

09/13/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-2597

NAME AND ADDRESS: MC REITS LLC
C/O DON MC FARLAND
PO BOX 268
EDEN ID 83325

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 13.500 CFS
494.000 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 9284 AF. COMBINED RIGHT NOS.: 45-2578,
45-2597, 45-13627, 45-13628 & 45-13787.

PRIORITY DATE: 01/13/1960

POINT OF DIVERSION:

T12S R21E S31 NESWNW Lot 2 Within CASSIA County
T12S R21E S31 SWSWNW Lot 2 Within CASSIA County
T13S R21E S5 NWSWSW Within CASSIA County
T13S R21E S5 SESWSW Within CASSIA County
T13S R21E S8 NESENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
13.500 CFS
494.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R20E S13	NENE	37.0	T12S R20E S13	NWNE	40.0
T12S R20E S13	SWNE	33.0	T12S R20E S13	SENE	39.0
T12S R20E S13	NESE	39.0	T12S R20E S13	NWSE	34.0
T12S R20E S13	SWSE	32.0	T12S R20E S13	SESE	31.0
T12S R21E S17	NENE	39.0	T12S R21E S17	NWNE	39.0
T12S R21E S17	SWNE	40.0	T12S R21E S17	SENE	40.0
T12S R21E S17	NENW	40.0	T12S R21E S17	NWNW	39.0
T12S R21E S17	SWNW	39.0	T12S R21E S17	SENW	40.0
T12S R21E S17	NESW	40.0	T12S R21E S17	NWSW	39.0
T12S R21E S17	SWSW	38.0	T12S R21E S17	SESW	39.0
T12S R21E S17	NESE	40.0	T12S R21E S17	NWSE	40.0
T12S R21E S17	SWSE	39.0	T12S R21E S17	SESE	39.0
T12S R21E S18	NENE	40.0	T12S R21E S18	NWNE	40.0
T12S R21E S18	SWNE	35.0	T12S R21E S18	SENE	40.0
T12S R21E S18	NENW	40.0	T12S R21E S18 Lot 1	NWNW	38.0
T12S R21E S18 Lot 2	SWNW	38.0	T12S R21E S18	SENW	35.0
T12S R21E S18	NESE	40.0	T12S R21E S18	NWSE	36.0
T12S R21E S18	SWSE	40.0	T12S R21E S18	SESE	40.0
T12S R21E S21	NENE	38.0	T12S R21E S21	NWNE	39.0
T12S R21E S21	SWNE	40.0	T12S R21E S21	SENE	39.0
T12S R21E S22	NENE	38.0	T12S R21E S22	NWNE	40.0

Water Right 45-2597

09/13/2004

IDAHO DEPARTMENT OF WATER RESOURCES
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T12S R21E S22	SWNE	40.0	T12S R21E S22	SENE	38.0
T12S R21E S22	NENW	40.0	T12S R21E S22	NWNW	38.0
T12S R21E S22	SWNW	38.0	T12S R21E S22	SENW	40.0
T12S R21E S22	NESW	40.0	T12S R21E S22	NWSW	38.0
T12S R21E S22	SWSW	37.0	T12S R21E S22	SESW	39.0
T12S R21E S22	NESE	39.0	T12S R21E S22	NWSE	40.0
T12S R21E S22	SWSE	39.0	T12S R21E S22	SESE	38.0
T12S R21E S27	NENW	40.0	T12S R21E S27	NWNW	38.0
T12S R21E S27	SWNW	38.0	T12S R21E S27	SENW	40.0

2311 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2368 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2578, 45-2597, 45-7086D.

USE OF THIS RIGHT WITH RIGHT NO. 45-2597 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1434 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2321 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2578, 45-2597, 45-13627, 45-13628 & 45-13787.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1280 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

EXPLANATORY MATERIAL: Decreed

THIS RIGHT IS SUBJECT TO CONDITIONS FOUND IN DECREE DATED 6-25-1980.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources

45-2597

RECOMMENDED PLACE OF USE
TWP 12S RNG 20E
TWP 12S, RNG 21E
TWP 13S, RNG 21E



-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER SECTION LINES



GIS PLACE OF USE PRESENTATION
1987 NAPP AERIAL PHOTOGRAPHY

PREPARED BY VIKIE HANCOCK
SEPTEMBER 13, 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-2597 V2

WATER RIGHT NUMBER: 45-2597 V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GOLDEN VALLEY LAND & CATTLE CO RT 1 MURTAUGH, ID 83344 (208)432-5400
Current Owner	MC REITS LLC C/O DON MC FARLAND PO BOX 268 EDEN, ID 83325 (208)734-0004

Priority Date: 01/13/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	13.500 CFS	494.00 AF
	<u>Total Diversion:</u>	13.500 CFS	494.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SW1/4	Sec. 5, Twp 13S, Rge 21E, B.M.
CASSIA County		
GROUND WATER	NE1/4SE1/4NW1/4	Sec. 8, Twp 13S, Rge 21E, B.M.
CASSIA County		
GROUND WATER	L2 (NE1/4SW1/4NW1/4)	Sec. 31, Twp 12S, Rge 21E, B.M.
CASSIA County		
GROUND WATER	L2 (SW1/4SW1/4NW1/4)	Sec. 31, Twp 12S, Rge 21E, B.M.
CASSIA County		
GROUND WATER	NW1/4SW1/4SW1/4	Sec. 5, Twp 13S, Rge 21E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
12S	20E	13	37.0	40.0	33.0	39.0									39.0	34.0	32.0	31.0	285.0
12S	21E	17	39.0	39.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	39.0	39.0	630.0

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-2597 V2

12S 21E 18	40.0	40.0	35.0	40.0	40.0	38.0	38.0	35.0				40.0	36.0	40.0	40.0	462.0
						L 1	L 2									
12S 21E 21	38.0	39.0	40.0	39.0												156.0
12S 21E 22	38.0	40.0	40.0	38.0	40.0	38.0	38.0	40.0	40.0	38.0	37.0	39.0	39.0	40.0	39.0	622.0
12S 21E 27					40.0	38.0	38.0	40.0								156.0

Total Acres: 2311

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2368 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2578, 45-2597, 45-7086D.
2. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 9284 AF. COMBINED RIGHT NOS.: 45-2578, 45-2597, 45-13627, 45-13628 & 45-13787.
3. Explanatory THIS RIGHT IS SUBJECT TO CONDITIONS FOUND IN DECREE DATED 6-25-1980.
4. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 45-2597 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1434 ACRES IN A SINGLE IRRIGATION SEASON.
5. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2321 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2578, 45-2597, 45-13627, 45-13628 & 45-13787.
6. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1280 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-2597 V2

Comments:

1. vhancock 9/13/2004 RECOMMENDATION

Comment: SRBA RECOMMENDATION BASED UPON POST DIRECTORS REPORT TRANSFER 71248 APPROVED 8/21/04.

2. vhancock 9/13/2004 BASIS

Comment: THIS LICENSED RIGHT WAS ENJOINED IN CASE 9818 IN 5TH DISTRICT COURT AND DECREED 6/25/1980.

3. vhancock 9/13/2004 POD

Comment: RECOMMENDED SRBA POINTS OF DIVERSION ARE AT WELLS IDENTIFIED BY POWER POLE NUMBERS 211, 216, 217, 348 & 386. A CLAIMED POD LEGAL AT NWNW SEC 31 WAS RECOMMENDED AS SWNW SEC 31 AT POWER POLE 348.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 45-2597
Date Received: 5/23/1989
Receipt No: S007291
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

MC REITS LLC Phone: (208)734-0004

C/O DON MC FARLAND
PO BOX 268
EDEN ID USA 83325

2. Date of Priority: 01/13/1960

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	21E	5	SE SW SW	CASSIA	
13S	21E	8	NE SE NW	CASSIA	
12S	21E	31	NE SW NW 2	CASSIA	
12S	21E	31	SW SW NW 2	CASSIA	
13S	21E	5	NW SW SW	CASSIA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	13.5	494

7. Total Quantity Appropriated is:
13.5 C.F.S. and/or 494 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
12S	20E	13	NE	NE		IRRIGATION	37
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	33
			SE	NE		IRRIGATION	39
			NE	SE		IRRIGATION	39
			NW	SE		IRRIGATION	34
			SW	SE		IRRIGATION	32
			SE	SE		IRRIGATION	31
						Section Acres	285
12S	21E	17	NE	NE		IRRIGATION	39
			NW	NE		IRRIGATION	39
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	39
			SW	NW		IRRIGATION	39
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	39
			SW	SW		IRRIGATION	38
			SE	SW		IRRIGATION	39
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	39
			SE	SE		IRRIGATION	39
						Section Acres	630
12S	21E	18	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW	1	IRRIGATION	38
			SW	NW	2	IRRIGATION	38
			NE	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
			SW	NE		IRRIGATION	35
			SE	NW		IRRIGATION	35
			NW	SE		IRRIGATION	36
						Section Acres	462
12S	21E	21	NE	NE		IRRIGATION	38
			NW	NE		IRRIGATION	39
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	39
						Section Acres	156
12S	21E	22	NE	NE		IRRIGATION	38
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	38
			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	38
			SW	NW		IRRIGATION	38
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40

			NW	SW	IRRIGATION	38
			SW	SW	IRRIGATION	37
			SE	SW	IRRIGATION	39
			NE	SE	IRRIGATION	39
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	39
			SE	SE	IRRIGATION	38
					Section Acres	622
12S	21E	27	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	38
			SW	NW	IRRIGATION	38
			SE	NW	IRRIGATION	40
					Section Acres	156
					Total Acres	2311

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

This right is subject to conditions found in decree dated 6/25/1980.

Use of the rights listed below is limited to the irrigation of a combined total of 2368 acres in a single irrigation season. Combined right nos.: 45-2578, 45-2597, 45-7086D.

Use of the rights listed below is limited to a total combined annual diversion volume of 9284 af. Combined right nos.: 45-2578, 45-2597, 45-13627, 45-13628, 45-13787.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Use of this right with right no. 45-2578 is limited to the irrigation of a combined total of 1434 acres in a single irrigation season.

Use of the rights listed below is limited to the irrigation of a combined total of 2321 acres in a single irrigation season. Combined right nos.: 45-2578, 45-2597, 45-13627, 45-13628, 45-13787.

This right is limited to the irrigation of 1280 acres within the place of use described above in a single irrigation season.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License