

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 83325

2. Date of Priority: 01/13/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	21E	5	SW SW	CASSIA	
13S	21E	8	SE NW	CASSIA	
12S	21E	31	NW NW 1	CASSIA	
12S	20E	25	NW SW	CASSIA	
12S	21E	31	SW NW 2	CASSIA	

5. Description of diverting works:

SIX WELLS & PUMPS, DITCHES, PIPELINES, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	13.5	

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	33
			NW	NE		IRRIGATION	33
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	37
						Section Acres	303
12S	21E	17	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	640
12S	21E	18	SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	640
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	39
			SW	NE		IRRIGATION	40

			SE	NE	IRRIGATION	39
			NE	NW	IRRIGATION	39
			NW	NW	IRRIGATION	38
			SW	NW	IRRIGATION	39
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	38
			SW	SW	IRRIGATION	38
			SE	SW	IRRIGATION	39
			NE	SE	IRRIGATION	39
			NW	SE	IRRIGATION	39
			SW	SE	IRRIGATION	39
			SE	SE	IRRIGATION	38
					Section Acres	622
12S	21E	27	NE	NW	IRRIGATION	39
			NW	NW	IRRIGATION	38
			SW	NW	IRRIGATION	39
			SE	NW	IRRIGATION	40
					Section Acres	156
					Total Acres	2517

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 RT. WHEN COMBINED WITH LIC. 45-2578 SHALL NOT EXCEED 1472 AFA. WELLS ARE AT POWER POLES 209, 211, 216, 217, 348, & 386

WELLS 216, 386, & POSSIBLY 217 ARE IN USE AT THIS TIME. OTHER WELLS ARE OWNED BUT NOT PRESENTLY IN USE. WELL 208 WAS SOLD TO JOE TUGAW THIS YEAR; IF WELL 217 HAS ENOUGH WATER, IT WILL BE USED INSTEAD OF 208. THIS RT. & 45-2578 PROVIDE MAIN WATER SUPPLY FOR LANDS IN SEC. 21, 22, & 27, WITH SUPPLEMENTATION BY LIC. 45-07086D. THIS RIGHT PROVIDES SUPPLEMENTAL WATER FOR THE OTHER LANDS CLAIMED, AS THESE LANDS ARE MAINLY WATERED FROM OTHER WELLS UNDER 45-07086C. LAND CLAIMED HAS BEEN IRRIGATED UNDER SEC. 42-1416 IDAHO CODE AS IT APPLIES TO DECREED RIGHTS. VOLUME USED HAS NOT CHANGED, SINCE IT IS LIMITED BY THE DECREE

WELL 348 IS ANOTHER ALTERNATIVE TO THE USE OF WELL 208

***** 11/29/96 TF;
OWNERSHIP CHANGED PER WARRANTY AND QUITCLAIM DEEDS GOLDEN VALLEY TO MCREITS

See remarks for additional conditions of approval.

15. Basis of Claim: License

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: A45-02597
Date Received: 5/23/1989
Receipt No: 5007291
Received By: J. E. Stanton

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GOLDEN VALLEY LAND & CATTLE CO. 208-432-5400
Address: RT. 1
MURTAUGH, ID 83344

2. Date of Priority: JAN 13, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	20E	25		NW	SW		CASSIA
	21E	31		NW	NW	1	CASSIA
				SW	NW	2	CASSIA
13S	21E	5		SW	SW		CASSIA
		8		SE	NW		CASSIA

5. Description of diverting works:
SIX WELLS & PUMPS, DITCHES, PIPELINES, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	13.500		

7. Total Quantity Appropriated is:
13.500 C.F.S. (and/or) 494.00 A.F.A.

8. Total consumptive use is 494.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	20E	13	NE		NE		IRR	33.0
			NW		NE		IRR	33.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	37.0

Section Acres 303.0

21E	17	NE	NE	IRR	40.0
		NW	NE	IRR	40.0
		SW	NE	IRR	40.0
		SE	NE	IRR	40.0
		NE	NW	IRR	40.0
		NW	NW	IRR	40.0
		SW	NW	IRR	40.0
		SE	NW	IRR	40.0
		NE	SW	IRR	40.0
		NW	SW	IRR	40.0
		SW	SW	IRR	40.0
		SE	SW	IRR	40.0
		NE	SE	IRR	40.0
		NW	SE	IRR	40.0
		SW	SE	IRR	40.0
		SE	SE	IRR	40.0

Section Acres 640.0

18	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 640.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	21E	21	NE		NE		IRR	38.0
			NW		NE		IRR	39.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
							Section Acres	156.0
		22	NE		NE		IRR	38.0
			NW		NE		IRR	39.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			NE		NW		IRR	39.0
			NW		NW		IRR	38.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	38.0
			SW		SW		IRR	38.0
			SE		SW		IRR	39.0
			NE		SE		IRR	39.0
			NW		SE		IRR	39.0
			SW		SE		IRR	39.0
			SE		SE		IRR	38.0
							Section Acres	622.0
		27	NE		NW		IRR	39.0
			NW		NW		IRR	38.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
							Section Acres	156.0
							Total Acres	2517.0

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:
45-2578, 45-7086C, 45-7086D

14. Remarks:
THIS RT. WHEN COMBINED WITH LIC. 45-2578 SHALL NOT EXCEED 1472

14. Remarks: Continued

AFA. WELLS ARE AT POWER POLES 209, 211, 216, 217, 348, & 386. WELLS 216, 386, & POSSIBLY 217 ARE IN USE AT THIS TIME. OTHER WELLS ARE OWNED BUT NOT PRESENTLY IN USE. WELL 208 WAS SOLD TO JOE TUGAW THIS YEAR; IF WELL 217 HAS ENOUGH WATER, IT WILL BE USED INSTEAD OF 208. THIS RT. & 45-2578 PROVIDE MAIN WATER SUPPLY FOR LANDS IN SEC. 21, 22, & 27, WITH SUPPLEMENTATION BY LIC. 45-07086D. THIS RIGHT PROVIDES SUPPLEMENTAL WATER FOR THE OTHER LANDS CLAIMED, AS THESE LANDS ARE MAINLY WATERED FROM OTHER WELLS UNDER 45-07086C. LAND CLAIMED HAS BEEN IRRIGATED UNDER SEC. 42-1416 IDAHO CODE AS IT APPLIES TO DECREED RIGHTS. VOLUME USED HAS NOT CHANGED, SINCE IT IS LIMITED BY THE DECREE. WELL 348 IS ANOTHER ALTERNATIVE TO THE USE OF WELL 208.

15. Basis of Claim: LICENSE

Water Right Number: 28374

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Vice President of _____
Title

Golden Valley Land + Cattle Co., that I have signed the foregoing
Organization

document in the space below as Vice President of _____
Title

Golden Valley Land + Cattle Co. and that the statements contained in the
Organization

foregoing document are true and correct.

Don Walworth

Signature of Authorized Agent

V.P. Golden Valley Land + Cattle Co.
Title and Organization

5/23/89

Date

State of Idaho

County of Twila Falls)
SS.

Subscribed and sworn (or affirmed) before me this 23rd day

of May 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, ID

My Commission Expires 6/30/92

6/9/94

A45-10761

A45-02550

A45-02551

A45-02578

~~A45-02579~~

COMMUNICATION DOCUMENTATION

A45-07086C

A45-07086D

Claim No. A45-07567

A45-10759

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Jeanie Robertson Date 10/6/94

Contact Person(s) Ed Burgess - Realtor in Burley
(Agri-West Realty)

Nature of Contact requested copies of profile reports under
"Golden Valley Land & Cattle" and T 13S, R20E, Sections
01, 02, 11, 12, & 13 ; T 13S, 21E, Sections 13, 17, 21, & 22.

Substance of Communication Faxed him profile reports @
678-7199, and then mailed them the next day
as he was having trouble with his FAX.

MICROFILMED

DEC 3 1996

01/26/2004

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 9968 AF. COMBINED RIGHT NOS.: 45-2578,
45-2597, 45-7086E, 45-13627, 45-13628.

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	40.0	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	40.0
T12S R21E S18	NESW	40.0	T12S R21E S18 Lot 3	NWSW	38.0
T12S R21E S18 Lot 4	SWSW	38.0	T12S R21E S18	SESW	40.0
T12S R21E S18	NESE	40.0	T12S R21E S18	NWSE	40.0
T12S R21E S18	SWSE	40.0	T12S R21E S18	SESE	40.0
T12S R21E S21	NENE	38.0	T12S R21E S21	NWNE	39.0

Water Right 45-2597

01/26/2004

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

T12S R21E S21	SWNE	40.0	T12S R21E S21	SENE	39.0
T12S R21E S22	NENE	38.0	T12S R21E S22	NWNE	40.0
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

2481 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. 45-2578 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 2491 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-2578, 45-2597, 45-7086E, 45-13627, 45-13628.

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.

EXPLANATORY MATERIAL: Decreed

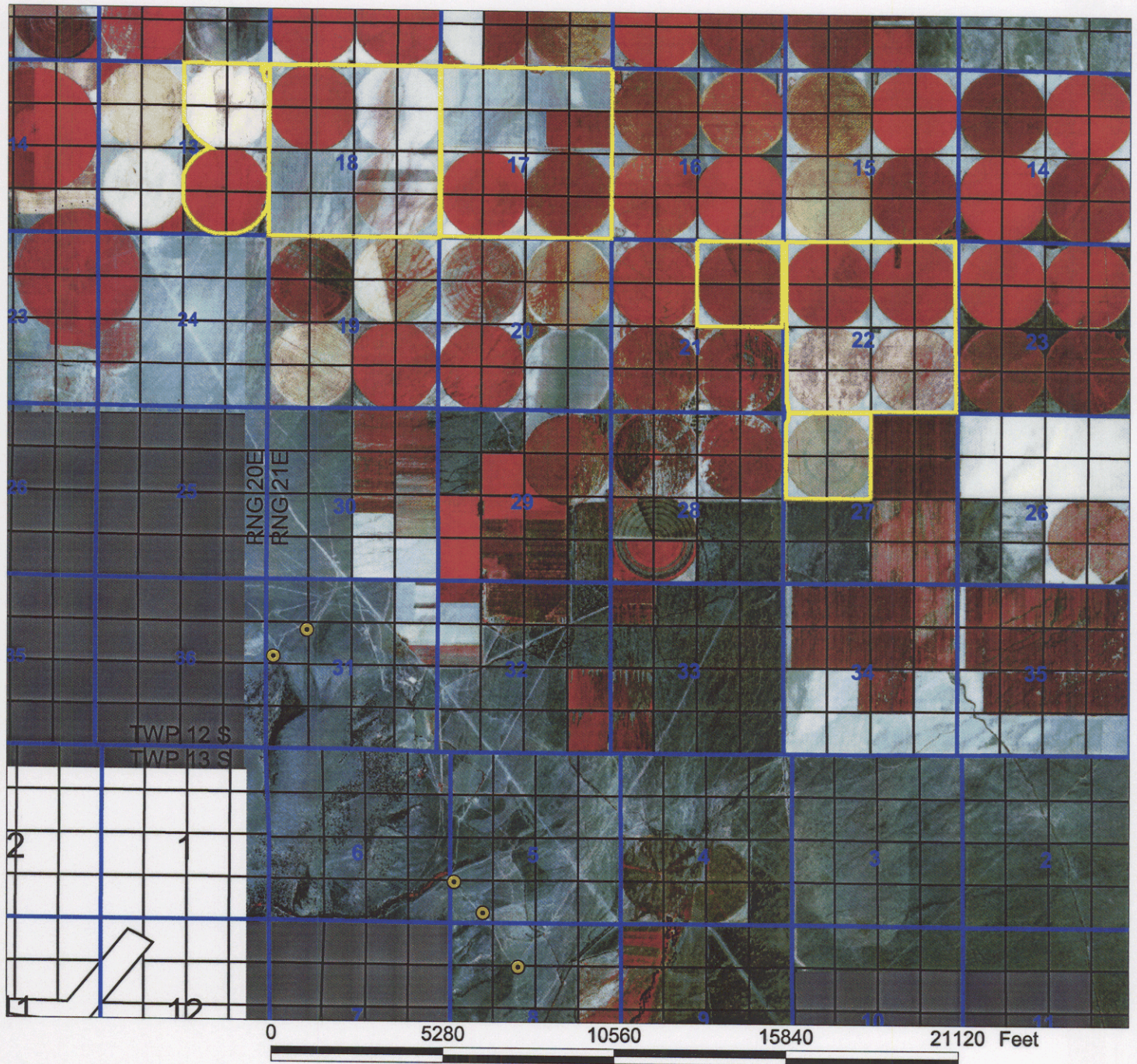
THIS RIGHT IS SUBJECT TO CONDITIONS FOUND IN DECREE DATED 6/25/1980.

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

Idaho Department of Water Resources

RIGHTS: 45-2578 & 45-2597

**RECOMMENDED PLACE OF USE
TWP 12S, RNG 20E,
TWP 12S, 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
DECEMBER 11, 2003**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 2, 2003

MC REITS LLC
PO BOX 5178
TWIN FALLS ID 83303

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #45-10761, ~~45-2507~~, 45-7086D, 45-7086E
Change of Address

Dear Water Right Holders:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by January 28, 2003. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,
Lori Pew

Lori Pew
Technical Records Specialist
Adjudication Bureau

LP:region

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature

Telephone No.

MEMO TO FILE

From: Vikie Hancock

12/12/03

RE: Recommendation of Claim Nos: 45-2578 & 45-2597

Both of the above rights for ground water were enjoined in a lawsuit in 5th District Court - Briggs v Higginson - which resulted in a judgment issued June 25, 1980. This decree is also known as the Golden Valley Decree, and it limited the number of water rights and listed the wells that could be used by the various enjoined parties within the affected aquifer.

The priority date of license 45-2578 is April 29, 1959, the priority date of 45-2597 is January 13, 1960. In 1972, during the time that these rights were enjoined in the lawsuit, Transfer #1876 was approved, which changed the points of diversion and limited the combined number of acres under 45-2578 and 45-2597 to 1434. Not all of the wells approved as points of diversion in transfer #1876 were eventually listed in the 1980 decree.

In 1989, SRBA claims were filed listing the same POU for 45-2578 and 45-2597, which represents accomplished transfers of POU for both rights. I am recommending these rights as claimed, limited to a combined total of 1434 acres within a PPU.

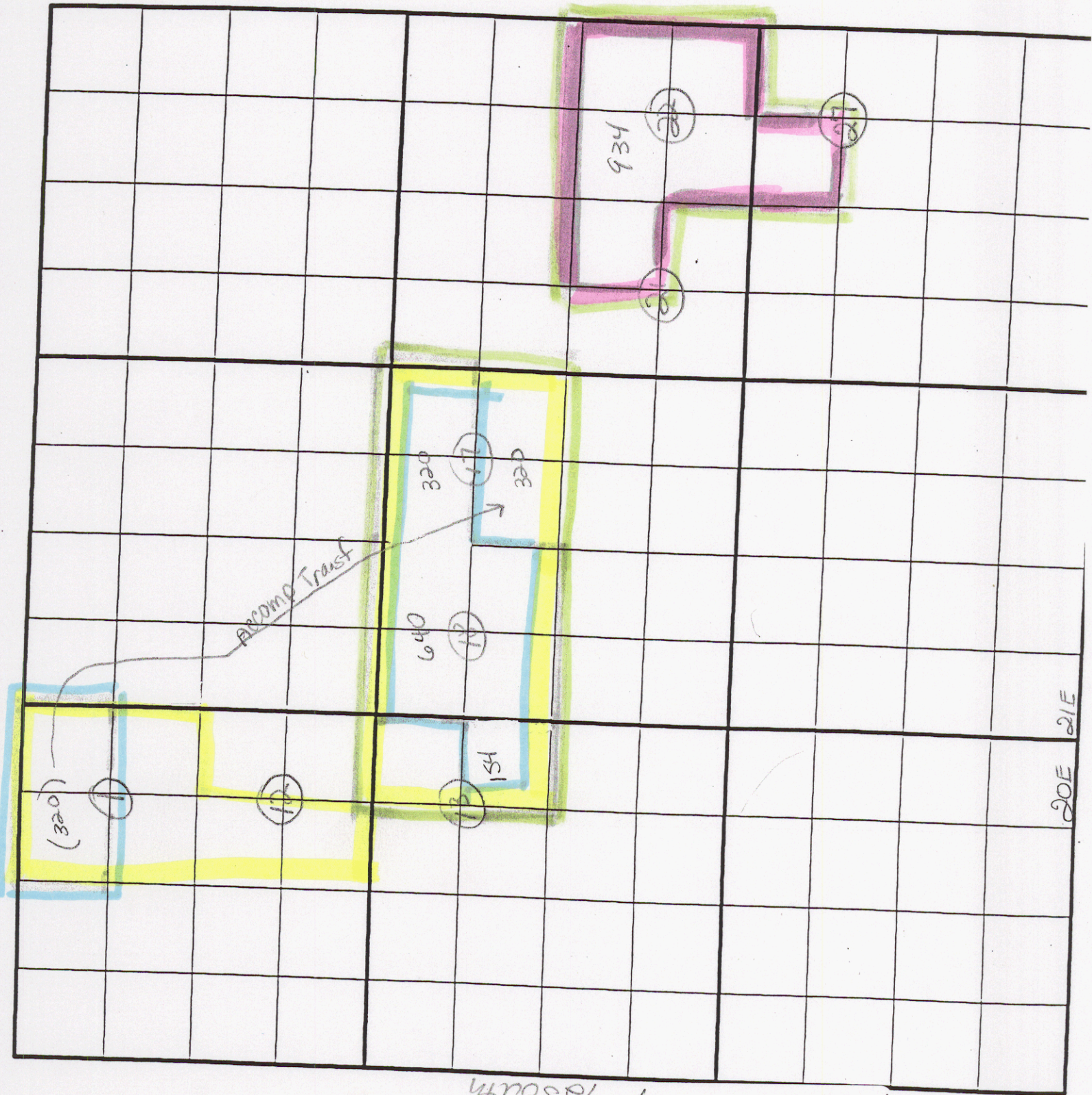
In remarks, the claimed wells were identified by power pole number to explain the listed pod legal descriptions. A pod legal of NWNW Section 31 was claimed which corresponds to a well at pole number 437 that was not listed in remarks, nor included in the decree. Given that the claimant may not have been sure of the legal description but likely familiar with the well numbers, I am disregarding well 437.

2003 water master information indicates that only three of the six listed wells are currently in use. See table below.

POLE NO.	DECREED IN 1980	CLAIMED IN SRBA	USED 1989 PER CLAIM	USED 2003 PER W/M	RECOMMENDED IN SRBA
208**	X	X BY TUGAW		X BY TUGAW	X TO TUGAW
209		X			
211	X	X			X
216	X	X	X	X	X
217	X	X	X		X
348	X	X		X	X
386	X	X	X	X	X
437					

** This well was decreed to predecessors of the current claimant but subsequently sold to Joe Tugaw.

IDAHO DEPARTMENT OF WATER RESOURCES



LIC
 7056E
 7056D
 2578
 2597
 Claims
 2578 & 2597

T 12 South

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 83325

*DO NOT 5/178
HSD Falls Ave
TF*

2. Date of Priority: 01/13/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
----------	-------	---------	-----------------------	--------	------

217 & 216	13S	21E	5 both decreed	SW	SW	CASSIA	216 in use '03	A0006871
386	13S	21E	8 decreed	SE	NW	CASSIA	386 in use '03	A0006872
437	12S	21E	31 NOT	NW	NW	1	CASSIA	
209	12S	20E	25 NOT	NW	SW	CASSIA		
211/342	12S	21E	31 both decreed	SW	NW	2	CASSIA	348 in use '03

Remarks do not mention power pole 437

5. Description of diverting works:

SIX WELLS & PUMPS, DITCHES, PIPELINES, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	13.5	

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

8. Total consumptive use:

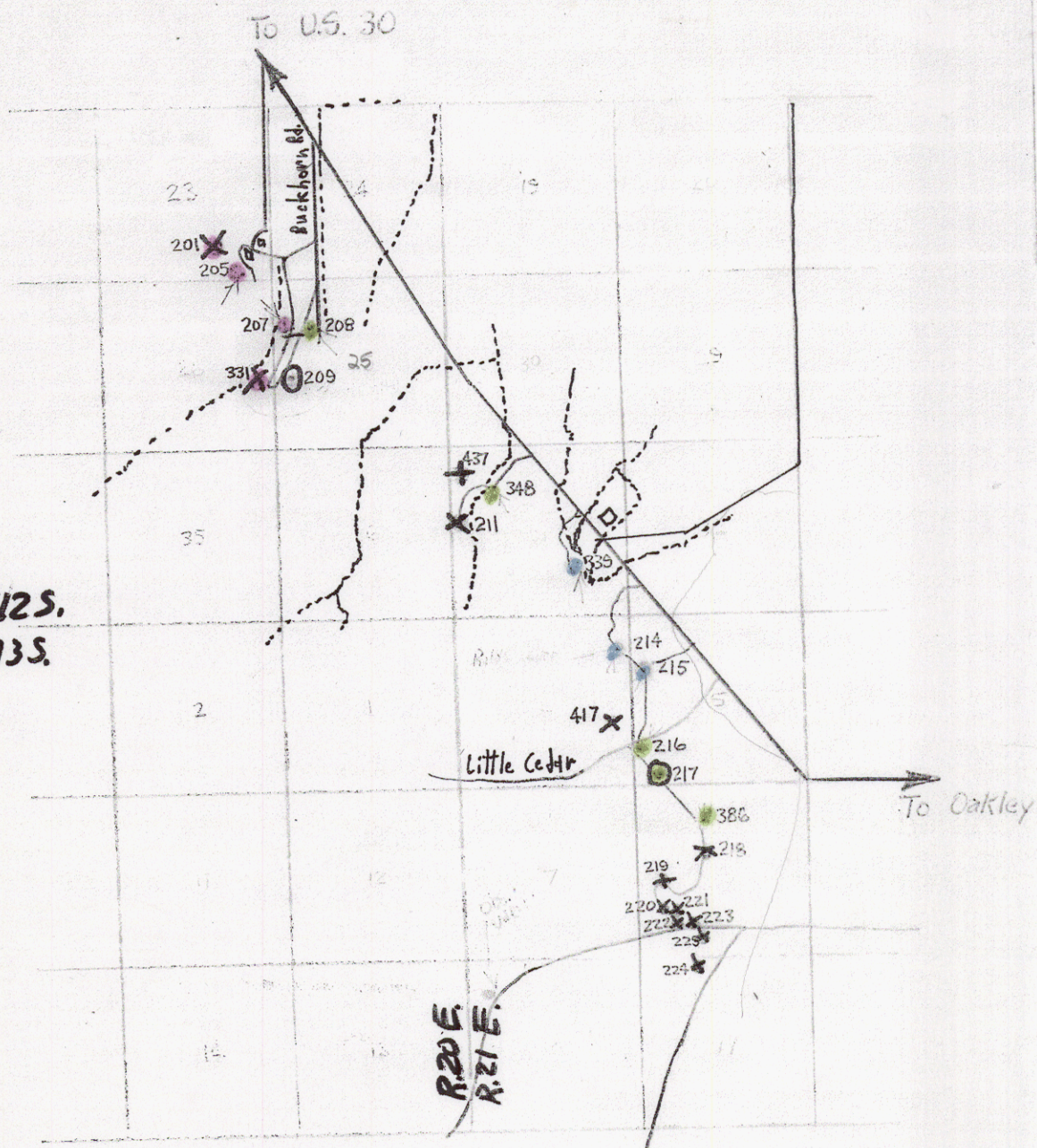
9. Non-irrigation uses:

T.12S.
T.13S.

R.20E.
R.21E.

O = recorder present

- BRIGGS - BROCKMAN (now Joe Tugger)
- GOLDEN VALLEY (Merle Wolverton)
- BAKER - POULTON (Simon Baker)
- ORE - IDA (no wells after decr)



2003 Golden Valley Water Usage

Joe Jagan

Well 205

638.463 AF

8 of 10

207

208

339.88

Total

Don McFarland

Well 348

1083.1578

216

386

Total

Buckham Farms

Well 339

337.41

(Beukers)

214

680.98

215

601.825

Total

1620.215

Total 2003 Usage

Water Right Report 45-2597

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GOLDEN VALLEY MUTUAL WATER CO PO BOX 368 BURLEY, ID 83318
Original Owner	K C BARLOW INC , ID
Current Owner	GOLDEN VALLEY LAND & CATTLE CO RT 1 MURTAUGH, ID 83344 (208)432-5400

Status: Active

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15	to 11/15	13.500 CFS	
		Total Diversion:	13.500 CFS	

GROUND WATER	384	SE1/4NW1/4	decree	Sec. 8,	Twp 13S,	Rge 21E, B.M.
CASSIA County						
GROUND WATER	2174 216	SW1/4SW1/4	decree	Sec. 5,	Twp 13S,	Rge 21E, B.M.
CASSIA County						
GROUND WATER	211/348	SW1/4NW1/4	decree	Sec. 31,	Twp 12S,	Rge 21E, B.M.
CASSIA County						
GROUND WATER	437	SE1/4NW1/4	out of decree	Sec. 31,	Twp 12S,	Rge 21E, B.M.
CASSIA County						
GROUND WATER	208	SW1/4NW1/4	decree	Sec. 25,	Twp 12S,	Rge 20E, B.M.
CASSIA County			sett. to, au			

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2597

12S 21E 18	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
------------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	-------

Total Acres: 1280

Conditions of Approval:

1. 016 See remarks for additional conditions of approval.

Remarks:

1. General THE AMOUNT OF WATER DIVERTED FROM THE WELL AT IDAHO POWER POLE NO. 208 SHALL NOT EXCEED 1271 AF DURING ANY ONE YR. THE APPROVAL MAY BE REVOKED & THE TRANSFER WITHDRAWN UPON THE FINAL DETERMINATION OF THAT CERTAIN ACTION NOW PENDING IN THE DISTRICT COURT OF CASSIA COUNTY, STATE OF IDAHO BEING CASE NO. 9818.

Comments:Dates and Other Information:

Licensed Date: 6/10/1985
 Decreed Date: 6/25/1980
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant: R Keith Higginson, et al
 Decree Plaintiff: Glenn Briggs, et al
 Civil Case Number: 9818
 Judicial District: Fifth District
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

JOSEPH NOVAK
Attorney for Petitioners-Appellants
520 Continental Bank Building
Salt Lake City, Utah 84101
Telephone: 328-4737

RECEIVED

Department of Resources
Southern District Office

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

GLENN BRIGGS and HAZEL BRIGGS,	)	
Husband and Wife; JOE TUGAW,	)	
Successor in Interest of BILL	)	
BROCKMAN and MARIE BROCKMAN,	)	
Husband and Wife,	)	
Petitioners-Appellants,	)	J U D G M E N T
vs.	)	
R. KEITH HIGGINSON, Director of the	)	
Department of Water Administration,	)	
State of Idaho; SIMON L. BAKER and	)	
MARJORIE BAKER, Husband and Wife;	)	Case No. 9818
RALPH POULTON and DESMA POULTON,	)	
Husband and Wife; BILL R. POULTON	)	
and PATRICIA L. POULTON, Husband	)	
and Wife; RAYMOND POULTON and	)	
BESSIE MAUD POULTON, Husband and	)	
Wife; and J. RICHARD POULTON, a	)	
Bachelor; GOLDEN VALLEY LAND &	)	
CATTLE COMPANY, a Corporation;	)	
GOLDEN VALLEY MUTUAL WATER COMPANY,	)	
a corporation,	)	
Respondents.	)	

This matter came on regularly before the above-entitled Court on the written Stipulation for Judgment entered into among the above-named parties and filed herein and the Court having reviewed the files and pleadings herein and being fully advised in the premises hereby approves said Stipulation for Judgment and based thereon makes and enters its Judgment as follows:

It is hereby ORDERED, ADJUDGED and DECREED:

I.

The rights to the use of the first 5,500 acre feet of underground waters annually from the limestone aquifer in Cassia County, Idaho by the following parties under the water rights and by means of the wells hereinafter set forth be and the same are hereby settled, confirmed and adjudged as follows:

Pole No.	Owner	Permit No.	Priority	Licensed Amounts-CFS	Acre Feet Per Year
201)	Joseph E. Tugaw	G-20805	12/13/48)	1.64	
205)	(Briggs-Brockman)	G-21359	1/16/50)	3.33	1,663
207)		G-27866	4/3/59)	0.55	
208	Golden Valley Mutual Water Co.	⁴⁵⁻²⁵⁷⁸ G-27908	4/29/59	3.56	978
339	Baker-Poulton	⁴⁵⁻²⁸⁸⁰ G-27987	6/16/59	4.00	952
214	Baker-Poulton	⁴⁵⁻²⁸⁸⁰ G-28052	7/20/59	6.31	1,413
211 & 348	Golden Valley Mutual Water Co.	G-28374	1/13/60	13.5	494
		⁴⁵⁻²⁵⁷⁹			
				Total	5,500

II.

The well at Pole No. 201 shall be used only as a part of a group of wells used by Tugaw to pump his 1,663 acre feet. The well at Pole No. 207 has been transferred to Tugaw and may be used by him in accordance with this Judgment.

III.

Golden Valley may pump the wells at Poles ²¹⁷ 216/and 386 under Permit Nos. G-27908 and G-28374, but total withdrawal from all listed wells of Golden Valley shall not exceed the total quantities stated in Paragraph I hereinabove.

IV.

The quantity of underground water which each of the parties shall be entitled to divert and use annually from the first 5,500 acre feet of water annually diverted from the limestone aquifer in Cassia County, Idaho under the provisions of Paragraph X of the Amended Decree made and entered on October 1, 1971, in said Civil No. 7876, be and the same are hereby fixed and determined to be the respective quantities of water in acre feet per year as set forth in Paragraph I hereinabove under the respective water rights and priorities stated therein and the rights of the parties to the annual diversion and use of the quantities of water in acre feet per year stated therein be and the same are hereby settled, confirmed and adjudged to be final and binding on the parties hereto.

it among the parties hereto in accordance with the priorities stated therein. The said Department may limit or expand the amount of water which may be pumped from the aquifer without exceeding its average annual rate of recharge in accordance with Paragraphs XII and XIII of the Amended Decree made and entered on October 1, 1971, in said Civil No. 7876 provided, however, that the quantities of water in acre feet per year set forth in Paragraph I hereinabove shall not be reallocated or reapportioned among the parties hereto in the administration or distribution thereof.

XI.

The Director's Order dated May 9, 1972, and Supplemental Order dated May 19, 1972, and Amendment to Order dated March 15, 1977, be and the same are modified to conform to this Judgment and as so modified the said Director's Orders be and the same are hereby affirmed.

XII.

Each party shall bear his own costs.

DATED this 25 day of ^{June}~~April~~, 1980.

BY THE COURT:

15/Therin W. Ward
DISTRICT JUDGE

Approved as to form and substance prior to signature and entry:

✓
Herman E. Bedke (Date)
P. O. Box 240
1416 Overland Avenue
Burley, Idaho 83318

Joseph Novak 4/7/1980 (Date)
JOSEPH NOVAK
520 Continental Bank Building
Salt Lake City, Utah 84101

Attorneys for Petitioner-
Appellant Joe Tugaw,
a/k/a Joseph E. Tugaw

Thomas G. Nelson 5/1/80 (Date)
THOMAS G. NELSON
Attorney for Respondents Simon L. Baker and Marjorie Baker, husband and wife; Ralph Poulton and Desma Poulton, husband and wife; Bill R. Poulton and Patricia L. Poulton, husband and wife; Raymond Poulton and Bessie Maud Poulton, husband and wife, and J. Richard Poulton, a bachelor
P. O. Box 525
Twin Falls, Idaho 83301

pages missing

VII.

Golden Valley Mutual Water Company and Golden Valley Land and Cattle Company are the owners of and are entitled to and are hereby awarded the right to the use of the water produced by the following described wells, except as that right may be otherwise limited herein:

Location	Idaho Power Pole No.	Permit No.	Priority Date	Licensed Amount	Date Water Applied to Beneficial Use
SW 1/4 NW 1/4 Sec. 25, Tp. 12 S R. 20 E	207	45-2610 G-28544	3/11/60	7.10 cfs	5/02/60
SW 1/4 NW 1/4 Sec. 25, Tp. 12 S R. 20 E	208	45-2578 G-27908	4/29/59 ✓	3.56 cfs	6/06/60
NW 1/4 SW 1/4 Sec. 25, Tp. 12 S R. 20 E	209	45-2644 G-28543	3/11/60	3.16 cfs	6/10/60
SW 1/4 NW 1/4 Sec. 31, Tp. 12 S R. 21 E	348	45-2597 G-28374	1/13/60 ✓	13.50 cfs	9/13/62
SW 1/4 NW 1/4 Sec. 31, Tp. 12 S R. 21 E	211	45-2597 G-28374	1/13/60 ✓	(	(
SW 1/4 NW 1/4 Sec. 5, Tp. 13 S R. 21 E	215	45-2608 G-28540	3/07/60	(	(
SW 1/4 SW 1/4 Sec. 5, Tp. 13 S R. 21 E	216	45-2608 G-28540	3/07/60	16.52 cfs	6/08/61
SW 1/4 SW 1/4 Sec. 5, Tp. 13 S R. 21 E	217	45-2608 G-28540	3/07/60	(	(
SE 1/4 NW 1/4 Sec. 8, Tp. 13 S R. 21 E	386	45-2607 G-28539	3/07/60	4.90 cfs	6/28/64

TWO RIGHTS
ALLOWED

total rights
owned by
claimant at
time of
legal action

Golden Valley Land and Cattle Company is the owner, or contract purchaser, of the lands to which the right to the use of the water from said wells is appurtenant, being described as follows:

Priority cut off
date of Golden
Valley decree
was 1/13/60
Decree date 1980

Findings from 1971 decree

Identification No.

Transfer No. 1826**APPROVED**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**APPLICATION FOR TRANSFER OF WATER RIGHT**
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Golden Valley Land & Cattle Co. and Golden Valley Mutual Water Co.
Post office address Route 1, Murtaugh, Idaho 83344
2. Right obtained by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court. County of _____
G-27908/45-2578 & G-28374/45-2597
b. License No. _____ issued by the State of Idaho, Department of Reclamation.
(Big Cedar - Buck Horn Aquifer)
3. Source of water Ground water tributary to _____
(Name of stream or source)
4. Date of Priority 1) 4-29-1959 2) 1-13-1960
1) 3.56 cfs
5. Amount of water 2) at 3.50 cfs c.f.s. and/or
1) 978
2) 669 acre feet/annum
6. Water is used for Irrigation from 3-15 to 11-15
(Month, Day) (Month, Day)
7. Original location of point of diversion is 1) SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25
2) SW NW (2 pts.) 31
Township 12S, Range 20E, B.M., in Cassia County;
12S 21E
- Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1)	12S	20E	1	40	40	40	40	39	40	40									319
			13												37	40	40	37	154
2)	12S	20E	1	40	40	40	40	40	40	40									320
	12S	21E	17	40	40	40	40	40	40	40									320
	12S	21E	18	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

Total number of acres presently irrigated 1,434

- Note #10(a) below: Combined diversion from all authorized wells not to exceed 1,647 Acre Feet per Season over five seasons.

1) 3.56 cfs 1) 978

- _____, Range 21E, B.M. SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 12S, R. 20E, B.M.
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T. 12S, R. 21E, B.M.

- Existing wells 216 - 208 - 211/348

10c. (Cont.) Existing Wells #386 (G-28539) and #437 (G-29639).

- If not, the place of use should be changed below.

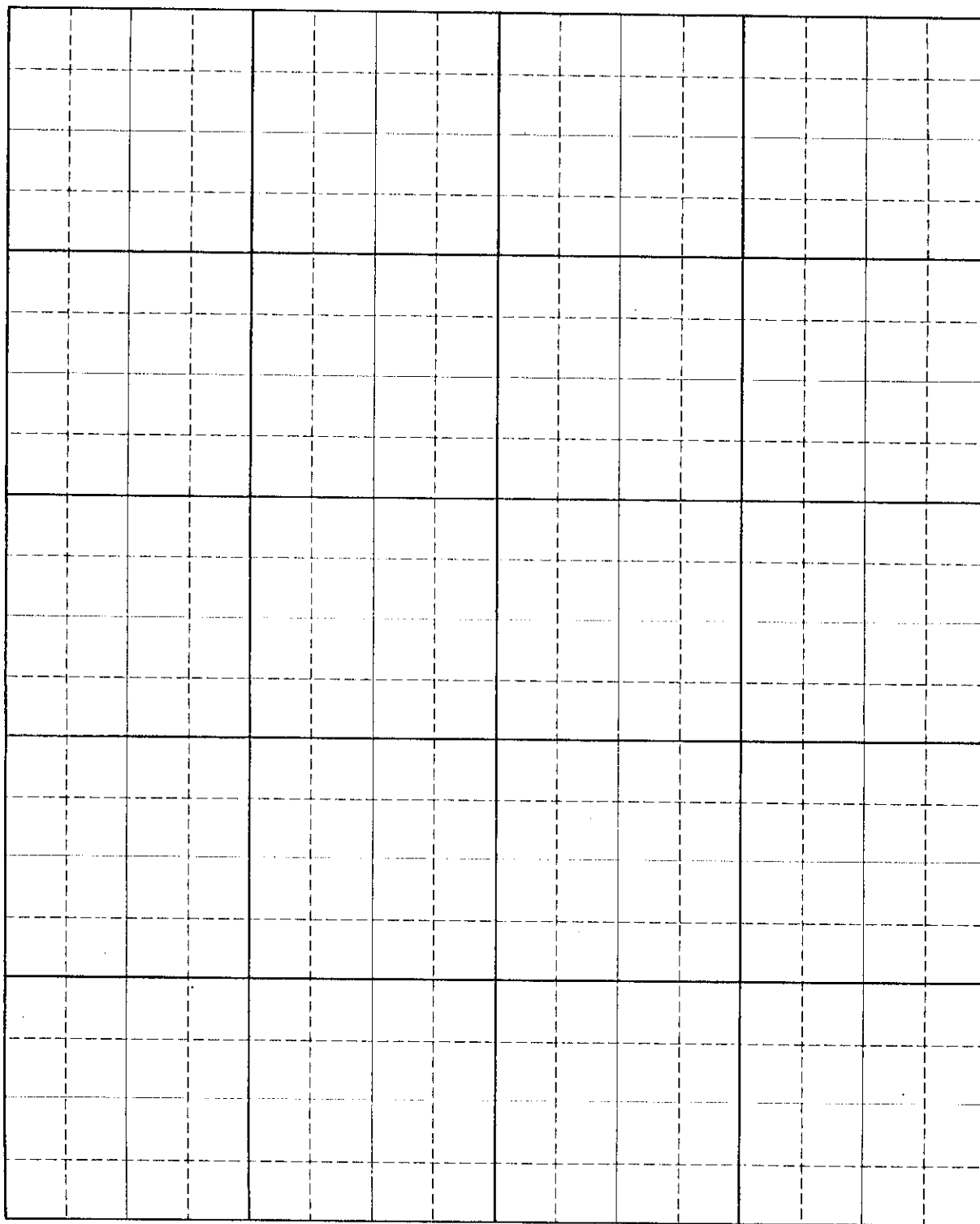
- (Use of Wells #G-28539 and #G-29637 likewise enjoined is also required for efficiency.)

- g. Do you intend to abandon completely the old point of diversion? No

11. CHANGE IN PLACE OF USE NO CHANGE.

- [illegible]

Total number of acres to be irrigated _____



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

- b. Do you intend to make the transfer permanent? _____
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
- _____
- _____
- _____
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: _____
- _____
- _____
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Mike Wolvath
President (signature of applicant)

Subscribed and sworn to before me this 13 day of July, 1972

Janice L. Moore
(notary public)
Residing at Twin Falls, Idaho

My commission expires 5-25-76

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 45-2578 & 45-2597, and said application is hereby APPROVED.

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

The amount of water diverted from the well at Idaho Power Pole Number 208 shall not exceed 1271 acre feet during any one year. The approval may be revoked and the transfer withdrawn upon the final determination of that certain action now pending in the District Court of Cassia County, State of Idaho being Case No. 9818.

Witness my hand this 27th day of July, 1973

R. Keith Hiji
Director

FOR DEPARTMENT USE ONLY

Received by ef Date 7-17-73 Protest filed by: _____ Date _____

Prelim. check by _____ Date _____

Fee received by alw Date 6-22-73 Fee \$30.00 Receipt # 9401

Approved for publication by _____

Published in South Idaho Dates 7-25 & 8-1, 1972

Press at Burley, Idaho

Hearing held _____

Watermaster Recommendation sent _____

45-2597

4/30

State of Idaho

License and Certificate of Water Right

Water License No. G-28374

Amount 13.50 c.f.s.

Water District No. _____

Priority January 13, 1960

THIS IS TO CERTIFY that **K. C. BARLOW, Inc. - Assignee - GOLDEN VALLEY MUTUAL WATER COMPANY** of **Burley, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **January 13**, 19 **60**; that Permit No. **G-28374** was issued under said application; that Certificate of Completion of works, with a carrying capacity of **13.50** second feet, was issued thereunder on **September 17**, 19 **65**, showing that said works were completed on the **1st** day of **December**, 19**64**; and that on the **1st** day of **December**, 19 **64**,

GOLDEN VALLEY MUTUAL WATER COMPANY

of **Burley**, State of **Idaho**, made proof to the satisfaction of the **State Reclamation Engineer** of Idaho, of the right to use the waters of **two wells**, a tributary of **subterranean flow**, for the purpose of **irrigation**, under Use Permit No. **G-28374** of the **Department of Reclamation** and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume **13** of Licenses at page **8267**, on the **17** day of **September**, 19 **65**;

The right hereby confirmed dates from **January 13**, 19 **60**;

The Point of Diversion is located **2 wells SW1/4 (Lot 2)**

In the **1/4** **1/4**, Sec. **31**, T₁₂ S, R. **21E**, **B. M. Cassia** County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **13.5** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S	20 E	1	N1/2	320	320
12 S	21 E	17	N1/2	320	320
		18	All	640	640
Total number of acres to be irrigated:				1280	

should have been 5 1/2 per map
N 1/2 Lic under 45-2578

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this **17th** day of **September**, 19 **65**.

RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

15 C.C.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-28374This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Golden Valley Mutual Water Co.2. Source of water supply: Subterranean3. Location of point of diversion: Is in the 1 well in NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1)
2 wells in SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2) of Section 31T. 12 S R. 21 E.B.M. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: Pole #348 = 300 HP US
Motor #1080219, Layne & Bowler Pump #27106. (3600 GPM @ 250' @ 1770 RPM) (Model 16 K HM)
12" discharge into concrete ditch.
Pole #211 = 200 HP Lewis Allis C. Motor #274271, Layne & Bowler Pump #28525
(2750 GPM @ 250' @ 1770 RPM) (Model 14 RH) 12" discharge into concrete ditch.

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: yes

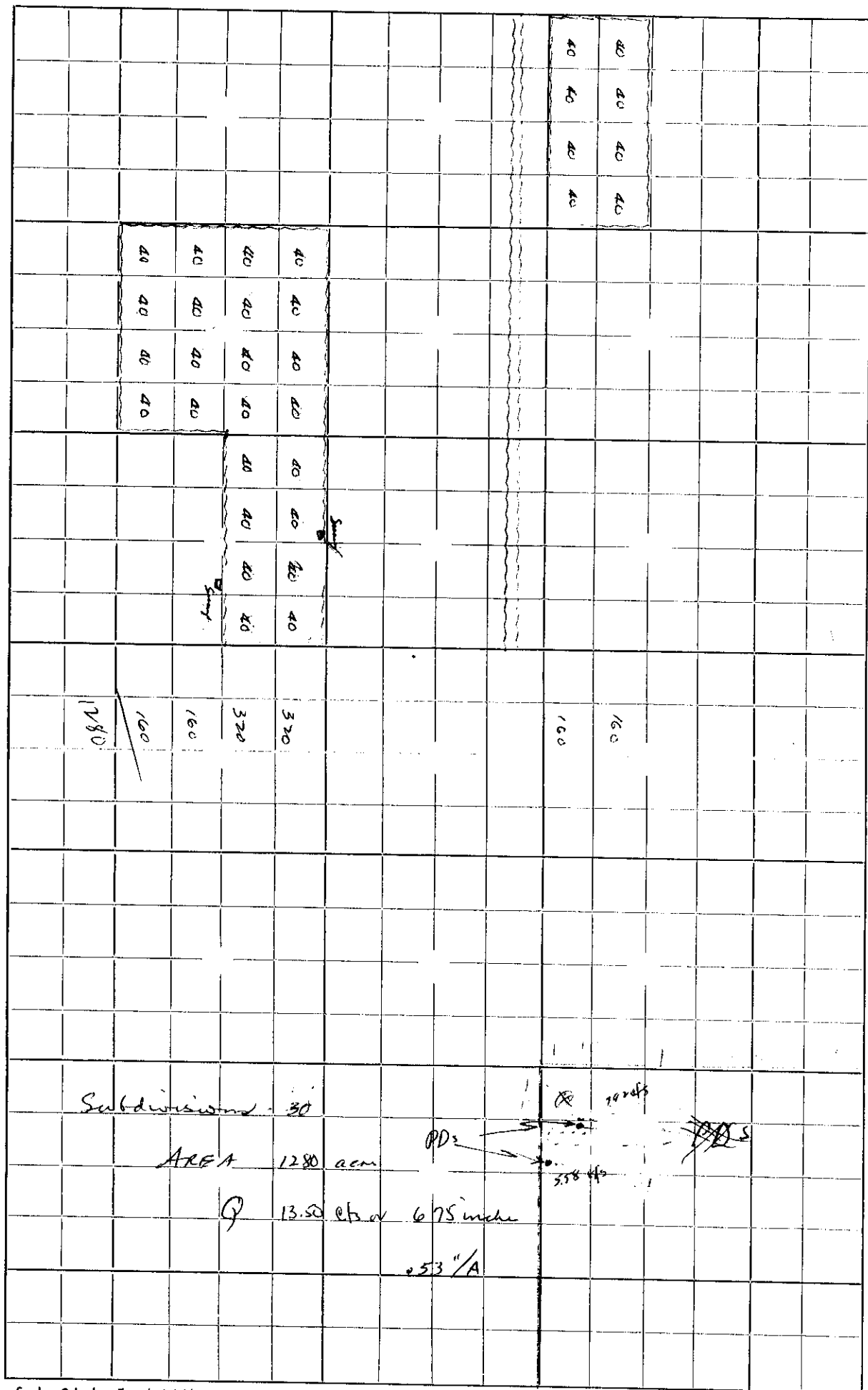
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Sec. 18., N $\frac{1}{2}$ Sec. 17., Twp. 12 S., Rge. 21 E.B.M.S $\frac{1}{2}$ Sec. 1., Twp. 12 S., Rge. 20 E.B.M. (1280 acres)

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: Mr. Milton Nielson + A. Jameson along.Power Pole #348 Well - Sparking Motor - 5 hp 1 min 4 sec: 7.92 cfs" " 211 Well " " 5 hp 1 min 26 sec: 5.58 cfsTotal 13.50 cfsThis examination was made on the 24th day of June, 1965(Signed) [Signature] Examiner.



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

No. W 2677 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080	Due no later than Jul 31, 2003 Annual Report Form 1. <u>Member Name</u> MCREITS, L.L.C. PO BOX 5178 TWIN FALLS, ID 83303	2. Registered Agent and Office NO PO BOX DON MCFARLAND 460 FALLS AVE TWIN FALLS, ID 83301																		
NO FILING FEE IF RECEIVED BY DUE DATE	3. <u>New Registered Agent Signature</u>																			
4. Limited Liability Companies: Enter Names and Addresses of Members. <table border="1"> <thead> <tr> <th>Office held</th> <th>Name</th> <th>Street or P.O. Address</th> <th>City</th> <th>State</th> <th>Zip</th> </tr> </thead> <tbody> <tr> <td>member</td> <td>Don McFarland</td> <td>PO Box 5178</td> <td>Twin Falls, Id.</td> <td></td> <td>83303</td> </tr> <tr> <td>member</td> <td>Carol McFarland</td> <td>PO Box 5178</td> <td>Twin Falls, Id.</td> <td></td> <td>83303</td> </tr> </tbody> </table> Don McFarland managing member.			Office held	Name	Street or P.O. Address	City	State	Zip	member	Don McFarland	PO Box 5178	Twin Falls, Id.		83303	member	Carol McFarland	PO Box 5178	Twin Falls, Id.		83303
Office held	Name	Street or P.O. Address	City	State	Zip															
member	Don McFarland	PO Box 5178	Twin Falls, Id.		83303															
member	Carol McFarland	PO Box 5178	Twin Falls, Id.		83303															
5. Organized Under the Laws of: IDAHO W 2677	6. Signature <u>Don McFarland</u> Date <u>6/23/03</u> Name <u>Don McFarland</u> Title <u>managing member</u>																			
Issued 05/02/2003 Do Not Tape or Staple 188																				