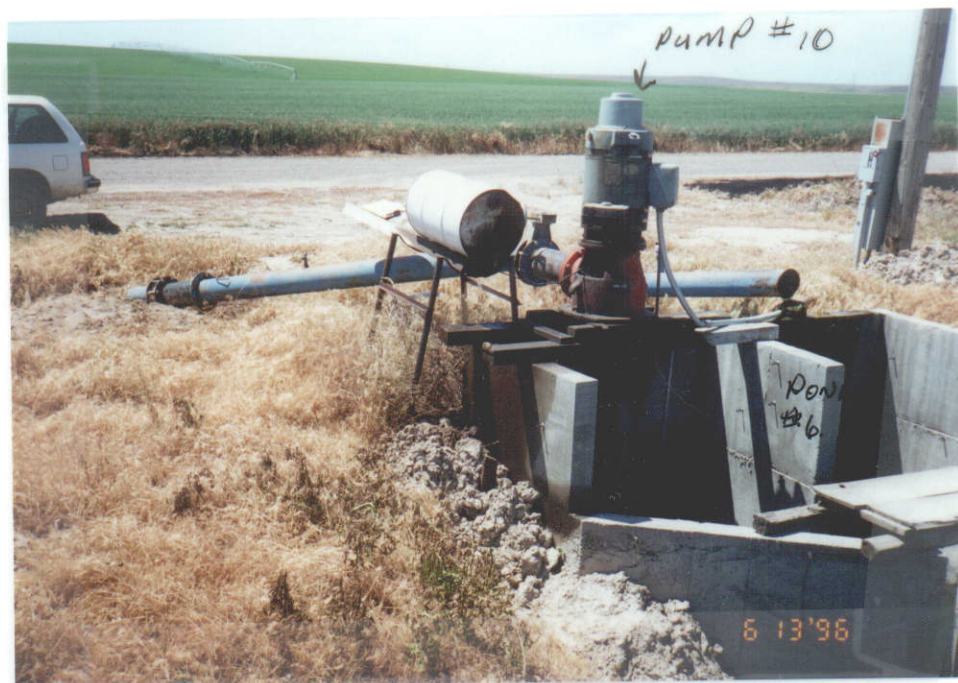


This is where the mainline from the center pivot in section 3 crosses the road to irrigate the corners of the pivot on that side of the road

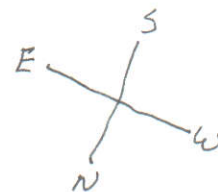


Pump #7.

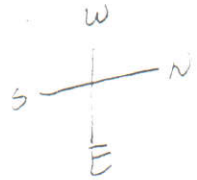
This pump is a inline BOOSTER
used TO ADD PRESSURE TO THE
mainline in section 11



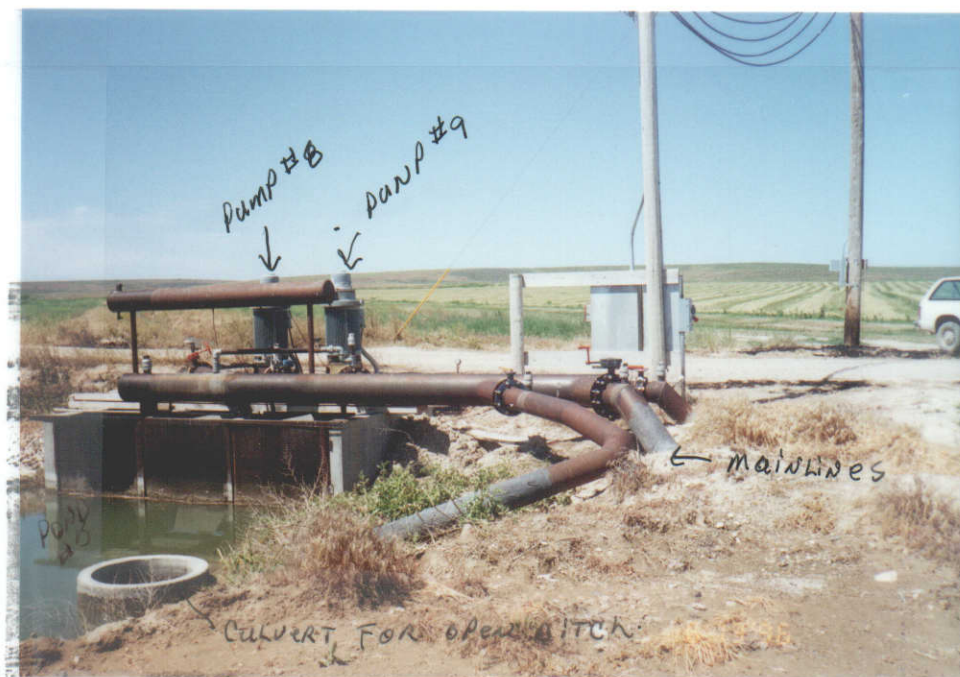
WATER FROM POND #5 CAN ENTER POND #6
THROUGH AN OPEN DITCH AND THE IS PUMPED
BY PUMP #10 INTO THE MAINLINE SYSTEM



WATER FROM POND #6 CAN BE DIVERTED
INTO AN OPEN DITCH THAT TRAVELS TO POND
3



Water is pulled out of Magic Waters Canal and sent through open ditch to Pond #5. A Parshall Flume (2 FT. Parshall Flume) is used to monitor water being diverted from ditch.



The water from Pond #5 is pulled out of the Pond by 2-100HP pumps (Pump #8 & #9). These pumps pump into the mainline system. The culvert is used to feed the open ditch that feeds Pond #6.

CURVE NO.
18-151X
6-1-80

No. Stages	go	MATERIAL	Eff. Change
1	-1	IMP.—C.I.	-1
2	0	IMP.—NI-RI	-1
3		BOWL—BRZ.	-1
4		BOWL—NI-R.	-1

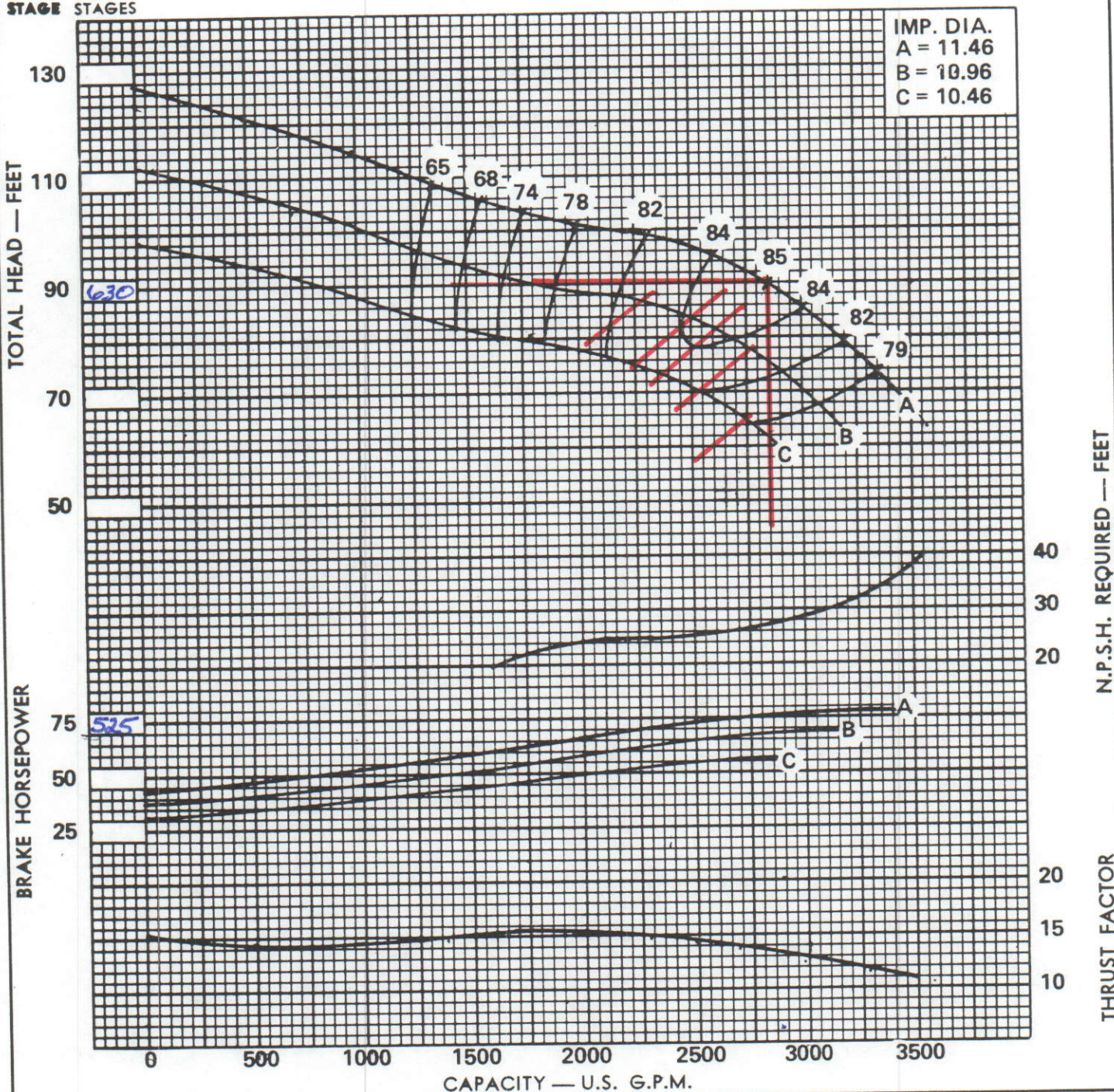
14THC

1770 R.P.M.

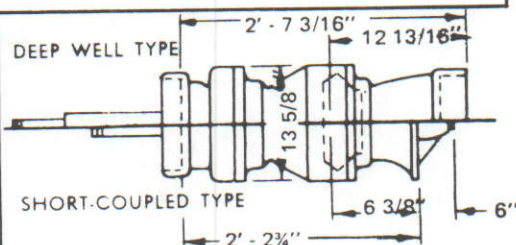
SINGLE STAGE LAB PERFORMANCE WITH STANDARD MATERIALS. EFFICIENCY SHOWN FOR 2 OR MORE STAGES. HORSE POWER SHOWN FOR ONE STAGE BASED ON 2 STAGE EFFICIENCY. CORRECTIONS SHOULD BE MADE FOR STAGES AND MATERIAL.

7 STG. 500 HP.
CUSTOM PERFORMANCE

ONE (7)
STAGE STAGES



EYE AREA — SQ. IN. = 35.61	IMPELLER WT.-LBS. = 31.8
WR ² PER IMPELLER = 2.75 LB.-FT. ²	ONE STAGE WT.-LBS. = 435
MAX. SPHERE SIZE = 1.25 in.	ADD'L STAGE WT.-LBS. = 164
MAX. NO. STD. STAGES = 7	IMPELLER NUMBER = 7T17
MAX. OPERATING P.S.I. = 390	DISCH. SIZES = 10.12
STD. LATERAL = 0.75 in.	SUCTION SIZES = 10
STD. SHAFT DIA. = 1.937 in.	MAX. LATERAL = 1.26 in.
MAX. SHAFT DIA. = 2.187 in.	BOWL CONN. FLANGED — COLLET
MIN. SUBMERGENCE = 47 in.	ADD 13 " PER ADDITIONAL STAGE.



CURVE NO.
18-146
9-1-78

No. Stages	Eff. Change	MATERIAL	Eff. Change
1	-2	IMP.—C.I.	-1
2	0	IMP.—NI-RI	-2
3		BOWL—BRZ.	-1
4		BOWL—NI-R.	-1

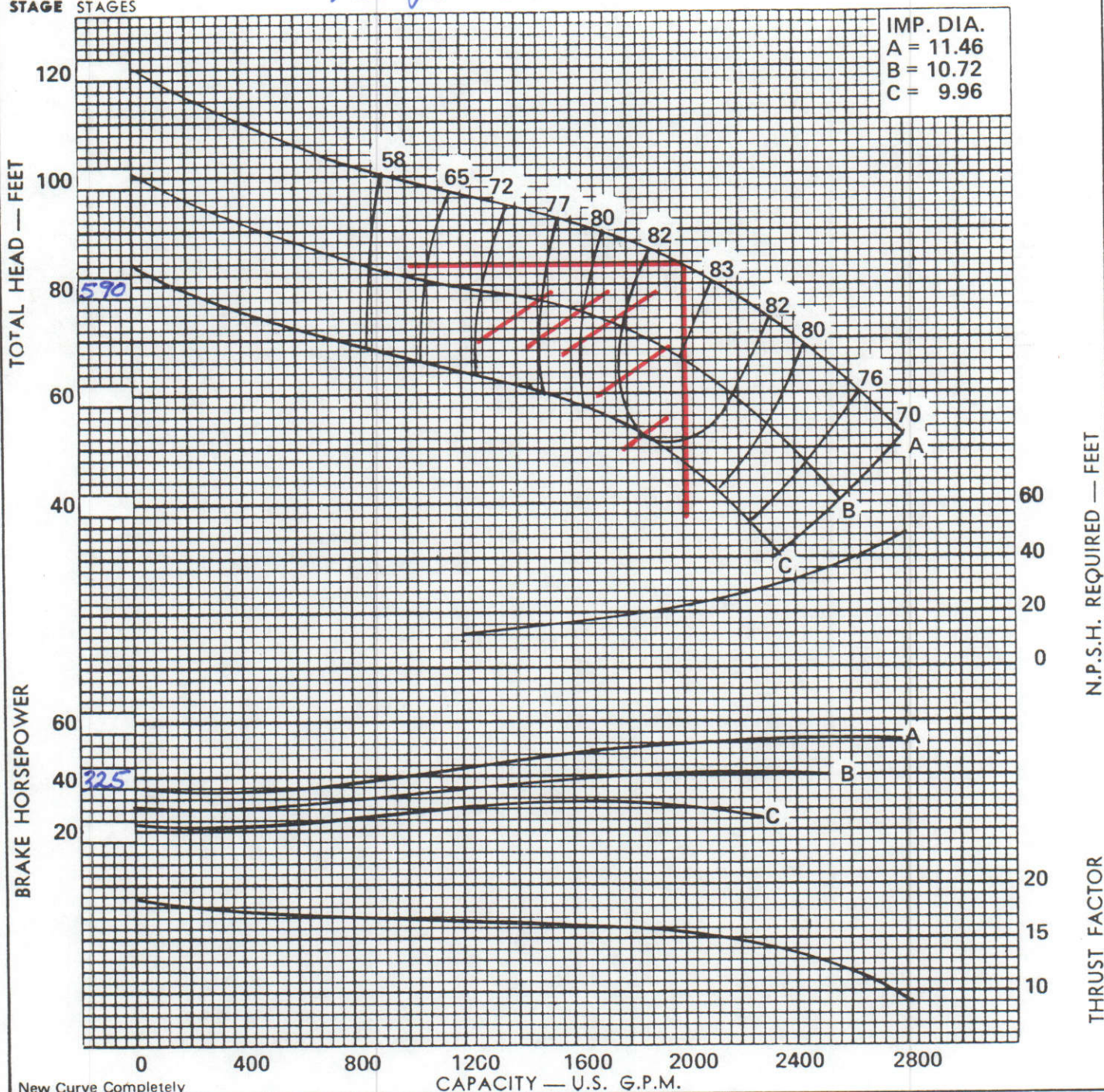
14 TLC

1770 R.P.M.

SINGLE STAGE LAB PERFORMANCE WITH STANDARD MATERIALS. EFFICIENCY SHOWN FOR 2 OR MORE STAGES. HORSE POWER SHOWN FOR ONE STAGE BASED ON 2 STAGE EFFICIENCY. CORRECTIONS SHOULD BE MADE FOR STAGES AND MATERIAL.

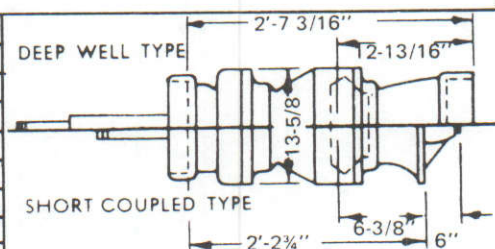
ONE (7)
STAGE STAGES

7 STAGE 350HP



New Curve Completely

EYE AREA — SQ. IN.	= 34.26	IMPELLER WT.-LBS.	= 32.1
WR ² PER IMPELLER	= 2.72 LB.-FT. ²	ONE STAGE WT.-LBS.	= 435
MAX. SPHERE SIZE	= 1.25 in.	ADD'L STAGE WT.-LBS.	= 164
MAX. NO. STD. STAGES	= 7	IMPELLER NUMBER	= 7T13
MAX. OPERATING P.S.I.	= 390	DISCH. SIZES	= 10, 12
STD. LATERAL	= 0.78 in.	SUCTION SIZES	= 10
STD. SHAFT DIA.	= 1.937 in.	MAX. LATERAL	= 1.26 in.
MAX. SHAFT DIA.	= 2.187 in.	BOWL CONN.	FLANGED—COLLETS
MIN. SUBMERGENCE	= 36 in.	ADD 13	" PER ADDITIONAL STAGE.



3240

~~gking on~~
Snake River

11
UNRECORDED
APR 15 1991

3629 } Salomon's Tails Ranges } all at Balance
Note: Dale Wright }
Lara }
3690 }
5 } Jean Galt }
3 }
2 }

EXHIBIT B

(JEROME)
3069 II
4721
4720

Points of Difference

4729

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4728

Exhibit D
SOIL MAP

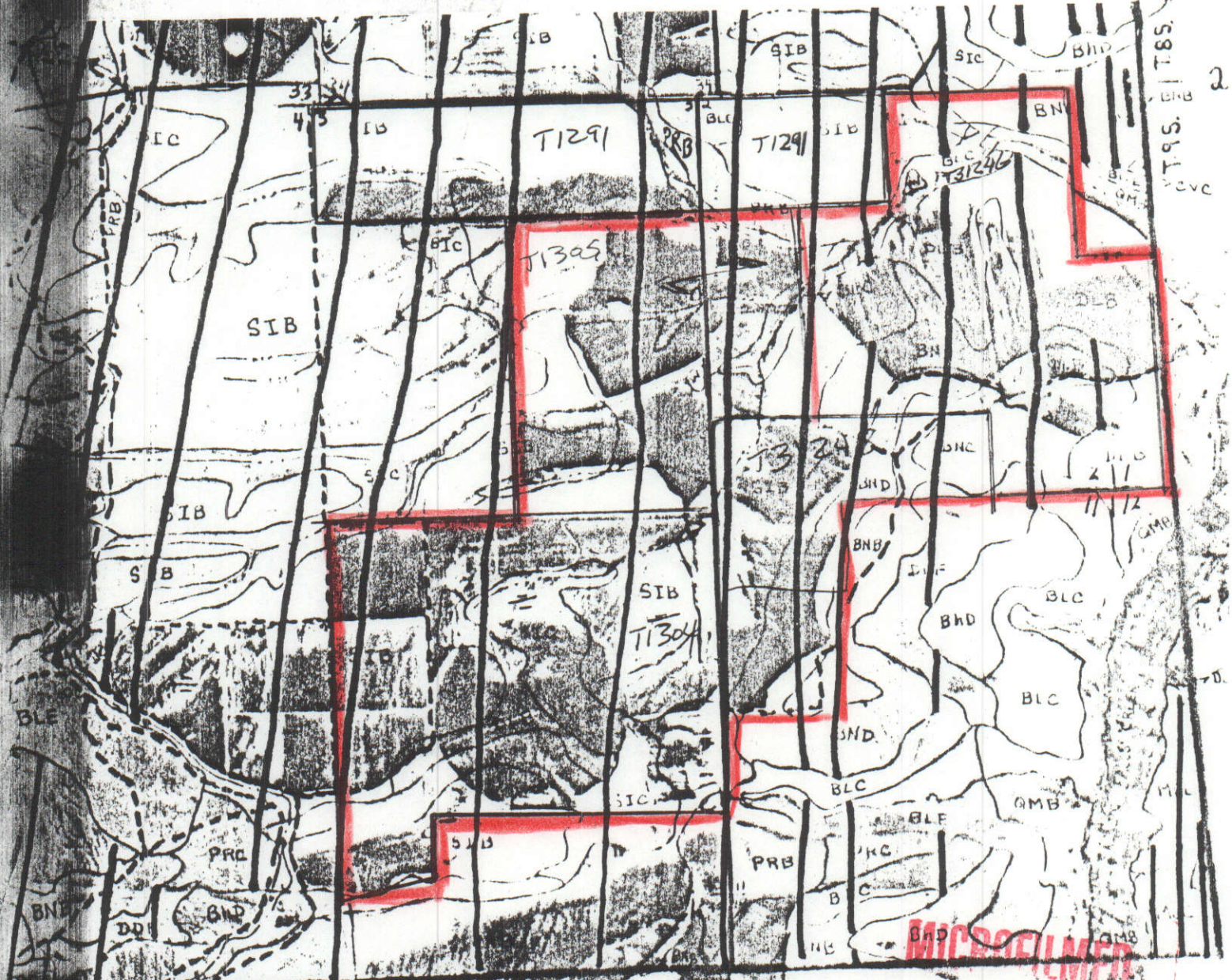
U. S. D. EPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

soils map

Owner Magic Irrigators Inc Operator C/O Pat Elkin
County Twin Falls State ID
Soil survey sheet(s) or code nos. 2-64N, 2-95N Approximate scale _____

Prepared by U. S. Department of Agriculture, Soil Conservation Service cooperating
with Balanced Rock Soil Conservation District

*Note: Red outline -
area being farmed*



RECEIVED

MAR 31 1994

OFFICE USE ONLY
Amt. of Fee \$ 225.00
Date 3-31-94
Receipt No. 5016720
Receipt by _____

STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES Southern Region Office

RECEIVED

APR 04 1994

PROOF OF BENEFICIAL USE 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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 47-08059 Telephone No. (208) 543-5989
2. Name(s) of Permit Holder(s): Magic Irrigators, Inc.
3. Mailing Address: Route # 3, 716-B East, 4900 North, Buhl, Idaho 83316
4. Source of Water: Salmon Falls Creek

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: 850 (a) Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 746 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 6.0 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

Flow Measurement Port: Required? ☐ Yes ☒ No Installed? xx Yes ☐ No

8. Fee Enclosed: \$ 225.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Kenneth (Pat) Elkin (208) 543-6388

Name Telephone No.

Route # 3 Buhl, Idaho 83316

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

(a) Total horsepower at site for existing 5.0 cfs plus 6.0 cfs

applied for. See attached Pump Performance Curves for 500HP + 350 H.P. pumps.

3/30/94
Date

Charmy M. Elkin, Secretary, Magic Irrigators, Inc.
Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 47-08059

Proposed Priority: February 17, 1987 Maximum Diversion Rate: 6.00 CFS
This is to certify, that **MAGIC IRRIGATORS INC.**

RT. 3

BUHL, ID 833160000

has applied for a permit to appropriate water from:

SALMON FALLS CREEK

tributary of **SNAKE RIVER**

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>
-----------------------	----------------------	--------------------------

IRRIGATION	03/15 to 11/15	6.00 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SWNESW Sec. 1, Township 09S, Range 13E
TWIN FALLS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	13E	1	NWSW 40	SWSW 40		80
		2	LOT 1(NENE) 53	LOT 2(NWNE) 53	SWNE 40	
			SENE 40	SENE 40	NESW 40	
			SWSW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	506
		11	NENW 40	NWNW 40	SWNW 40	
			SENE 40			160

Total number of acres irrigated: 746

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **April 1, 1994**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this permit is subject to control by the watermaster of State Water District No. 47G.
5. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
6. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

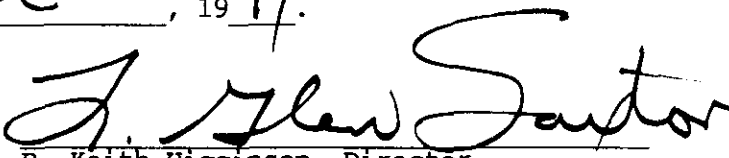
NO. 47-08059

CONDITIONS/REMARKS:

7. Any license issued by IDWR pursuant to the permit 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. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
9. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
10. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

2nd day of April, 1991.

for 
R. Keith Higginson, Director

RECEIVED

FEB 17 1987

Form 202

6/85

Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 47-8059

To appropriate the public waters of the State of Idaho

1. Name of applicant Magic Irrigators Inc. Phone 543-6388
Post office address Rt. 3, Buhl, ID 83316

2. Source of water supply Salmon Falls Creek which is a tributary of Snake River

3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 1 Township 9S Range 13E B.M. Twin Falls County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 6.0 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 6.0 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing pumping plant

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

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

APR 15 1991

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	13E	1										40	40						80
		2	Lt1 53	Lt2 53	40	40				40	40		40	40	40	40	40	40	506
		11					*	40	40	40	40								160

*BLM land

Total number of acres to be irrigated 746

10. Describe any other water rights used for the same purposes as described above. _____

47-2384, 47-2415

11. a. Who owns the property at the point of diversion? BLM

b. Who owns the land to be irrigated or place of use? Applicant & BLM

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Right of Way for existing pumping plant & pipeline

12. Remarks: Applicant has applied for direct purchase of BLM lands.

APR 15 1991

[illegible]

Wagee Irrigators Inc
by Kenneth J. Elkin (Attorney)

Received by M. Baldwin Date 2/17/87 Time 4 pm . Preliminary check by MF
Fee \$ 145⁰⁰ Receipted by M. Baldwin # 40683 Date 2/17/87
Publication prepared by BRENDA MILLER Date 2-12-91 Published in TIMES NEWS
Publication approved TJL Date 3-4-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

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APR 15 1991

of Publication

IDAHO
OF TWIN FALLS } SS.

I am Linda Capps McQuire being first duly sworn upon oath, depose
 I am Bruce Clark of the TIMES-NEWS, published daily, at
 Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
 ched, was published in the regular and entire issue of said newspaper, and not in
 ent thereof, for Two consecutive Weeks

Legals-Legals-Legals

LEGAL NOTICE LEGAL NOTICE

NOTICE OF APPLICATION FOR TRUST WATER

RIGHT 47-08059

MAGIC IRRIGATORS INC.

RT. 3

BUHL, ID 833160000

Source: SALMON FALLS CREEK

Tributary: SNAKE RIVER

Diversion Pt: SWNE Sec 1 T 09S R 13E

Use: IRRIGATION (6,000 CFS)

Total Diversion: (6,000 CFS)

Date Filed: 2/17/1987

In: T09S R13E S01 NWSW SWSW

S02 Lot 1 (NENE) Lot 2 (NWNE) SWNE SENE

SENE NESW SWSW SESW

NESE NWSE SWSE SESE

S11 NENW NWNW SWNW SENW

746.0 ACRES TOTAL

47-08060

MAGIC IRRIGATORS INC.

RT. 3

BUHL, ID 833160000

Source: SALMON FALLS CREEK

Tributary: SNAKE RIVER

Diversion Pt: SENE Sec 9 T 09S R 13E

NESENE Sec 2 T 10S R 13E

Use: IRRIGATION (3,000 CFS)

Total Diversion: (3,000 CFS)

Date Filed: 2/17/1987

In: T09S R13E S01 NWSW SWSW

S02 Lot 1 (NENE) Lot 2 (NWNE) SWNE SENE

SENE NESW SWSW SESW

NESE NWSE SWSE SESE

S11 NENW NWNW SWNW SENW

746.0 ACRES TOTAL

47-08108

SHETLER, NORMAN A.

RT. 2

FILER, ID 83328

Source: WASTE WATER

Tributary: HIGHLINE

CANAL

Diversion Pt: SWSWSE Sec 32 T 10S R 16E

Use: IRRIGATION (.150 CFS)

STOCKWATER (.020 CFS)

Total Diversion: (.150 CFS)

Date Filed: 8/23/1988

In: T10S R16E S32 SWSE

5.0 ACRES TOTAL

36-08227

MAINLINE RANCHES, INC.

RT. 2 BOX 353

RUPERT, ID 83350

Source: GROUNDWATER

Diversion Pt: NWNE Sec 11 T 08S R 26E

NESW Sec 11 T 08S R 26E

SWNW Sec 12 T 08S R 26E

NESE Sec 12 T 08S R 26E

NENE Sec 13 T 08S R 26E

NWNE Sec 14 T 08S R 26E

NWNW Sec 7 T 08S R 27E

Use: IRRIGATION (12,580 CFS)

Total Diversion: (12,580 CFS)

Date Filed: 6/30/1983

In: T08S R26E S01 SWSW

S02 SESW SWSE SESE

S11 NENE NWNE SWNE SENE

NENW SWNW SENW NESW

NWSW SWSW SESW NESE

NWSE SWSE SESE

S12 NENE NWNE SWNE SENE

NENW NWNW SWNW SENW

VESW NWSW SWSW SESW

VESE NWSE SWSE SESE

S13 NENE NWNE SWNE SENE

IENW NWNW SWNW SENW

14 NENE NWNE SENE

227E S07 NENW Lot 1 (NWNW) Lot 2 (SWNW) SENW

Lot 3 (NWSW) Lot 4 (SWSW)

118 Lot 1 (NWNW) Lot 2 (SWNW)

2012.0 ACRES TOTAL

with the issue dated

with the issue dated

further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
 , published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily ex-
 cept of which newspapers prior to consolidation had been published under said names in said city and
 county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
 NEWS consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
 which newspaper began daily publication under said name in said city and county continuously and
 daily.

Further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
 as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho,
 shall be published; and that at the head of the editorial column of said combined newspapers,
 the day thereof, Thursday is announced as the day on which said legal notices will be published.

IDAHO
TWIN FALLS

28 day of February in the year of 1991, before me,
 I, Linda Capps McQuire,
 notified to me to be the person whose name subscribed to the within instrument, and being by me first
 declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at

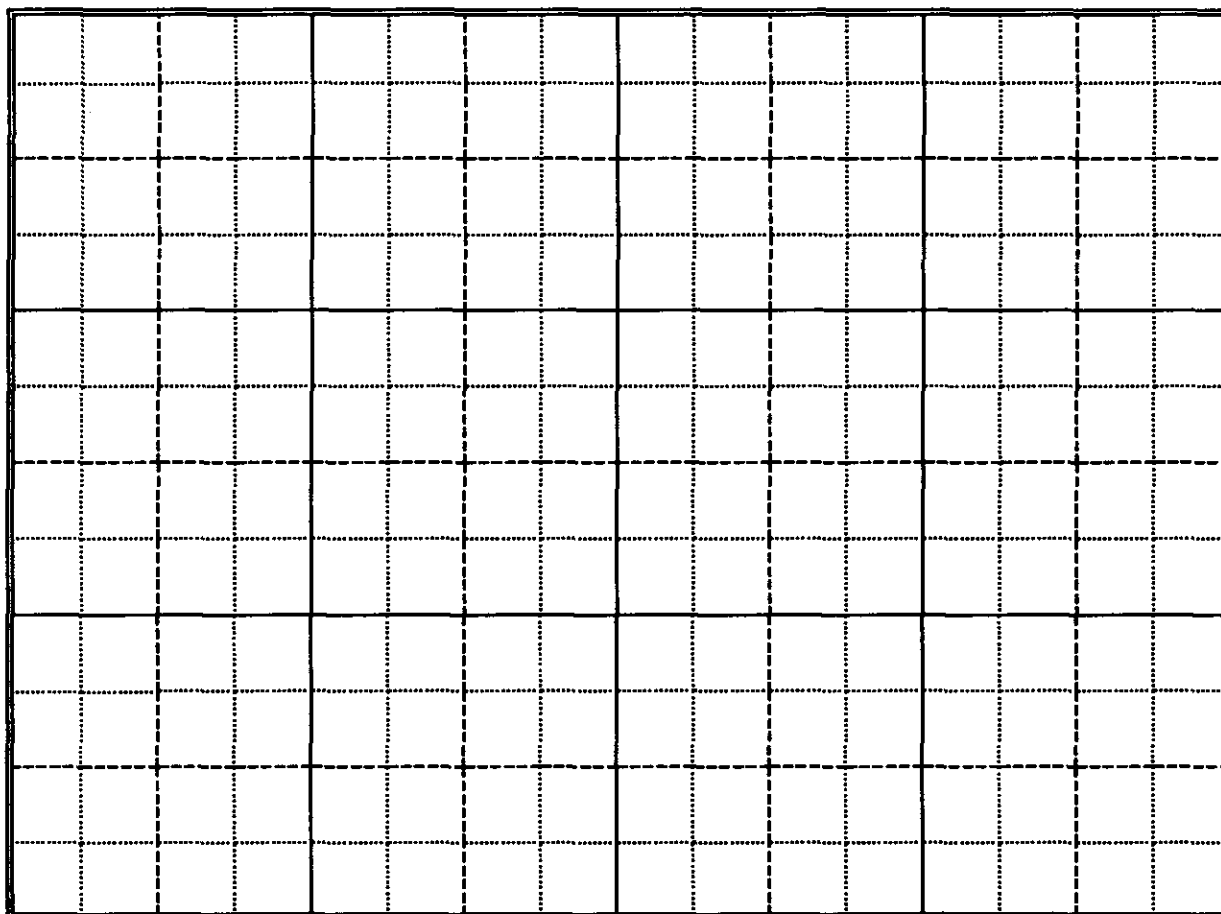
My commission expires:

MICROFILMED

APR 15 1991

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
See attachment					

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Polysonic Flow Meter	Type Flyt		TF*P	N7H5506		April 1996

2. Measurements: Pump #1 = 3004 gpm average = 6.67 cfs ~~3004~~
Pump #2 = 2211 gpm average = 4.92 cfs
Combined capacity = 10.34 cfs (would be higher with larger mainline)

E. NARRATIVE/REMARKS/COMMENTS

Two pumps in Salmon Falls Creek, 16" mainline to top of canyon. Mainlines & ditches from top of canyon to 2 ponds. Re-lift pumps in ponds pressurize sprinklers. Pump #2 is already licensed to a portion of this farm at 5.0 cfs. Pump #1 was added in 1987 or '88 to increase pumping capacity so more land could be watered. The pumps are used one-at-a-time or together as needed. Although used mainly east of the county road in Sec. 1, 2 & 11, a mainline under the road allows this water to be used in Sec. 3 & 10 also. In addition, Magic Water Co. furnishes water to this farm from its pumps further upstream on Salmon Falls Creek. MWC shares are used mainly west of the county road in Sec. 3 & 10 (mostly covered by License 47-02269), but can also be used east of the road. The two water systems are used according to what is most efficient, and both are operated by Mr. Elkin. The permit holder owns all of the recommended PPU. ~~Presently~~ Presently, 435 acres are licensed from the P/D covered by this permit, 763 acres are now mainly watered from here (Permit allows 746 acres). There are 1085 licensed acres on this farm out of 1368 irrigated acres, so 283 new acres have been developed. Existing rights allow about 6/10 inch/acre diversion rate, enough for full volume usage on the previously-licensed acres. The SE/SW Sec. 10 is not licensed but is claimed by Magic Water Co. in the SRBA. Not to exceed 10.34 cfs for all rights delivered from this same point of diversion.

Not to exceed 0.02 cfs/acre or 4.0 AFA/acre on the licensed place of use.

Delivery of this right is under control of the watermaster for District 47-G.

The re-diversion from the Magic Water Co. canal serves only the PPU recommended under this permit.

Field data was gathered by Dan Nelson, who no longer works for IDWR. I wrote up the exam based on his notes & further discussion with Pat Elkin.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

Measured 10.34 cfs system capacity. Allow permitted amount of 6.0 cfs.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 283 \times 4 = 1132.0$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 6.0 \times 214 \times 1.9835 = 2546.8$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{DR} = 1132.0 \text{ AFA}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-1	10-31	10.34 6.0	1132.0
Totals:			6.0	1132.0

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name J. F. Stanton Date 1-2-98

Reviewer _____ Date _____

SEAL

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

SEE ATTACHED SHEET

YES Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and Place(s) of use (required).

YES Aerial Photo attached (required for irrigation of 10+ acres).

YES Photo of diversion and system attached.

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
MAGIC	SEE NOTE				
PUMP #1 (SALMON FALLS CREEK P/D)	GENERAL ELECTRIC	500 Hp	ATJ114019	LAYNE BOWLER	LP92202
PUMP #2 (SALMON FALLS CREEK P/D)	US MOTORS	350 Hp	1381017	LAYNE BOWLER	184221
PUMP #3 (POND #1)	GENERAL ELECTRIC	100 Hp	EHJ510122	LAYNE BOWLER	14955
PUMP #4 (POND #1)	GENERAL ELECTRIC	75 Hp	ALJ108583	VERTILINE	V074-04290
PUMP #5 (POND #2)	US MOTORS	100 Hp	1368325	LAYNE BOWLER	44230
PUMP #6 (POND #3)	GENERAL ELECTRIC	60 Hp	DSJ423311	JOHNSTON	UNKNOWN
PUMP #7 (IN-LINE BOOSTER)	UNKNOWN	NOT KNOWN	UNKNOWN	UNKNOWN	UNKNOWN
PUMP #8 (POND #5)	GENERAL ELECTRIC	100 Hp	JNJ928389	VERTILINE	306363
PUMP #9 (POND #5)	GENERAL ELECTRIC	100 Hp	BTJ401352	WELLLINE	45985
PUMP #10 (POND #6)	GENERAL ELECTRIC	60 Hp	JJJ905411	WESTERLAND	HEAD # 1006

PLEASE NOTE: The magic waters point of diversion consists of 7 pumps. Please see license #47-02269 or attached copy of pump information sheet for that licensing exam and the related information.

*Code to correspond with No. on map and aerial photo

TO: File

DATE: December 29, 1997

FROM: Jim Stanton

SUBJECT: Claim A47-10261, Magic Irrigators Inc.

Today I spoke with Pat Elkin, co/owner and manager of Magic Irrigators. I asked him when the 500 hp pump at their diversion on Salmon Falls Creek had been installed. He told me that it was installed when they bought this land in 1987 or 1988. So the pump may not have been in use by the start of the SRBA; this point needs further review when the time comes. Idaho Power Co. records show that a new account was established at the pumps site on 4-21-1987, but they did not know if that date reflected the new pump or just a change in ownership. My reason for asking was to determine if the pump was there in 1971, which it was not. The 350 hp pump that is covered by 47-02384 & 2415 was licensed for 5.0 cfs, which it still pumps. So the flow rate covered by the above-referenced claim is part of the original licensed rate, not in addition to it (if the claim is valid at all).

With regard to the place of use, the claim covers land in between and west of the existing licenses. The licensing exams, done in 1968, did not appear to show the claimed land as irrigated. But since it is all farmable, it would be unusual to leave dry land between two irrigated tracts. The water-right files appear to conflict with affidavits in the claim file supporting a 1961 priority date, so this also appears to need further investigation. The 1987 ASCS photo shows that some but not all of the claimed land was irrigated, so even if development occurred after 1971 some of the claim can be recognized as an expansion of the existing license.

In licensing of Permits 47-08059 & 8060, which cover this same farm, I plan to ignore the SRBA claim. Adjustments may need to be made in the future to insure that the same water usage is not covered by more than one water filing. Permit 47-08059 covers the two pumps below this farm, while 8060 covers water diverted thru the Magic Water Co. system.

POLYSONIC READINGS

PERMIT # 36-08059

<u>SET - UP DATA</u>		<u>READINGS</u> <u>PUMP #1</u>		<u>READINGS</u> <u>PUMP #2</u>		<u>READINGS</u> <u>PUMPS #1 & #2</u>	
MODE SELECT							
INPUT							
OUTER DIAMETER		16:08+ 2.997E 3GPM	00	16:48+ 2.197E 3GPM	00R	16:30+ 4.676E 3GPM	00R
14.8980 IN		+00000 *10 G	00	+00000 *10 G	00R	+00000 *10 G	00H
		-00000 *10 G	00	-00000 *10 G	00R	-00000 *10 G	00H
PIPE MATERIAL		16:09+ 2.998E 3GPM	00	16:49+ 2.225E 3GPM	00R	16:31+ 4.630E 3GPM	00R
? CS,SS		+00000 *10 G	00	+00221 *10 G	00R	+00465 *10 G	00H
		-00000 *10 G	00	-00000 *10 G	00R	-00000 *10 G	00H
WALL THICKNESS		16:10+ 2.998E 3GPM	00H			16:32+ 4.623E 3GPM	00R
0.2490 IN		+00597 *10 G	00R			+00927 *10 G	00H
		-00000 *10 G	00R			-00000 *10 G	00H
INNER LINING							
? NO LING.		16:11+ 3.001E 3GPM	00R			16:33+ 4.629E 3GPM	00R
		+00896 *10 G	00H			+01389 *10 G	00H
KIND OF FLUID		-00000 *10 G	00H			-00000 *10 G	00H
? WATER							
SENSOR MOUNTING		16:12+ 3.002E 3GPM	00R				
? U		+01196 *10 G	00R				
		-00000 *10 G	00R				
TYPE OF SENSOR		16:13+ 2.997E 3GPM	00R				
? SMALL		+01496 *10 G	00R				
		-00000 *10 G	00R				
SPACING							
11.265 IN U		16:14+ 3.013E 3GPM	00R				
		+01796 *10 G	00R				
ZERO MODE		-00000 *10 G	00R				
CLEAR							
09-23 15:4700 *R		16:15+ 3.019E 3GPM	00R				
+000.90 % AI2		+02098 *10 G	00R				
		-00000 *10 G	00R				
ZERO MODE		16:16+ 3.016E 3GPM	00H				
ZERO MODE		+02399 *10 G	00R				
AUT ZERO		-00000 *10 G	00R				
ZERO MODE							
09-23 16:0400 *R		16:17+ 3.028E 3GPM	00R				
+002.00 % AI2		+02701 *10 G	00R				
		-00000 *10 G	00R				
MODE SELECT							
T0 CHECK		16:18+ 3.011E 3GPM	00R				
		+03004 *10 G	00R				
0507.0 MMSEC		-00000 *10 G	00R				
099.81 % T0							

FLOWS IN GALLONS PER MINUTE (GPM)

PUMP #1 -- The average is 3004 gpm

PUMP #2 -- $2197 + 2225 = 4422 / 2 = 2211$ ave gpm

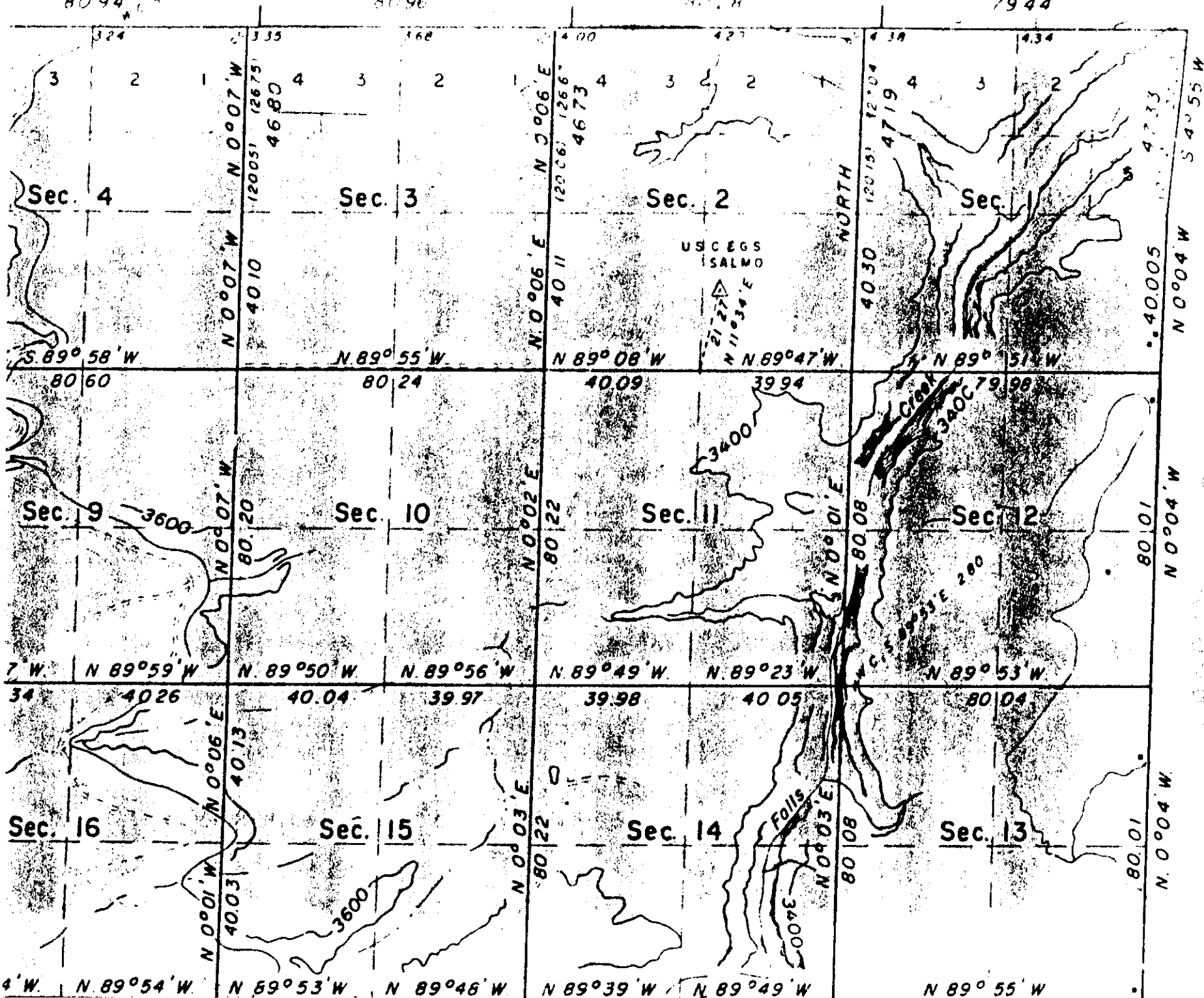
PUMPS #1 & #2 -- $4676 + 4630 + 4623 + 4629 = 18558$ gpm

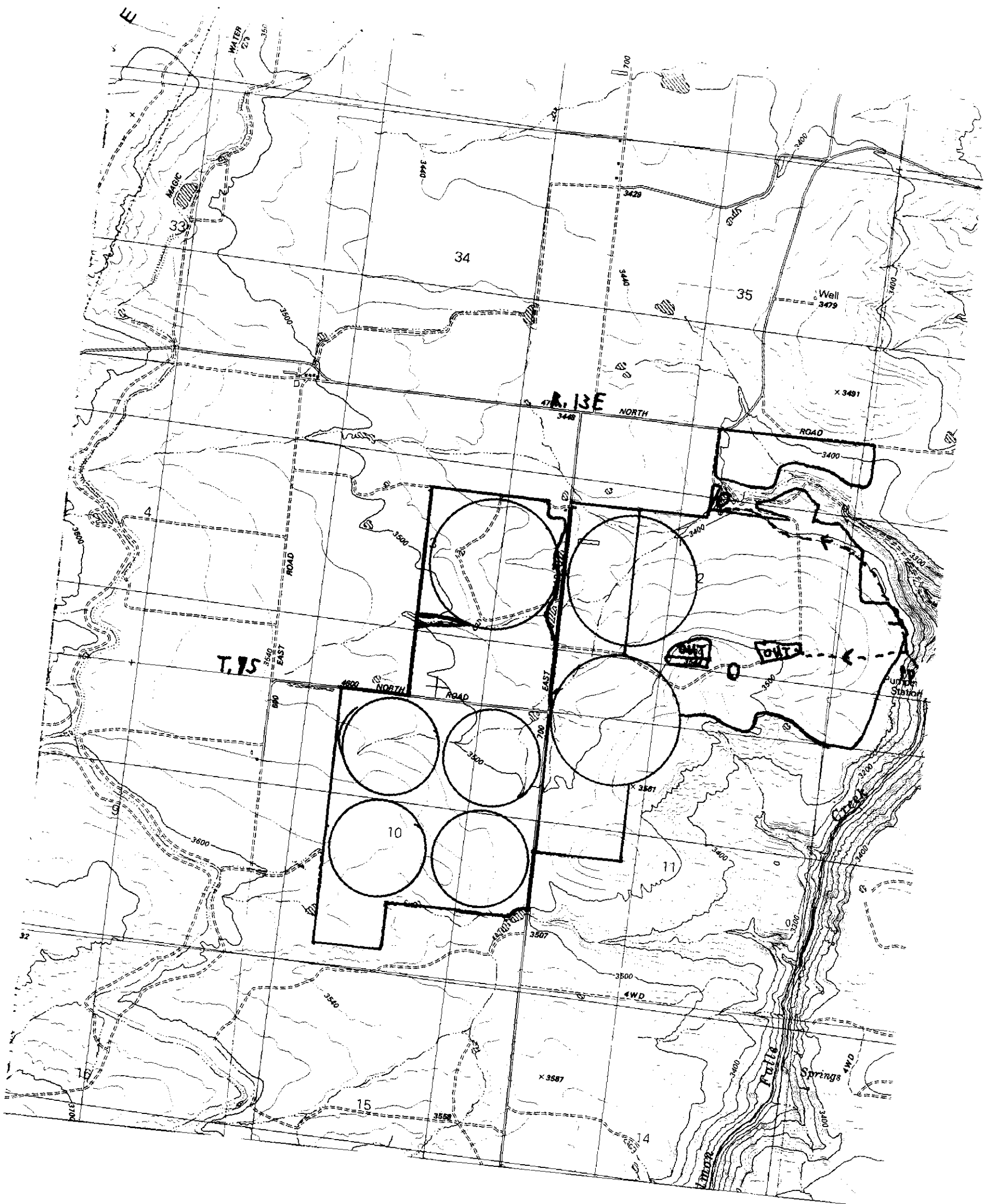
$18558 / 4 = 4639.5$ ave ~~ave~~ gpm = 10.34 cfs

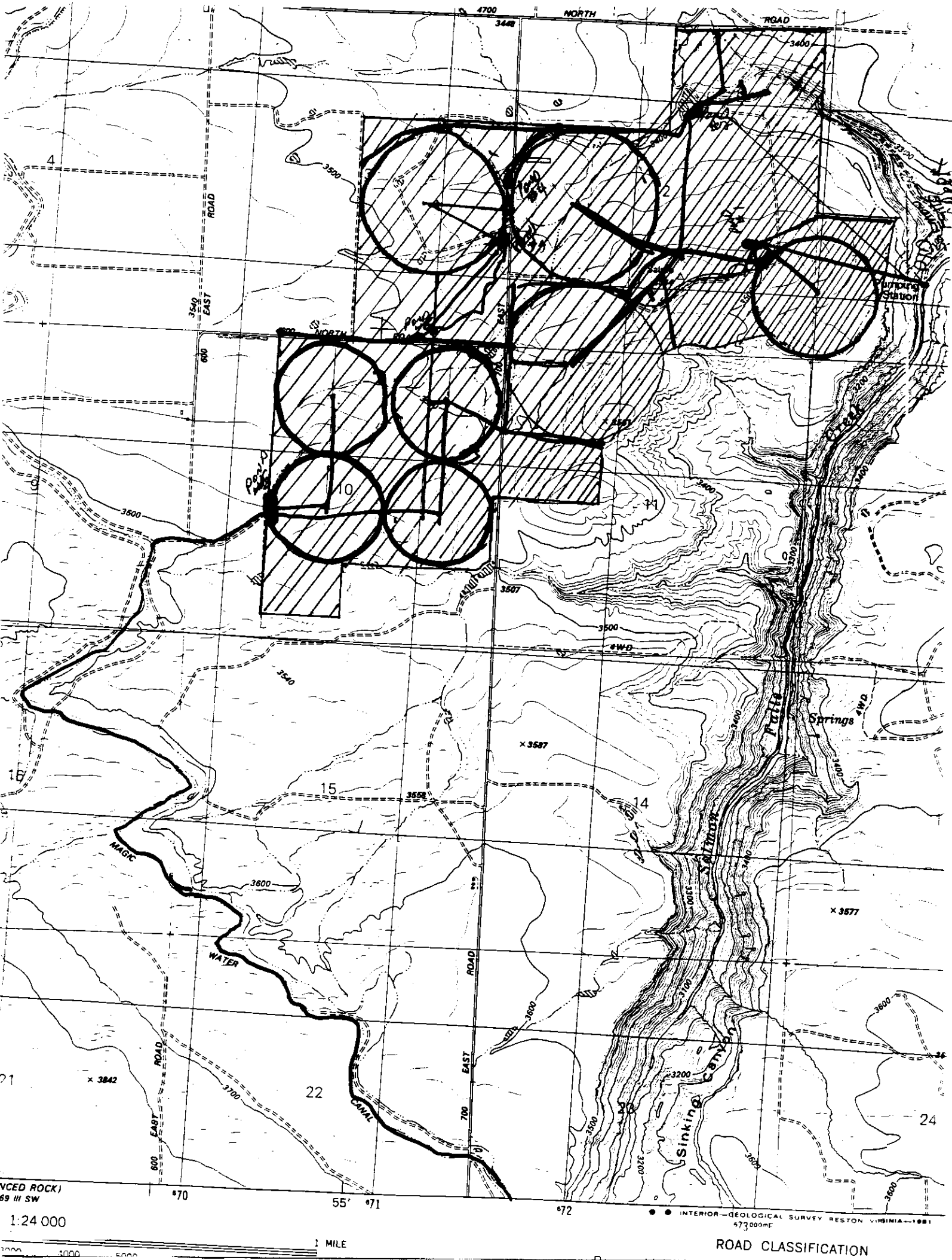
Please Note:

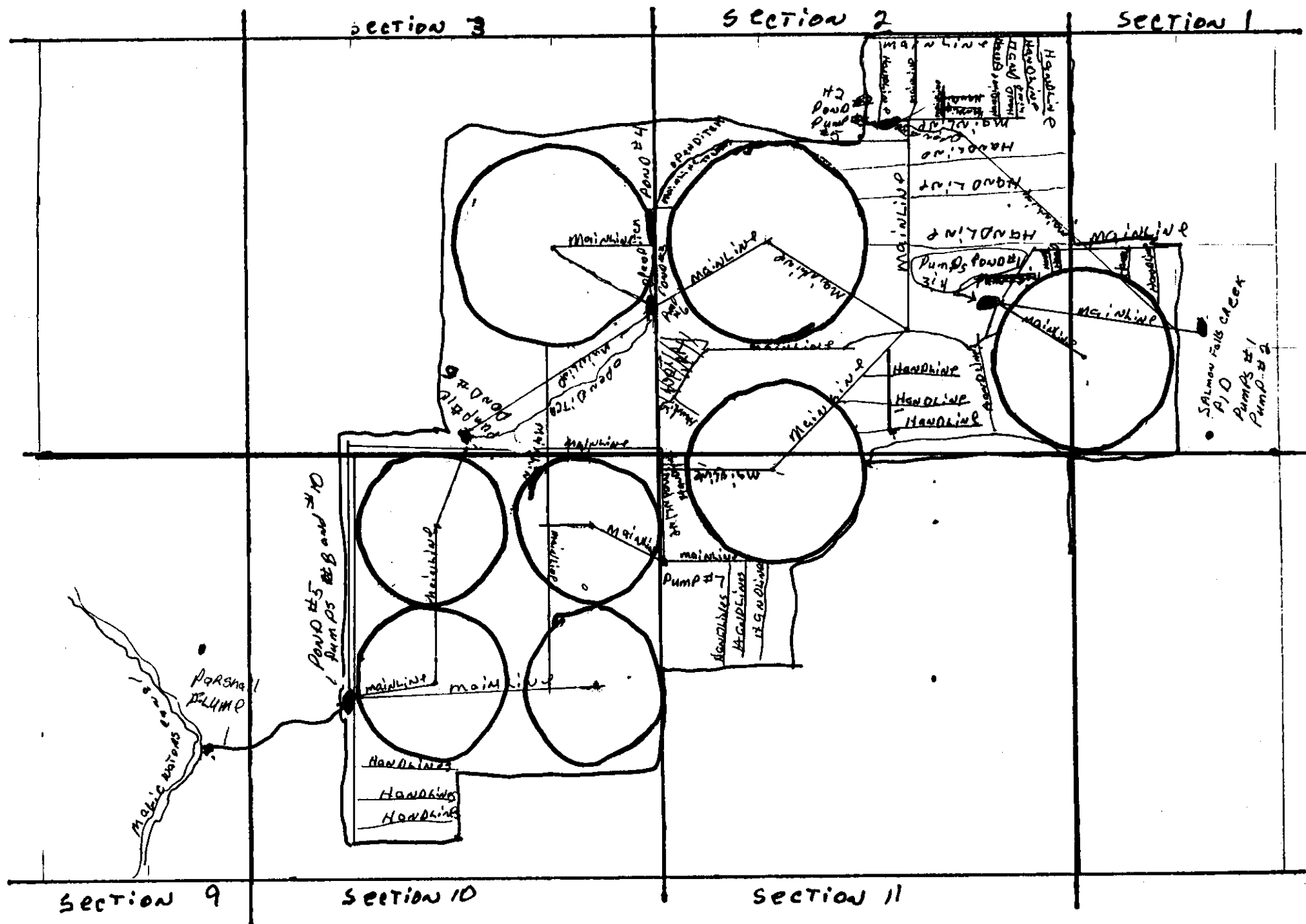
We could NOT keep Pump #2 operating for a long enough period of time to maintain a static pumping level. The owner stated that when operating correctly the pump usually operated at approximately 2500 gpm (300 gpm short of current reading)

7944









4 3
9 1

3 1
10

T31880(NW)

21

44.5

20

42.9

Note: Not drawn
To Scale
T1304 →

22

44

23

37.6

24

6.3

73.7

41.0

30

28.3

3 10
6 5

10 1
15 1

C.R.# 94
192-2001

⑤ 119.9

36

C

C.R.# 92

Magic Irrigator.

Sec. 10

10

C-9

34
68.0

33
103.6

8
144.5

9
42.0

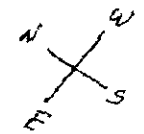
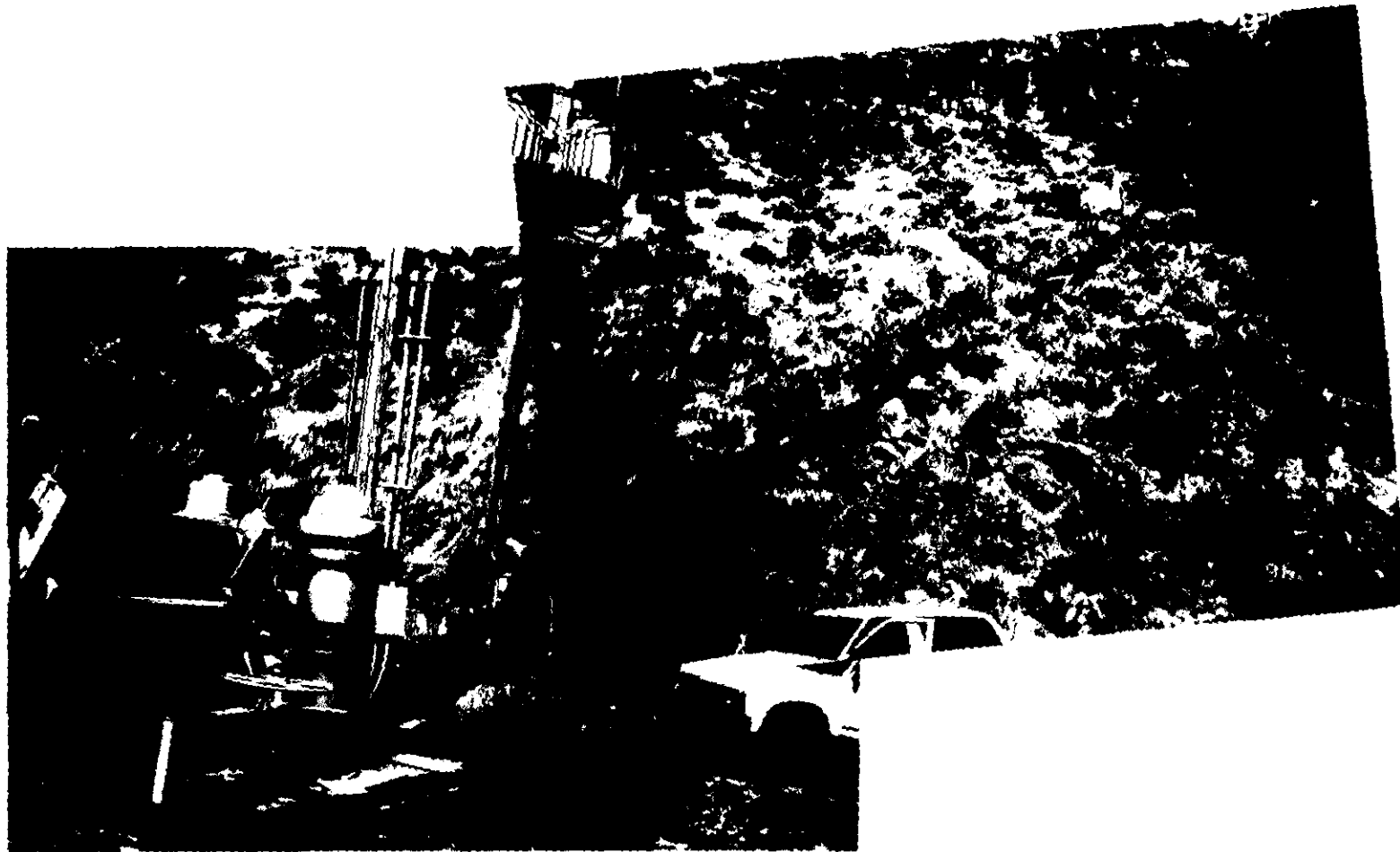
10
41.0

6
94.0

11
31.5

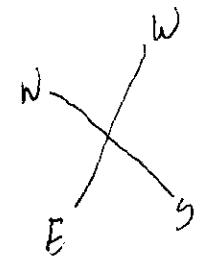
OUT

OUT

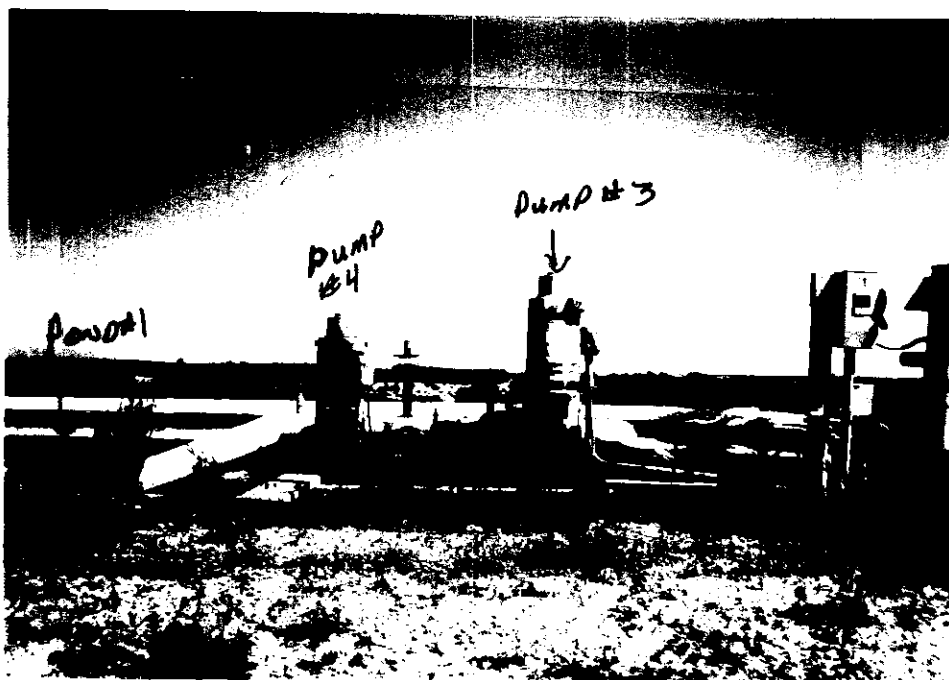


SALMON FALLS CREEK POINT OF DIVERSION.

WATER FROM SALMON FALLS CREEK ARE PUMPED THROUGH PUMP #1, PUMP #2, OR BOTH PUMPS INTO A MAINLINE (14") THAT TRAVELS UP THE CANYON WALL TO THE FARM ON THE CANYON RIM.



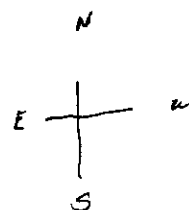
The WATER FOR SALMON FALLS CREEK P/D IS DRAWN OUT OF SALMON FALLS CREEK, AND PUMPED UP THE HILL



POND #1 is Fed By The Mainline From Salmon Falls Creek Point Of Diversion. The Water is Then Drawn From The Pond Through Pump #3 (100HP) and Pump #4 (75HP) and into the main line system

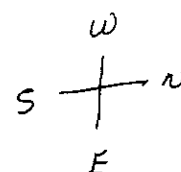


INLET FROM SALMON FALLS CREEK POINT OF DIVERSION INTO POND #1

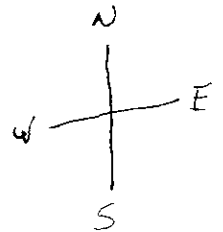
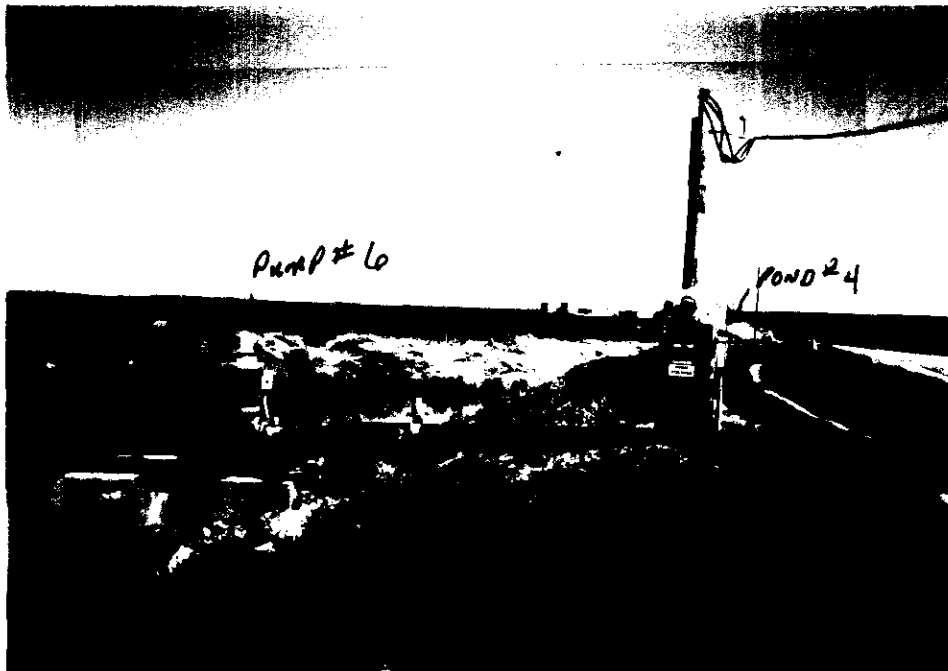


Pump #5 and Pond #2

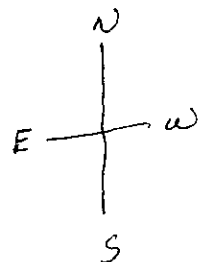
Pump #5 draws water out of Pond #2 and diverts it into the main line system



Water from Pond #1 is pumped by mainline to A open ditch. This water is then diverted into Pond #2 by that same ditch. Water from Pond #4 can also be diverted into Pond #2 by being transported through an open ditch



POND #3 PUMP #6 (60HP)
 WATER FROM POND #6 EMPTIES INTO A DITCH THAT CONVEYS
 WATER TO POND #3. PUMP #6 PUMPS WATER OUT OF
 POND #3 TO REPRESSURIZE THE MAINLINE



OPEN DITCH TO POND #4. POND #4 DOES
 NOT HAVE A PUMP IN IT. POND #4 IS A HOLDING
 POND USE TO SETTLE OUT SEDIMENTS. THE MAINLINE
 COMES FROM THE CENTER PIVOT AND GOES ACROSS ROAD

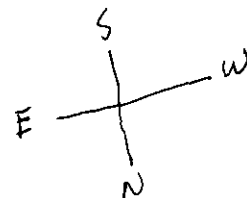


This is where the mainline from the
center pivot in section 3 crosses
the road to irrigate the corners
of the pivot on that side of the
road

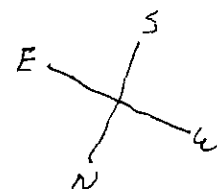


Pump #7.

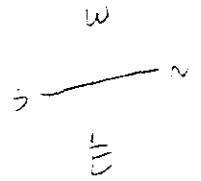
This pump is a inline booster
used to add pressure to the
mainline in section 11



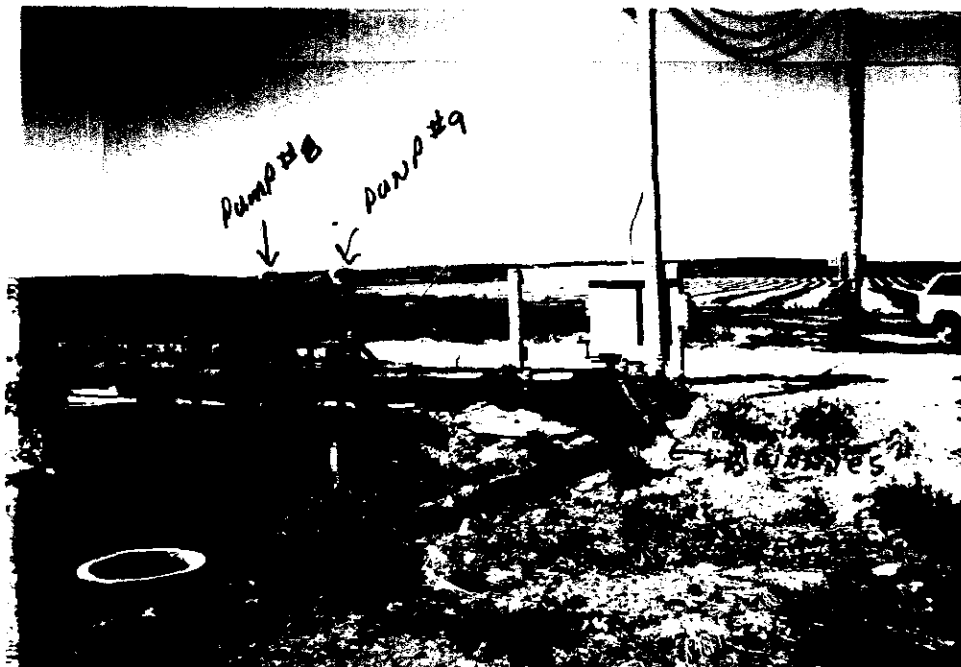
WATER FROM POND #5 CAN ENTER POND #6
THROUGH AN OPEN DITCH AND THE IS PUMPED
BY PUMP #10 INTO THE MAINLINE SYSTEM



WATER FROM POND #6 CAN BE DIVERTED
INTO AN OPEN DITCH THAT TRAVELS TO POND
3



Water is pulled out of Magic Waters Canal and sent through open ditch to Pond #5. A Parshall Flume (2 FT. Parshall Flume) is used to monitor water being diverted from ditch.



The water from Pond #5 is pulled out of the Pond by 2 - 100 HP pumps (Pump #8 & #9). These pumps pump into the main line system. The culvert is used to feed the open ditch that feeds Pond #6.

April 8, 1994

MAGIC IRRIGATORS INC
ROUTE 3 716B E 4900 N
BUHL ID 83316

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 47-08059

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 conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls, at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

CURVE NO.
18-151X
6-1-80

No. Stages	ge	MATERIAL	Eff. Change
1	-1	IMP.—C.I.	-1
2	0	IMP.—NI-RI	-1
3		BOWL—BRZ.	-1
4		BOWL—NI-R.	-1

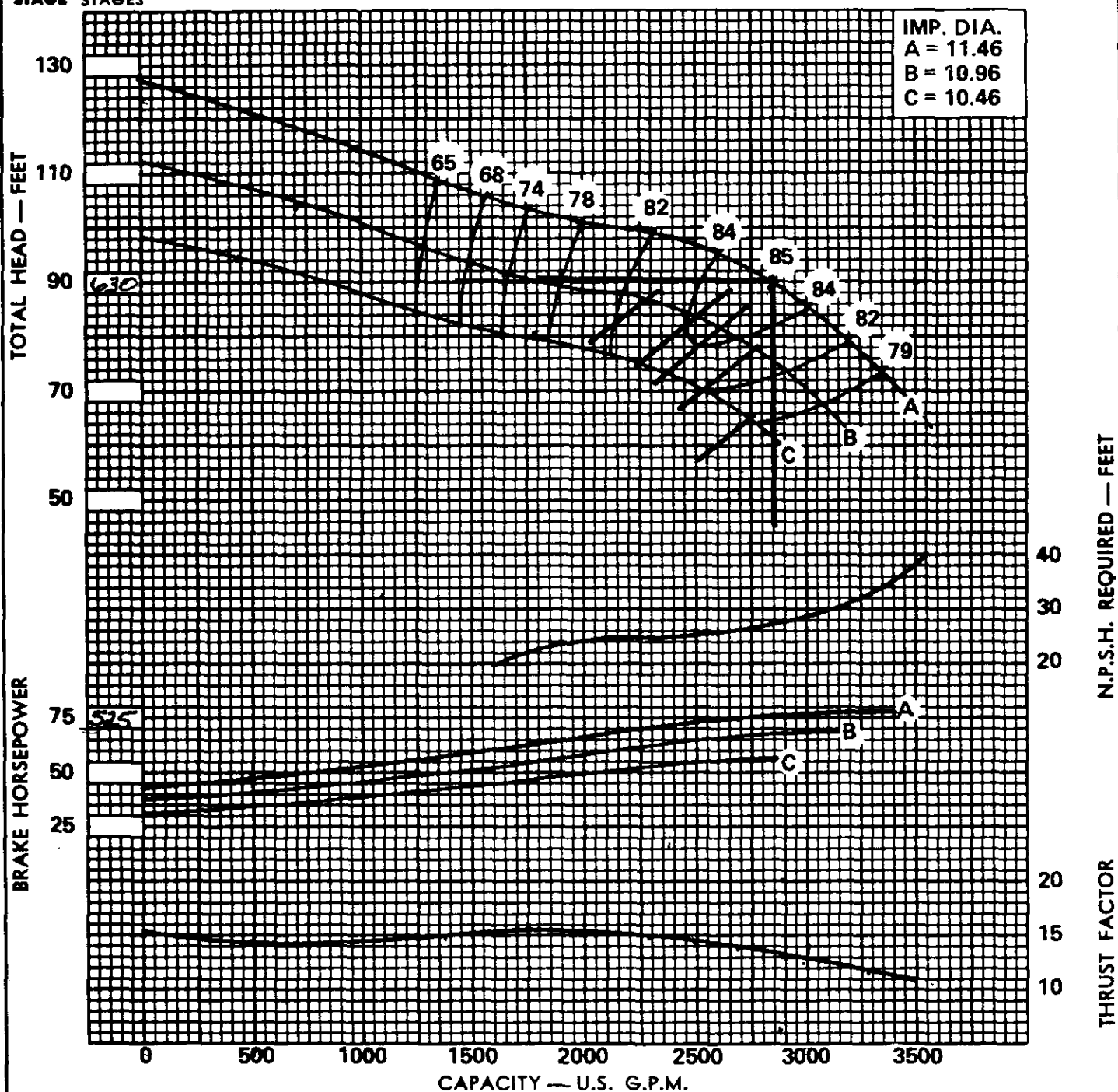
14THC

1770 R.P.M.

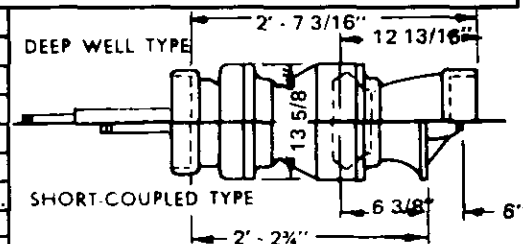
SINGLE STAGE LAB PERFORMANCE WITH STANDARD MATERIALS. EFFICIENCY SHOWN FOR 2 OR MORE STAGES. HORSE POWER SHOWN FOR ONE STAGE BASED ON 2 STAGE EFFICIENCY. CORRECTIONS SHOULD BE MADE FOR STAGES AND MATERIAL.

ONE (7)
STAGE STAGES

7579.500 HP.
CUSTOM PERFORMANCE



EYE AREA — SQ. IN.	= 35.61	IMPELLER WT.-LBS.	= 31.8
WR ² PER IMPELLER	= 2.75 LB.-FT ²	ONE STAGE WT.-LBS.	= 435
MAX. SPHERE SIZE	= 1.25 in.	ADD'L STAGE WT.-LBS.	= 164
MAX. NO. STD. STAGES	= 7	IMPELLER NUMBER	= 7T17
MAX. OPERATING P.S.I.	= 390	DISCH. SIZES	= 10.12
STD. LATERAL	= 0.75 in.	SUCTION SIZES	= 10
STD. SHAFT DIA.	= 1.937 in.	MAX. LATERAL	= 1.26 in.
MAX. SHAFT DIA.	= 2.187 in.	BOWL CONN.	FLANGED — COLLET
MIN. SUBMERGENCE	= 47 in.	ADD 13	PER ADDITIONAL STAGE.



CURVE NO.
18-146
9-1-78

No. Stages	Eff. Change	MATERIAL	Eff. Change
1	-2	IMP.—C.I.	-1
2	0	IMP.—NI-RI	-2
3		BOWL—BRZ.	-1
4		BOWL—NI-R.	-1

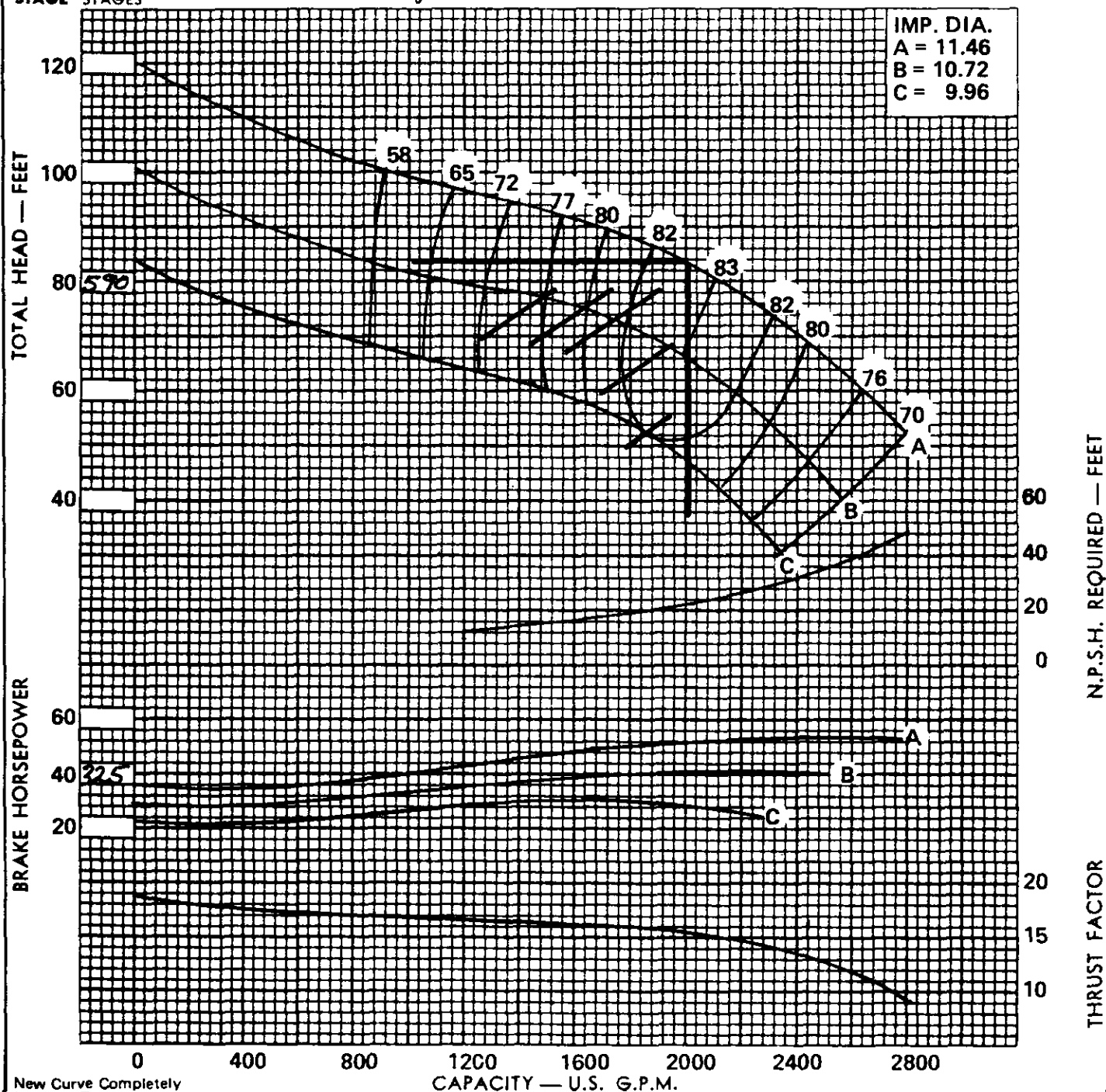
14 TLC

1770 R.P.M.

SINGLE STAGE LAB PERFORMANCE WITH STANDARD MATERIALS. EFFICIENCY SHOWN FOR 2 OR MORE STAGES. HORSE POWER SHOWN FOR ONE STAGE BASED ON 2 STAGE EFFICIENCY. CORRECTIONS SHOULD BE MADE FOR STAGES AND MATERIAL.

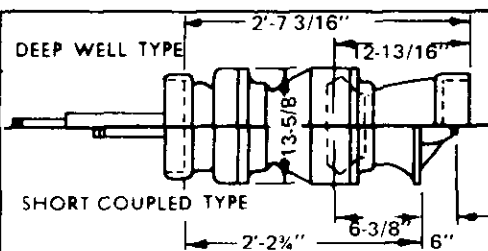
ONE (7)
STAGE STAGES

7 STAGE 350HP



New Curve Completely

EYE AREA — SQ. IN. = 34.26	IMPELLER WT.-LBS. = 32.1
WR ² PER IMPELLER = 2.72 LB.-FT. ²	ONE STAGE WT.-LBS. = 435
MAX. SPHERE SIZE = 1.25 in.	ADD'L STAGE WT.-LBS. = 164
MAX. NO. STD. STAGES = 7	IMPELLER NUMBER = 7T13
MAX. OPERATING P.S.I. = 390	DISCH. SIZES = 10, 12
STD. LATERAL = 0.78 in.	SUCTION SIZES = 10
STD. SHAFT DIA. = 1.937 in.	MAX. LATERAL = 1.26 in.
MAX. SHAFT DIA. = 2.187 in.	BOWL CONN. FLANGED—COLLETS
MIN. SUBMERGENCE = 36 in.	ADD 13 " PER ADDITIONAL STAGE.



January 31, 1994

MAGIC IRRIGATORS INC.
RT. 3
BUHL ID 833160000

PROOF DUE NOTICE

RE: PERMIT NO. 47-08059

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 April 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

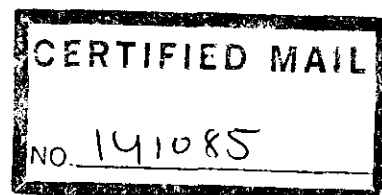
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



June 8, 1992

MAGIC IRRIGATORS INC.
RT. 3
BUHL ID 83316-0000

RE: Water Right No. 47-08059

Dear Water Right Holder(s):

On May 19, 1992, the department sent you a letter advising that you might be required to temporarily cease diverting water from the Snake River or its tributaries if the established minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second measured near Weiser is not satisfied or likely will not be satisfied.

The flow of the Snake River at Weiser is now less than 4,750 cfs. You are, therefore, directed to immediately cease diverting water under the above referenced water right and to not resume use until authorized by the department.

Past flow records show that the duration of seasonal low flow periods typically last several days to a week. Since your use of water is extremely important to you and since mail notification includes a delay associated with mail delivery time, feel free to call the toll-free telephone number 1-800-451-4129 to determine when you are again authorized to divert and use water under your water right. Please use this phone number only in connection with resumption of use.

You need to be aware that Section 42-351, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

June 12, 1992

MAGIC IRRIGATORS INC.
RT. 3
BUHL ID 83316-0000

RE: Water Right No. 47-08059

Dear Water Right Holder(s):

On June 8, 1992, the department sent you a letter which directed you to immediately cease diverting water under the above referenced water right, since the minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second (cfs) measured near Weiser was not being satisfied.

The flow of the Snake River at Weiser is now above 4,750 cfs. You are, therefore, authorized to again divert water under your water right. If the minimum stream flow is not met later this year, however, the department will again notify you to temporarily cease diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

May 19, 1992

MAGIC IRRIGATORS INC.
RT. 3
BUHL ID 83316-0000

RE: Water Right No. 47-08059

Dear Water Right Holder(s):

Department water right records show that you divert water from the Snake River or its tributaries under a water right that has a priority date later than December 29, 1976. This is the priority of the established minimum stream flow of the Snake River at the Weiser Gage (Weiser) in the amount of 4,750 cubic feet per second.

Because of the continuing drought conditions in the Snake River Basin, department hydrologists project that during 1992, there could be periods when the required minimum flow will not be satisfied due to low flows of the Snake River. The department urges you to not divert at a higher rate than authorized by your water right and to not use your right in any manner different than authorized. In addition, when the minimum flow will not be satisfied or is not being satisfied, you are required to cease diverting water under your water right, because your right is of later priority than the minimum stream flow at Weiser.

If the department determines the minimum flow will not be satisfied, the department will advise you and will provide as much lead time as possible in requiring that you temporarily cease your diversion of water. The greatest likelihood for this to occur is during a period from mid-June to late June.

While the department expects good cooperation from junior water right holders, water users should be aware that Section 42-352, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversions of water.

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement purposes. This type of coordination could minimize the impact on

existing water users and reduce the need to curtail diversions.

The department has scheduled public information meetings relative to this potential regulation as follows:

Mountain Home - June 4, 1992 - 10:00 a.m. - gymnasium at
North Elementary School, 290 E. 12th N.

Caldwell - June 4, 1992 - 7:00 p.m. - Ballroom in the
Student Union Building, Albertson College of Idaho,
2112 Cleveland

If you have questions concerning this letter or wish to provide the name of a different contact person or address to receive department correspondence, please contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 9, 1991

MAGIC IRRIGATORS INC.
RT. 3
BUHL, ID 833160000

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 47-08059

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of

APPROVED FOR FILMING

APR 15 1991

Idaho for the use and benefit of the people within the state.
Conditions pertaining to a term review, annual use fee and
jurisdiction of the permit are trust water conditions.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

APR 15 1991

APPLICATION FOR PERMIT REVIEW

Application #: 47-8059
Date: 3-29-91

Reviewer: Pam Skaggs *28*

✓ Existing:
 ✓ No - 26A-P17
 Complete in 1 year - P16
 Yes
 Proof not submitted - P16
 Proof submitted - N/A
Groundwater:
 GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)
 LT. 0.7 cfs - N/A
Drilling Permit:
 Approved w/permit - P99
 Not included - 046-P23(All GW, even existing wells)
✓ Location:
 ✓ Water Districts - WD No. 47G
 Surface water - 005, 005-01H-P01(LT.7 w/pump)
 005-01J-P08(GT.7)
 Groundwater - P05
 Irrigation Districts - 023
 Canal Co. Areas - 023
 Drainage Districts - 024
 Boise Front (63) - 058 (Groundwater)
 ✓ Swan Falls Flag - 7 (1, Blank or Other)
 ✓ Trust - 051-052-053-P74(Cons.), 041(DCMI, w/Irr
 Non Trust - 048-049 or Irr & Dom)
River Basins:
 (Surface Water) Water District Control Condition &....
 Boise (63) - 11D-P72
 Payette (65) - 047-P04, 059-P71
 Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)
Use:
 Fish Propagation - 06A, 09E-P10 & 010 (Choose One), 042(req.)
 002-P06(M.D.), 007(Spec.), 044(Policy 5G)
 Power - Use Power Review
 Mining - 06A or 010, 09E-P10 & 054(req.)
 Storage - 18A-for multiple measuring devices(In WD),
 18B-P09(Size)
 Rec. & Aesthetic - 027(Non-Consumptive)
 Domestic - 021(restricted areas)
✓ Ownership:
 ✓ Non land owner - 004
Protested:
 Agreement - 020
Minimum Stream Flow:
 Overlapping uses - 029-P20
✓ Beneficial Use Due Date: - 04-01-1994
Other Conditions Recommended 4.5.3 Data reviewed by Tim Luke.

APR 15 1991

V
H-2-91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

FEBRUARY 12, 1991

Times News
P.O. Box 548
Twin Falls, ID 83301

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MARCH 11, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

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APR 15 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

47-08059

MAGIC IRRIGATORS INC.
RT. 3
BUHL, ID 833160000

Source: SALMON FALLS CREEK

Tributary: SNAKE RIVER

Diversion Pt: SWNESW Sec 1 T 09S R 13E

Use: IRRIGATION (6.000 CFS)
Total Diversion: (6.000 CFS)

Date Filed: 2/17/ 1987

In: T09S R13E S01	NWSW	SWSW		
S02 Lot 1 (NENE) Lot 2 (NWNE)	SWNE	SENE		
	SESW	SESW		
	SESE	SESE		
S11	NENW	SENW		

746.0 ACRES TOTAL

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before MARCH 11, 1991.

R. KEITH HIGGINSON, Director

Published 2/21/1991 & 2/28/1991

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APR 15 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO.s 47-8059 & 47-8060/Trust Water Processing &
Rule 4,5. Info

DATE: 1-29-91

These applications are trust water filings which have come up for sequential processing under the appropriate rules and statutes. The applicants have returned trust water questionnaires claiming development prior to 1984. Both applications are appurtenant to the same land.

I have reviewed 1983 and 1984 infrared aerial photos along with the department's remote sensing irrigation classification report for the 1986 irrigation season. Based on review of this data, I have determined that 153 acres were not irrigated prior to October of 1984. These 153 acres should be counted as trust acreage. The remaining acreage under the filings appear to have been developed and irrigated prior to October of 1984.

The applicants were also requested to submit Rule 4,5,3. information since the applications combined represented diversion of more than 5.0 cfs. That information has been returned (see file 47-8059) and appears to be very complete and sufficient. I recommend completing processing of the applications. The filings will be advertised as trust filings during February, 1991.

FILED
APR 15 1991

January 26, 1991

RECEIVED
JAN 29 1991

Department of Water Resources

Mr. Time Luke, Senior Water Resource Specialist
Idaho Department of Water Resource
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RE: Application for Permit Nos. 47-8059 and 47-8060
Information Submitted for Water Appropriation Rule 4,5,3.

Dear Mr. Luke

Thankyou for your letter dated January 21, 1991. I would also like to apologize for not making reference to the point of diversion given under application No. 47-8060. This application proposes diversion of 3.0 cfs into the Magic Water Co. canal and then re-diversion of that water from a point on the canal located in Section 9, Township 9S., Range 13E. It was an oversight on my part.

It is the plan of the Directors of Magic Irrigators, Inc. to divert water as proposed under the application No. 36-8060. An agreement has already been agreed upon and approved by the Directors of Magic Water Co. Since I'm President of Magic Water Co., this letter will serve notice to you that such an agreement exists and has been approved. At the Magic Water Co. pumping site, a provisional pump has already been installed for that purpose and is ready for use. Charges to Magic Irrigators, Inc. will be based on daily use.

Just for your information Tim, Magic Irrigators, Inc. and Maurice H. Eckert & Son's, Inc., together, own almost 60% of the stock of Magic Water Co. Along with my three brothers who farm with me, we own the majority of stock in both Magic Irrigators, Inc. and Maurice H. Eckert & Son's, Inc. The four of us also represent, four of the five Directors that serve on Magic Water Co. Board of Directors.

Kenneth P. Elkin

Mr. Kenneth (Pat) Elkin
President, Magic Water Co.
Vice President, Magic Irrigators, Inc.

MICROFILMED

APR 15 1991

cc: Mr. Armand Eckert, Secretary, Magic Water Co.
Mr. Granville Eckert, Director, Magic Water Co.
Mr. Norman Eckert, Director, Magic Water Co.
Mr. Farrell Jones, Treasure, Magic Water Co.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 21, 1991

Kenneth P. Elkin
Magic Irrigators Inc.
Rt. 3
Buhl, ID 83316

RE: Application for Permit No.s 47-8059 & 47-8060
Information Submitted for Water Appropriation Rule 4,5,3.

Dear Mr. Elkin:

I have received the information which you submitted to satisfy the requirements of Water Appropriation Rule 4,5,3. The information was well organized and complete. However, your responses and submitted material made no reference to the point of diversion given under application no. 47-8060. As you know, this application proposes diversion of 3.0 cfs into the Magic Water Company Canal and then re-diversion of that water from a point on the canal located in section 9, Township 9S., Range 13E.

Since your response makes no reference to the diversions to and from the Magic Water Company canal, I must ask at this time whether you actually plan to divert water as proposed under application no. ~~47~~-8060. If not, then you should consider withdrawing this application. If you do plan to divert water as proposed under this application, then you should obtain consent or comments from the Magic Water Company.

Please provide additional information and comments about application no. ~~47~~-8060 at your earliest convenience.

Sincerely,

Tim Luke
Sr. Water Resource Spec.

RECEIVED

APR 15 1991

RECEIVED
JAN 18 1991

January 17, 1991

Department of Water Resources

Mr. Tim Luke, Senior Water Resource Specialist
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

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

Reply to Notice of Information Required by Water Appropriation
Rule 4,5,3.

Dear Mr. Luke

In relation to your letter dated December 24, 1990 and to the
above permits and rules, our responses follow.

Rule 4,5,3,1,1. -

See Exhibit A for names, addresses and water right numbers for
existing water users. The location of diversions is on Salmon
Falls Creek, the points of diversion of which are located on
Exhibit B. Each water right listed is used for irrigation of farm
lands.

Rule 4,5,3,1,2. - Not applicable.

Rule 4,5,3,1,3. -

An additional pump would be installed at the Magic Irrigators,
Inc. pump station already in existence at the point of diversion
in Salmon Falls creek. All water users listed on Exhibit A are
located above the subject pumping station, with the exception of
Bob Ring. There would be no affect on those water users located
upstream. Bob Ring has the number one water right on Salmon
Falls Creek. However, the water flow at his diversion point is
greater than the water right application for 47-8059 and 47-8060.
It should also be noted that the Twin Falls Canal Company "Low-
Line" canal empties into Salmon Falls Creek just above the
diversion point of Magic Irrigators, Inc. Since the Canal
Company has installed a power plant at the point where its canal
ends, sufficient water passes by the Magic Irrigators, Inc.
diversion point to satisfy the applications. Finally, Magic
Irrigators, Inc. does have on file with the Soil Conservation
Service in Buhl, a conservation plan. This is included for your
review as Exhibit C.

RECEIVED
APR 15 1991

Rule 4,5,3,2,1. -

The projection for the peak demand would be 14 cfs. during a
brief period during June. An average demand, we estimate would
be 10 cfs. The annual usage would run from middle March through

middle of October. This project has been operating since 1973/1974 with additions in 1985 through 1990, but has short water supply causing stress on crops.

Rule 4,5,3,2,2. -

The source of water supply would be Salmon Falls Creek. See Exhibit E. Exhibit E is U.S. Geological surveys of Salmon Falls Creek water flows. Water surveys are taken at the point where U.S. Highway 30 crosses Salmon Falls Creek. The water flowing past the gaging station is approximately the same as that passing by the Magic Irrigators, Inc. point of diversion. It is apparent that the water flows are ample from Salmon Falls Creek to supply the water for the above named water application filings at the point of that diversion point.

Rule 4,5,3,3,1. -

Magic Irrigators, Inc. owns the land it intends to use the additional water right on. The Bureau of Land Management owns the area where the point of diversion is located. Enclosed for your review is Magic Irrigators, Inc. title insurance policy which spells out the ownership of the land and the Bureau of Land Management right-of-way I-40 for the point of diversion. This is Exhibit F.

Rule 4,5,3,3,2. - Since the diversion point has been established for some time and only an additional pump will be added, with minimal impact to the surrounding area, we do not believe that additional applications or permits or approvals will be required from any other governmental agencies or individual.

Rule 4,5,3,4. -

Attached as Exhibit G is a 12/31/90 copy of Magic Irrigators, Inc. Balance Sheet. It should be noted the the Note Payable on its Balance Sheet, is a long-term note payable over a 10-year period, to a related party. In addition, Magic Irrigators, Inc. has an unused line-of-credit for \$300,000, none of which was used during the 1990 year. Construction costs are expected to be funded from current operating capital, however, without the use of the line-of-credit. Magic Irrigators, Inc. already owns the additional pump it would install for the water rights. The penstock, etc. is already in place. Accordingly, installation costs we estimate would be \$6,000.

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APR 15 1991

Rule 4,5,3,5. -

As has been discussed above, because of the minimal effect this addition would have on the point of diversion, we don't believe this project would cause any concern to any local individuals, governments, tribal reservations, the State Fish and Game Department, or Health and Welfare Departments. Based on water surveys in Exhibit E, it is apparent that ample water would pass

below the point of diversion to satisfy Fish and Game water flow requirements. Of the individuals with water rights in Water District 47G, listed in Exhibit A, Bob Ring would be the only affected water user, and we believe we have already addressed that concern under Rule 4,5,3,1. In addition, Pat Elkin and Armand Eckert, are President and Secretary, respectively, for Water District 47G, and thus, consider a response from Water District 47G, within the frame work of this letter. Both of these individuals are owner/operators of Magic Irrigators, Inc.

Conclusion

If the above responses are not responsive to the applicable Rules or further elaboration is needed, please contact Pat Elkin, Route # 3, Buhl, Idaho 83316 (208) 543-6388 or Armand Eckert, Route # 3, Buhl, Idaho 83316 (208) 543-8518.

Sincerely,

Pat Elkin

Kenneth (Pat) Elkin,
Vice President
Magic Irrigators, Inc.

MICROFILMED

APR 15 1991

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Exhibit A

Salmon Falls Creek

Listing of Major Active Water Right Holders

1/1/91

Name	Address	Water Right #	Date	Use
Bob Ring	Route # 3	47-2159	7/23	Farm
	Buhl, Idaho	47-2400	2/65	Farm
Magic Water Co.	Route # 3	47-2269	5/53	Farm
	Buhl, Idaho			
Salmon Falls Ranch (Inactive)	155 2nd Ave. No.	47-2316B	1/59	CRP
	Twin Falls, Idaho	47-2316C	1/59	CRP
		47-2402	4/65	CRP
		47-2417	4/66	CRP
Dale Wright	891 Briarwood	47-2316A	1/59	Farm
	Twin Falls, Idaho			
Ken & Jerry Olsen	877 Briarwood	47-2345B	11/60	Farm
	Twin Falls, Idaho	47-2346B	11/60	Farm
		47-2347B	11/60	Farm
		47-7075B	11/60	Farm
David & Darrell Funk	Route # 2	47-2345A	11/60	Farm
	Murtaugh, Idaho	47-2346A	11/60	Farm
		47-2347A	11/60	Farm
		47-7075A	11/60	Farm
Magic Irrigators, Inc.	Route # 3	47-2415	12/63	Farm
	Buhl, Idaho	47-2384	4/61	Farm
Laray Easterday (Inactive) (See Note 1)	Route # 1	47-7615	1/80	CRP
	Castleford, Idaho	47-7616	1/80	CRP
Jean L. Giuffre (Inactive)	185 Blair Dr.	47-7565	1/80	CRP
	Twin Falls, Idaho			

Note 1: Water Right represents a hot water well with 12.80 cfs of water right but only one well drilled with 3.88 cfs water flow.

SALMON FALLS CREEK BASIN

Exhibit E

13108150 SALMON FALLS CREEK NEAR HAGERMAN, ID

LOCATION.--Lat 42°41'47", long 114°51'15". in SW1/4 SE1/4 SE1/4 sec.30, T.8 S., R.14 E., Twin Falls County, Hydrologic Unit 17040213, on left bank 25 ft upstream from U.S. Highway 30, at mile 1.9, and 8.5 mi south of Hagerman.

DRAINAGE AREA.--2,120 mi², approximately.

PERIOD OF RECORD.--April 1970 to current year.

GAGE.--Water-stage recorder. Elevation of gage is 2,900 ft above National Geodetic Vertical Datum of 1929, from topographic map.

REMARKS.--No estimated daily discharges. Records fair. Flow completely regulated by Salmon River Canal Co. Reservoir 44 mi upstream (see sta 13108500). Flow below the dam is derived from leakage past the dam and return flow from adjacent land. Several diversions by pumping from the left bank below dam are used for irrigation. Flow past gage is partially regulated during irrigation season by small diversion dam 0.9 mi upstream.

AVERAGE DISCHARGE.--15 years, 169 ft³/s, 122,400 acre-ft/yr.

EXTREMES FOR PERIOD OF RECORD.--Maximum discharge, 7,500 ft³/s May 16, 1984, gage height, 18.14 ft on basis of contracted opening measurement of peak flow, result of roadfill collapse approximately 13 mi upstream; minimum, 5.8 ft³/s July 9, 1977, gage height, 2.51 ft. From May 11 to June 28, 1984, Salmon River Canal Co. Reservoir spilled into Salmon Falls Creek for the first time since construction in 1910. Maximum discharge excluding 1984 was 3,390 ft³/s Jan. 12, 1979, gage height, 9.60 ft.

EXTREMES FOR CURRENT YEAR.--Maximum discharge, 633 ft³/s Apr. 25, 26, gage height 7.16 ft; minimum, 30 ft³/s July 7, 13, gage height, 3.89 ft.

Rating table (gage height, in feet, and discharge, in cubic feet per second)
(Shifting-control method used Apr. 21 to May 1)

3.8	25	5.5	190
4.0	35	6.0	273
4.5	71	6.5	378
5.0	121	7.0	500
		7.5	649

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1984 TO SEPTEMBER 1985
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	252	195	152	145	116	150	217	302	207	42	152	139
2	202	200	150	145	122	153	201	157	230	35	161	149
3	203	203	155	137	133	150	382	164	226	35	158	156
4	216	200	156	136	131	142	390	164	210	34	141	159
5	218	205	149	136	127	140	310	150	191	31	126	157
6	204	208	150	138	124	137	286	174	173	31	97	155
7	206	210	153	147	120	135	283	173	160	31	84	166
8	205	211	151	148	130	135	255	145	154	33	58	211
9	207	210	155	148	128	135	243	122	169	33	65	271
10	213	215	158	143	125	140	228	105	149	32	69	273
11	211	213	155	143	122	140	220	105	135	32	74	296
12	230	212	152	143	136	146	214	107	129	31	82	300
13	240	209	151	140	147	161	209	113	127	30	79	283
14	253	200	148	132	145	168	219	98	121	30	73	283
15	257	168	141	126	146	176	233	122	110	46	67	278
16	268	185	138	135	146	168	245	158	104	44	66	292
17	285	191	149	142	148	162	260	143	103	46	60	267
18	280	181	139	143	149	161	246	116	103	56	64	284
19	269	184	128	142	153	174	249	107	97	56	61	319
20	246	180	131	143	157	198	306	106	136	58	67	319
21	236	180	140	143	157	220	334	122	80	59	62	310
22	203	184	147	143	239	247	323	116	71	60	63	290
23	195	184	150	143	240	228	399	102	52	70	63	266
24	194	195	152	141	237	226	569	101	50	93	63	275
25	195	192	148	140	313	243	607	141	59	101	70	272
26	198	176	146	137	263	259	603	162	76	97	83	264
27	198	148	146	135	173	235	558	261	68	90	106	261
28	198	150	146	135	157	229	513	245	62	86	97	266
29	196	150	146	139	---	228	493	222	52	94	110	274
30	195	152	146	137	---	221	437	228	47	98	120	295
31	196	---	146	127	---	219	---	220	---	152	125	---
TOTAL	6869	5691	4574	4332	4484	5626	10014	4751	3651	1766	2766	7530
MEAN	222	190	148	140	160	181	334	153	122	57.0	89.2	251
MAX	285	215	158	148	313	259	607	302	230	152	161	319
MIN	194	148	128	126	116	135	201	98	47	30	58	139
AC-FT	13620	11290	9070	8590	8890	11160	18860	9420	7240	3500	5490	14940
CAL YR 1984	TOTAL	113932	MEAN	311	MAX	3440	MIN	42	AC-FT	226000		
WTR YR 1985	TOTAL	62054	MEAN	170	MAX	607	MIN	30	AC-FT	123100		

APR 15 1991

Exhibit C.

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service

SCS-CPA-026
(1/87)

1. NAME AND ADDRESS OF PRODUCER

2. DATE OF REQUEST

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Magic Irrigators
c/o Pat Elkin
Rt 3
Buhl, ID 83316

2/16/88
~~2/2/87~~

3. NAME OF USDA AGENCY OR PRODUCER REQUESTING DETERMINATION

4. FARM NO. AND TRACT NO. (S)

5. COUNTY

ASCS

FN 2957 T1304

T. F.

SECTION I - HIGHLY ERODIBLE LAND

6. Is a soil survey now available for making a highly erodible land determination?

YES	NO	TRACT NO.	FIELD NO.(S)	TOTAL ACRES
-----	----	-----------	--------------	-------------

7. Are there highly erodible soil map units on this farm?

8. a. List highly erodible tract and fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.

X				
X				

b. Is an approved conservation plan being actively applied on all of these fields? If "no," list the tract and fields (from the ASCS records) on which a plan is not being applied.

3/16/88
RE

		T1304	H, K, M, N	376.3
X	X	T1304	H, K, M, N	

9. a. List highly erodible tract and fields that, according to ASCS records, have been or will be converted for the production of agricultural commodities, were not used for this purpose in any crop year during 1981-1985, and were not enrolled in a USDA set-aside or diversion program.

b. Is an approved conservation system being used on these fields? If "no," list the tract and fields (from the ASCS records) on which a system is not being used.

10. Are there other fields or unnumbered areas that (1) have highly erodible map units; (2) were not used to produce an agricultural commodity in any crop year after 1980, and (3) were not enrolled in a USDA set-aside or diversion program in any crop year during 1981-1985?

11. CERTIFICATION: The 1 (no.) conservation plan(s) was (were) approved by the Balanced Rock Soil Conservation District on 3/4/

19 88, and conform with technical requirements of the SCS field office technical guide. Conservation systems included in the conservation plan(s) applied _____ (no.).

SECTION II - WETLAND

YES	NO	TRACT NO.	FIELD NO.(S)	TOTAL ACRES
-----	----	-----------	--------------	-------------

12. Are hydric soils on this farm? If "yes," list tract and fields (from the ASCS records) or unnumbered areas (un) in which they occur.

	X			
--	---	--	--	--

13. Do fields that were or will be used to produce an agricultural commodity contain wetland? If "yes," list tract and fields, outline the wetland areas within fields on the ASCS photograph(s), and mark with "w" for wetland; "aw" for artificial and irrigation induced wetland; "mw" for wetland on which the conversion would result in minimal effect.

14. Are there converted wetlands on this farm that have been converted since December 23, 1985? If "yes," list the tract and fields, outline converted wetlands on the ASCS photograph(s), and mark with "cw".

15. The wetland determination was done in the office ☒ field ☐.

16. This determination was hand delivered ☐ mailed ☒ to the producer on 3/16/88 (DATE)

Any producer who does not agree with this determination may request reconsideration from the person making this determination. This request is a prerequisite for any further appeal. The request must be in writing and must set forth reasons for the request. The request must be mailed or delivered within 15 days after written notice of the determination is mailed to or otherwise made available to the producer.

17. REMARKS

This includes both HEL Determination and Certification of Conservation plan

18. SIGNATURE OF PRODUCER

DATE
3/16/88

SCS-CPA-026
(1/87)

1. NAME AND ADDRESS OF PRODUCER

Magic Irrigators
c/o Pat Elkin
Rt 3.
Buhl, ID 83316

2. DATE OF REQUEST

2/16/88
~~3/6/87~~

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

3. NAME OF FARM AGENCY OR PRODUCER REQUESTING DETERMINATION

ASCS

4. FARM NO. AND TRACT NO. (S)

FN2957 T1305

5. COUNTY

T.F.

SECTION I - HIGHLY ERODIBLE LAND

6. Is a soil survey now available for making a highly erodible land determination?

YES	NO	TRACT NO.	FIELD NO.(S)	TOTAL ACRES
X				
✓				
		T1305	A,B,C,D,E,F,G	302.8
		T1305	A,B,C,D,E,F,G	

7. Are there highly erodible soil map units on this farm?

8. a. List highly erodible tract and fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.

b. Is an approved conservation plan being actively applied on all of these fields? If "no," list the tract and fields (from the ASCS records) on which a plan is not being applied.

3/16/88 RE X T1305 A,B,C,D,E,F,G

9. a. List highly erodible tract and fields that, according to ASCS records, have been or will be converted for the production of agricultural commodities, were not used for this purpose in any crop year during 1981-1985, and were not enrolled in a USDA set-aside or diversion program.

b. Is an approved conservation system being used on these fields? If "no," list the tract and fields (from the ASCS records) on which a system is not being used.

10. Are there other fields or unnumbered areas that (1) have highly erodible map units, (2) were not used to produce an agricultural commodity in any crop year after 1980, and (3) were not enrolled in a USDA set-aside or diversion program in any crop year during 1981-1985?

11. CERTIFICATION: The 1 (no.) conservation plan(s) was (were) approved by the Balanced Rock Soil Conservation District on 3/4/ 88 and conform with technical requirements of the SCS field office technical guide. Conservation systems included in the conservation plan(s) applied (no.).

SECTION II - WETLAND

12. Are hydric soils on this farm? If "yes," list tract and fields (from the ASCS records) or unnumbered areas (un) in which they occur.

YES	NO	TRACT NO.	FIELD NO.(S)	TOTAL ACRES
	✓			

13. Do fields that were or will be used to produce an agricultural commodity contain wetland? If "yes," list tract and fields, outline the wetland areas within fields on the ASCS photograph(s), and mark with "w" for wetland; "aw" for artificial and irrigation induced wetland; "mw" for wetland on which the conversion would result in minimal effect.

14. Are there converted wetlands on this farm that have been converted since December 23, 1985? If "yes," list the tract and fields, outline converted wetlands on the ASCS photograph(s), and mark with "cw".

15. The wetland determination was done in the office ☒ field ☐.16. This determination was hand delivered ☐ mailed ☒ to the producer on 3/16/88 (DATE).

Any producer who does not agree with this determination may request reconsideration from the person making this determination. This request is a prerequisite for any further appeal. The request must be in writing and must set forth reasons for the request. The request must be mailed or delivered within 15 days after written notice of the determination is mailed to or otherwise made available to the producer.

17. REMARKS

This includes both HEC Determination

18. SIGNATURE OF THE SOIL CONSERVATION DISTRICT

RE

DATE

3/16/88

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Magic Irrigators
c/o Pat Elkin
Rt 3
Buhl, ID 833162/16/88
~~3/1/88~~

3. NAME OF USDA AGENCY OR PRODUCER REQUESTING DETERMINATION

4. FARM NO. AND TRACT NO. (S)

5. COUNTY

ASCS

FN 2957 T 31248

TF

SECTION I - HIGHLY ERODIBLE LAND

6. Is a soil survey now available for making a highly erodible land determination?

7. Are there highly erodible soil map units on this farm?

a. List highly erodible tract and fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.

b. Is an approved conservation plan being actively applied on all of these fields? If "no," list the tract and fields (from the ASCS records) on which a plan is not being applied.

9. a. List highly erodible tract and fields that, according to ASCS records, have been or will be converted for the production of agricultural commodities, were not used for this purpose in any crop year during 1981-1985, and were not enrolled in a USDA set-aside or diversion program.

b. Is an approved conservation system being used on these fields? If "no," list the tract and fields (from the ASCS records) on which a system is not being used.

10. Are there other fields or unnumbered areas that (1) have highly erodible map units, (2) were not used to produce an agricultural commodity in any crop year after 1980, and (3) were not enrolled in a USDA set-aside or diversion program in any crop year during 1981-1985?

11. CERTIFICATION: The 1 (no.) conservation plan(s) was (were) approved by the Balanced Rock Soil Conservation District on 3/4/88.
19 88, and conform with technical requirements of the SCS field office technical guide. Conservation systems included in the conservation plan(s) applied _____ (no.).

SECTION II - WETLAND

12. Are hydric soils on this farm? If "yes," list tract and fields (from the ASCS records) or unnumbered areas (un) in which they occur.

Do fields that were or will be used to produce an agricultural commodity contain wetland? If "yes," list tract and fields, outline the wetland areas within fields on the ASCS photograph(s), and mark with "w" for wetland; "aw" for artificial and irrigation induced wetland; "mw" for wetland on which the conversion would result in minimal effect.

14. Are there converted wetlands on this farm that have been converted since December 23, 1985? If "yes," list the tract and fields, outline converted wetlands on the ASCS photograph(s), and mark with "cw".

15. The wetland determination was done in the office ☒ field ☐.16. This determination was hand delivered ☐ mailed ☒ to the producer on 3/16/88
(DATE)

Any producer who does not agree with this determination may request reconsideration from the person making this determination. This request is a prerequisite for any further appeal. The request must be in writing and must set forth reasons for the request. The request must be mailed or delivered within 15 days after written notice of the determination is mailed to or otherwise made available to the producer.

17. REMARKS

This includes both the HEL Determination and Certification of Conservation Plan

18. SIGNATURE OF SCS DISTRICT CONSERVATIONIST

DATE

3/16/88

Magic Irrigators Inc.

Operator name C/O Pat Elkin

T1304
T1305
T31246
T31248

Legal desc: sec _____ T. _____ R. _____
Map sheet number 2-64N, 2-95N

SOIL GROUP 2

These are soils that have a wind erodibility index of 56 to 86 in wind erodibility groups 4, 4L and 5. They occur on all landscape positions in the foothills and on the Snake River Plain. Slopes vary from 0 to more than 30 percent with most slopes of 12 percent and less. Most soils in this group were derived either from stream alluvium or loess or a combination of both.

Surface textures are medium and fine including silt loams, silty clay loams and clays having varying amounts of calcium carbonate. The underlying layers are variable with coarser textured (sand and gravel) being more prevalent in the areas of alluvial deposits and silty material being more common in the loess soils. Some of these soils are underlain by basalt or rhyolite bedrock or a hardpan.

These soils are susceptible to both wind and water erosion with the water erosion hazard on the more sloping areas generally in the foothills.

Soil Mapping Units

Map
Symbol

Mapping Unit Name

SiB/C

Sluka Silt Loam 1-4%, 4-8% slopes

PrB

Purdam Silt Loam 1-4% slope

DIB

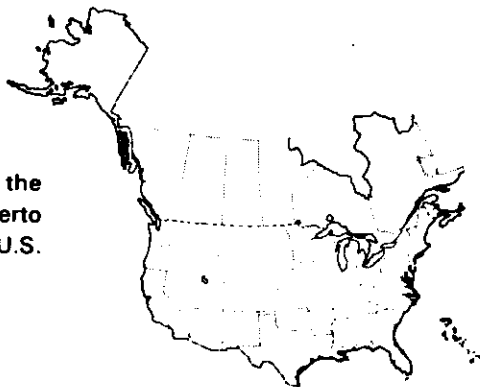
Dolman Silt Loam 1-4% slope

BnC

Rakana / Black nest Clay Loams 4-8% slopes

APR 15 1991

Service available throughout the United States, Canada, Puerto Rico, the Bahamas, and the U.S. Virgin Islands.



National Division, Branch and Agency offices and Approved Attorneys are located throughout the operating territory.

Lawyers Title Insurance Corporation

National Headquarters — Richmond, Virginia

Lawyers Title
Insurance Corporation
National Headquarters
Richmond, Virginia

Policy
of
Title Insurance

A word of thanks to our insured

As we make your policy a part of our permanent records, we want to express our appreciation of this evidence of your faith in Lawyers Title Insurance Corporation.

There is no recurring premium.

This policy provides valuable title protection and we suggest you keep it in a safe place where it will be readily available for future reference.

If you have any questions about the protection provided by this policy or wish to contact us for any other reason, contact the office that issued your policy or you may write to:

Consumer Affairs Department
Lawyers Title Insurance Corporation
P.O. Box 27567
Richmond, Virginia 23261

APR 15 1991

Lawyer Title Insurance Corporation *Exhibit F*

National Headquarters — Richmond, Virginia

Policy Number

85 - 00 - 708433

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS CONTAINED IN SCHEDULE B AND THE PROVISIONS OF THE CONDITIONS AND STIPULATIONS HEREOF, LAWYERS TITLE INSURANCE CORPORATION, a Virginia corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A, and costs, attorneys' fees and expenses which the Company may become obligated to pay hereunder, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested otherwise than as stated therein;
2. Any defect in or lien or encumbrance on such title;
3. Lack of a right of access to and from the land; or
4. Unmarketability of such title.

IN WITNESS WHEREOF the Company has caused this policy to be signed and sealed, to be valid when Schedule A is countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws.

Lawyers Title Insurance Corporation

Robert C. Dawson

President

Attest:

Gabriel A. Lee

Secretary.

APR 15 1991

85

1

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Lawyers Title Insurance Corporation

OWNER'S POLICY

Schedule A

BASE NUMBER	DATE OF POLICY	AMOUNT OF INSURANCE
25888	Feb 19, 1987	\$410,000.00

THE POLICY NUMBER SHOWN
ON THIS SCHEDULE MUST
AGREE WITH THE PREPRINTED
NUMBER ON THE COVER SHEET

POLICY NUMBER
85-00-708433

1. Name of Insured:

MAGIC IRRIGATORS, INC., an Idaho corporation

2. The estate or interest in the land described herein and which is covered by this policy is:

fee simple

3. The estate or interest referred to herein is at Date of Policy vested in:

MAGIC IRRIGATORS, INC., an Idaho corporation

4. The land referred to in this policy is described as follows:

Township 9 South, Range 13 E., B.M., Twin Falls County, Idaho
Section 1: W1/2SW1/4

Section 2: Lots 1 and 2, S1/2NE1/4, SE1/4NW1/4, NE1/4SW1/4,
E1/2SE1/4, NW1/4SE1/4, and the SW1/4SW1/4, EXCEPT that portion of
the SW1/4SW1/4 more particularly described as follows:
COMMENCING at the Southwest Section corner, Section 2, Township 9
South, Range 13 E., B.M.;

THENCE North 0 degrees 06' East 398.19 feet along the westerly
boundary of said Section 2, to the REAL POINT OF BEGINNING;

THENCE continuing North 0 degrees 06' East 880.00 feet;

THENCE South 89 degrees 54' East 500 feet;

THENCE South 20 degrees 22' 13" West 938.10 feet;

TEHNCE North 89 degrees 54' West, 175.00 feet to the REAL POINT OF
BEGINNING.

EXCEPT Road Right of Way.

Section 11: W1/2NW1/4, N1/2NE1/4, SW1/4NE1/4, SE1/4NW1/4
SUBJECT TO: Twin Falls County Highway Right of way

AND

Township 9 South, Range 13 E., B.M., Twin Falls County, Idaho
Section 2: NW1/4SW1/4, SW1/4NW1/4

EXCEPTING THEREFROM the following described premises:

A tract of land in the SW1/4NW1/4 of Section 2, Township
9 South, Range 13 E., B.M., described as follows:

BEGINNING at a point on the West boundary of said Section 2 which
point is 3259.8 feet North of the Southwest corner of said Section 2;

TITLE *[Signature]*
Countersignature Authorized Officer or Agent

Twin Falls, Idaho

Lawyer Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE A cont'd.

THENCE South 88 degrees 30' East, 700.0 feet;
THENCE North 100.0 feet;
THENCE North 88 degrees 30' West, 700.00 feet to the West boundary
of said Section 2;
THENCE South 100.0 feet to the POINT OF BEGINNING.

AND

Township 9 South, Range 13 E., B.M., Twin Falls County, Idaho
Section 3: S1/2NE1/4, SE1/4

Section 10: NE1/4, E1/2NW1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4
EXCEPT:

That portion of the NE1/4SE1/4 described as follows:
BEGINNING at the Southeast corner of said NE1/4SE1/4;
THENCE North along the East boundary line of said property a
distance of 302.5 feet to a point;
THENCE West on a straight line a distance of 302.5 feet to a point;
THENCE South on a straight line a distance of 302.5 feet to a point
on the Southern boundary line of said property;
THENCE East along the southern boundary line of said property a
distance of 302.5 feet to the POINT OF BEGINNING.

AND

Township 9 South, Range 13 E., B.M., Twin Falls County, Idaho
Section 10: SE1/4SW1/4

EXCEPT:

That portion of the SE1/4SW1/4, Section 10, Township 9 South, Range
13 E., B.M., beginning at a point on the Westerly boundary line of
said property which point is 350 feet North of the Southwest corner
of said SE1/4SW1/4;
THENCE from said POINT OF BEGINNING South along the Western boundary
line of said property a distance of 350 feet to the Southwest corner
of said property;
THENCE East along the Southern boundary line of said property a
distance of 1,320 feet to a point which is the Southeast corner of
said property;
THENCE North along the Eastern boundary line of said property a
distance of 450 feet to a point;
THENCE Southwesterly on a straight line to the POINT OF BEGINNING.

RECORDED

APR 15 1991

Schedule A Page 2 N85-00-708433

CASE NUMBER
25888

DATE OF POLICY
Feb 19, 1987

THE POLICY NUMBER SHOWN ON THIS SCHEDULE
MUST AGREE WITH THE PREPRINTED NUMBER
ON THE COVER SHEET
Schedule B

POLICY NUMBER
85-00-708433

This policy does not insure against loss or damage by reason of the following:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public record.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Act authorizing the issuance thereof; water rights, claims or title to water.
6. Any and all unpaid taxes, assessments and unredeemed tax sales.

7. Agreement between Magic Water Company, Inc., and Edward Herzinger and Olga Herzinger, husband and wife, dated February 3, 1964, recorded April 28, 1964, in Book 214 of Deeds, page 296, records of Twin Falls County, Idaho, granting easement over and across the W1/2W1/2 of Section 2, and S1/2S1/2 of Section 3, All in Township 9 South, Range 13 E., B.M., Twin Falls County, Idaho.

8. Reservations in United States Patent dated September 21, 1966, recorded September 23, 1966, in Book 219 of Deeds, page 517, records of Twin Falls County, Idaho, and in United States Patent dated February 23, 1967, recorded February 28, 1967, in Book 219 of Deeds, page 1208, records of Twin Falls County, Idaho, reciting, "Excepting and reserving, also, to the United States all the oil and gas in the land so patented, and to it or persons authorized by it, the right to prospect for, mine and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914, (38 Stat. 509); subject to any or other purposes, and right to ditches agricultural, manufacturing, other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the land hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. Reserving unto the United States from the land hereby granted, a right of way for stock driveway purposes across a 50 foot strip of land adjacent to the East boundary of Lot 2, Section 2. Patent is issued subject to a reservation unto the United States of a perpetual stock driveway and road right of way 40 feet wide along the East side of the NW1/4NE1/4, NW1/4SE1/4, Section 2, for public access and use, in accordance with the Consent to Reservation, dated July 21, 1964, and filed in case record, Idaho 01394."

9. Power Line Easement from Vernon L. Herzinger and Betty Jean Herzinger, his wife, to Idaho Power Company, dated December 14, 1967, recorded August 19, 1968, in Book 220 of Deeds, page 1312, in the office of the County Recorder of Twin Falls County, Idaho, granting right of way and easement over and across the SW1/4NE1/4NE1/4, W1/2SE1/4NW1/4, W1/2NE1/4SW1/4, SE1/4NW1/4SE1/4 and NE1/4SW1/4SE1/4, all in Section 2, Township 9 South, Range 13 E., B.M.

10. Reservations contained in Patent from the United States of

Lawyer Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B cont'd.

America to Edward Herzinger reciting, "Excepting and Reserving to the United States: 1. A right of way thereof for ditches and canals constructed by the authority of the United States Act of August 30, 1890, 26 Stat. 391; 43 U.S.C 945; 2. All the oil and gas in the land so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914, 38 Stat. 509, as supplemented; 30 U.S.C. 121-124; and SUBJECT TO those right for irrigation ditch purposes as have been granted to Betty Jean Herzinger and Vernon J. Herzinger, their successors and assigns, by right of way---, under the act of March 3, 1892, 26 Stat. 1101 as amended, 43 U.S.C. 946-949."

11. Agreement between Magic Water Company, Inc., and Hagerman Farms, Inc., et al, dated January 31, 1969, recorded April 29, 1969, in Book 18 of Contracts, Agreements and Bonds, page 322, records of Twin Falls County, Idaho.

12. Power Line Easement from Edward Herzinger, Vernon L. Herzinger and Olga Herzinger and Billie Jeane Herzinger, to the Idaho Power Company, dated September 20, 1973, recorded February 13, 1976, as Instrument No. 692023, records of Twin Falls County, Idaho. (Within the E1/2NW1/4 of Section 10, Township 9 South, Range 13 E., B.M.)

13. Power Line Easement from Vernon L. Herzinger and Betty Jeane Herzinger, husband and wife, to Idaho Power Company, dated March 13, 1974, recorded March 13, 1974, as Instrument No. 669158, records of Twin Falls County, Idaho. (A strip of land 100 feet wide in the SW1/4SW1/4SE1/4 of Section 2, Township 9 South, Range 13 E., B.M.)

14. Power Line Easement from Vernon L. Herzinger and Betty Jean Herzinger, husband and wife, to Idaho Power Company, dated August 1, 1973, recorded March 26, 1974, as Instrument No. 662872, records of Twin Falls County, Idaho. (W1/2SE1/4 of Section 2, Township 9 South, Range 13 E., B.M.)

15. Easement for ingress and egress from Vernon L. Herzinger and Betty Jean Herzinger, husband and wife to Twin Eagle Power Inc., an Idaho corporation, dated December 21, 1984, recorded December 24, 1984, as Instrument No. 872911, records of Twin Falls County, Idaho. (Lots 1 and 2, being the N1/2NE1/4, of Section 2, Township 9 South, Range 13 E., B.M.)

MICROFILMED

APR 15 1991

Schedule B Page 2 N 85-00-708433

1035-0-999-0000/1

ORIGINAL

Litho in U.S.A

Magic Irrigators, Inc.
Balance Sheet (Unaudited)
12/31/90

Cash	\$ 37,447.90
Land	176,192.00
Equipment	512,278.90
Accumulated Depreciation	(331,175.50)
Inventory	133,112.00
Total Assets	<u>\$527,855.30</u> =====
Employee State Taxes Payable	\$ 4,709.82
Accrued Property Taxes	2,009.00
Long-term Note Payable	339,723.02
Total Liabilities	<u>346,441.84</u> =====
Common Stock	1,000.00
Paid-in Excess	80,000.00
Undistributed Earnings	100,413.46
Total Equity	<u>181,413.46</u> =====
Total Liabilities and Equity	<u>\$527,855.30</u> =====

MICROFILMED

APR 15 1991

Exhibit H

ESchultsmeier
3-12-87

I-40
I-23795
2800

MAR 17 1987

Blom
3/16/87

603-16-87

Memorandum

To: Earl Gary Carson, Jarbidge Area Manager
From: Effie Schultsmeier, Realty Specialist
Subject: Magic Irrigators, Inc., Rights-of-Way I-40 and I-23795

On February 10, 1987, Magic Irrigators, Inc., filed a request to have their company recognized as the current holder of the irrigation improvements covered by right-of-way I-40. They also requested recognition of the dam, reservoir, and pump station under the Act of July 26, 1866. The subject improvements are part of the irrigation facilities which were authorized under I-40 but were inadvertently not included in the grant for right-of-way I-40.

As per previous ISO guidance, the pump station is automatically recognized under right-of-way I-40 as being part of the authorized pipeline. Both the dam and reservoir have existed on public land and have been used as part of an irrigation system for over 20 years. The existence of the dam and reservoir for over 20 years along with the proof of a vested water right qualify the subject improvements for recognition under the Act of July 26, 1866.

/s/ Effie Schultsmeier

cc: CF, RF
ESCHULTSMEIER:lac:3/10/1987

NOT RECORDED
APR 15 1987

ID-01-LU-7-22

I-40

I-23795

2800

MAR 17 1987

Carpenter
3-13-87

Schultze
3-16-87
Blow
3/16/87

BC 3-16-87

Magic Irrigators, Inc.
Route 3, Box 386
Buhl, ID 83316

Dear Sirs:

This letter is in response to your request of February 9, 1987, for authorization of farming public lands and your dam, reservoir, and pump station.

Serial number ID-01-LU-7-22 has been assigned to your Land Use Permit application. We will contact you under separate cover concerning that application.

Enclosed is our decision recognizing Magic Irrigators, Inc., as the successor in interest to right-of-way I-40. Further research has also revealed that, even though the pump station was not specifically mentioned either in the application or grant, it is considered part of the right-of-way and is authorized by right-of-way I-40.

In regard to your request for record notation of your dam and reservoir right-of-way authorized under the Act of July 26, 1866, (43 U.S.C. 661), serial number I-23795 has been assigned to this application. We have reviewed the information you provided and feel there is sufficient documentation to authorize the dam and reservoir under the 1866 Act. We will forward a location map to the State Office so that the dam and reservoir right-of-way can be noted to our Master Title Plats.

Please be aware that your right-of-way established under the 1866 Act gives you authority to administer normal maintenance to the dam and reservoir without filing a right-of-way application with the Bureau of Land Management. If you decide that you need to relocate the dam and reservoir or place additional improvements outside of the dam and reservoir area, you must file a right-of-way application prior to construction.

Normal maintenance is specifically considered to be that work necessary to maintain its current condition or return it to its original condition. If you desire to increase the height of the dam or use a different type of material (i.e. concrete as opposed to the existing rock fill), a right-of-way

MICROFILMED

APR 15 1991

application is necessary. Please note, this authorization covers only the existing improvements and in no way authorizes removal of any rock or other materials for maintenance activities.

A map is enclosed for your files showing the location of the dam and reservoir right-of-way which will be noted under the Act of 1866.

Feel free to contact this office if you have any questions or additional needs concerning any of these applications.

Sincerely yours,

/s/ Earl Gary Carson

Earl Gary Carson
Jarbridge Area Manager

Enclosures

cc: CF, RF
ESCHULTSMEIER:lac:3/10/1987

RECEIVED

APR 15 1981

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY APPLICATION REPORT

Land Office

Boise

Serial Number

I-40

Date Filed

Date Advance Permit

Name of Applicant

Betty Jean and Vernon L. Herzinger

Type of R/W
Pipeline, ditch and
access road

1. Description of lands (if maps are not attached):

T. 9 S., R. 13 E., B.M.
Section 1: Lot 4, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 2: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 11: E $\frac{1}{2}$ NW $\frac{1}{4}$

	Area District Manager	EXAMINER	CLASSIFICATION OFFICER
2a. Adverse report is attached			
b. We have no information indicating approval is incompatible with public interest	✓	X	
3a. Trespass report is attached			
b. We have no knowledge of unauthorized use of these lands by the applicant	✓	X	
4a. A statement of required stipulations is attached		X	
See reverse side of report			
b. No stipulations are required			
5a. Timber report and appraisal is attached			
b. No cutting or destruction of timber is involved	✓	X	
6a. Appraisal is attached			
b. No appraisal is required		X	
7. Comments are attached			

AUTHENTICATION

Area District Manager <i>Clark R. Noble</i>	Date 8-30-66
Examiner <i>Thomas J. Campbell</i>	Date 8-30-66
Classification Officer <i>Edward C. Booker</i>	Date APR 15 1967

Attachment: Maps ☐



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 24, 1990

Kenneth P. Elkin
Magic Irrigators Inc.
Rt 3
Buhl, ID 83316

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

Notice of Information Required by Water Appropriation Rule 4,5,3.

Dear Applicant:

The Department acknowledges receipt of the Trust Water Information Questionnaires for the above referenced applications. On behalf of the Department, I wish to thank you for your cooperation in returning the questionnaires.

As I reviewed your applications and existing licenses, I noticed that these applications partially overlap lands under the licensed rights. You are licensed to divert up to 5.0 cfs from Salmon Falls Creek for irrigation of 435 acres. It appears that the purpose of filing these applications was to cover irrigated lands that had not been included on your licensed rights and/or to irrigate some additional undeveloped land (we have evidence that some 150 acres under the applications were not irrigated prior to 1984 and 1987). It also appears that you wanted to increase or account for an increased rate of diversion on the licensed lands. The total rate of diversion represented by the licensed rights and applications is 14.0 cfs.

In the letter that accompanied the questionnaires, I informed you that you would need to submit additional information required by Water Appropriation Rule 4,5,3. if the either the undeveloped portion of the application exceeds 200 acres, or the project proposes diversion of more than 5.0 cfs. The returned questionnaires indicate that you wish to pursue completion of the irrigation project as proposed under your applications. Your applications together propose diversion of more than 5.0 cfs and are therefore subject to the additional information requirements of Rule 4,5,3. In particular, you must submit the information outlined in Rules 4,5,3,1. through 4,5,3,5 (copy attached). A guideline for assisting you with submittal of the additional information is also enclosed.

The information must be submitted within 30 days of the date of this notice. Failure to submit the required information within the time period allowed may be cause for the Department to void

APR 15 1991

the applications. The Department may grant an extension of time in which to submit the information upon request and a showing of good cause. Requests for extension of time must be in writing. Please contact me at this office or call me directly at 327-7864 if you have any questions concerning the contents of this notice and/or the information requested under Rule 4,5.

Sincerely,



Tim Luke

Sr. Water Resource Spec.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 47-8059

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes X No
b. If you are not the propoerty owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes ✓ No
b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

entire property has been irrigated since 1975

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984.

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete.

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

47-2284, 2415 (same source)

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Magui Irrigators by Kenneth P. Clark Date 12-18-90

RECEIVED

DEC 18 1990

Department of Water Resources
Southern Region Office

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WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE				NW				SW				SE				SUM
							NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4708060																							
0100004	TWIN FALLS CANAL CO.	D	SNAKE RIVER	09S	13E	1																	
0100010	TWIN FALLS CANAL CO.	D	SNAKE RIVER	09S	13E	1																	
0100209	TWIN FALLS CANAL CO.	D	SNAKE RIVER	09S	13E	1																	
4702159G	RING	L	SALMON FALLS CREEK	09S	13E	1 X																	
4702384	HERZINGER	L	SALMON FALLS CREEK	09S	13E	1									30	35							65
4704343	STEWART	S	DEEP CREEK	09S	13E	1														X			
4708059	MAGIC IRRIGATORS INC.	A	SALMON FALLS CREEK	09S	13E	1									40	40							80
4708060	MAGIC IRRIGATORS INC.	A	SALMON FALLS CREEK	09S	13E	1									40	40							80
	1986 MAPPING DATA ---	-	COUNTY 83 QUAD BB 20	09S	13E	1		1			6				31	21	13		35	24	40	40	211
4708060																							
4702269	MAGIC WATER CO. INC.	L	SALMON FALLS CREEK	09S	13E	2					35	30	40		40								145
4702384	HERZINGER	L	SALMON FALLS CREEK	09S	13E	2			40										40			40	120
4702415	HERZINGER	L	SALMON FALLS CREEK	09S	13E	2			40			40	40						40				160
4708059	MAGIC IRRIGATORS INC.	A	SALMON FALLS CREEK	09S	13E	2			40	40			40	40	40	40			40	40	40	40	400
4708060	MAGIC IRRIGATORS INC.	A	SALMON FALLS CREEK	09S	13E	2			40	40			40	40	40	40			40	40	40	40	400
	1986 MAPPING DATA ---	-	COUNTY 83 QUAD BB 19	09S	13E	2			39	40			40	41	38	41	41	25	40	40	40	39	465
4708060																							
4702415	HERZINGER	L	SALMON FALLS CREEK	09S	13E	11					30												30
4708059	MAGIC IRRIGATORS INC.	A	SALMON FALLS CREEK	09S	13E	11				40	40	40	40										160
4708060	MAGIC IRRIGATORS INC.	A	SALMON FALLS CREEK	09S	13E	11				40	40	40	40										160
	1986 MAPPING DATA ---	-	COUNTY 83 QUAD BB 19	09S	13E	11 7 6			1	36	35				1	7	4						97

1983 photo

- matches 86 DATA except for S 1/2 SE
- W 1/2 NW sec 11 - appears all 80 acres is irrig rather than 71 acres.
- Lots 1 & 2 sec 2 appears less than what is category classified

1984 photo NHAD

- matches 1983 photo

Sec 2 - SW SW = Irrig; SE SW = 26; SW SE = 30

Sec 11 - W 1/2 NW - All 80 acres appears irrigated

Sec 1 - Same as 1986 Data

Sec 2 - Lot 1 & Lot 2 = same as 1986 Data.

153 ACRES = # of acres not
designated prior to 10-1-84 less
acreage (over/under).

T. Luke

12-21-90

APR 15 1991

WR-NUMBER	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	LOT	+	SUM					
4708060	T09S R13E S 1																							
83 MAPPING: 5L23																							23	
4708060	T09S R13E S 2																							
4702384	1L10	2L10	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	20					
4708059	1L53	2L53	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	106					
4708060	1L53	2L53	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	106					
83 MAPPING: 1L31 2L41 3L58 4L57																							187	

4708060 T09S R13E S11

APR 15 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 10, 1990

RE: APPLICATION FOR PERMIT NO. 47-8059

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5,3,5. information notice will be sent to you after you return the questionnaire.

RECEIVED

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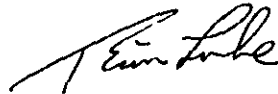
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

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State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

February 23, 1987

Magic Irrigators, Inc.
Rt. 3
Buhl, ID 83316

Re: Application for Permit No. 47-8059

Gentlemen:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 47-8059. Please refer to this number in all further correspondence.

Because your application proposes to appropriate water which has been identified as "trust water" in the Swan Falls agreement, it will be processed under rules and regulations for water appropriation that have been adopted as required by law.

Under the rules, applications will be processed at a rate which allows development of 20,000 acres per year. The oldest applications will be processed first, provided that applicants are willing and able to proceed.

For this reason, it is not possible to estimate at this time when action will be taken on your application.

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

Very truly yours,

Loren O. Holmes
Loren O. Holmes, P. E.
Southern Region Supervisor

LOH:mb

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APR 15 1991