

COPY

2004 OCT -8 PM 2:43

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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

|                |   |                               |
|----------------|---|-------------------------------|
| In Re SRBA     | ) | Subcase No: 45-2578, 45-2597, |
|                | ) | 45-13627, 45-13628            |
| Case No. 39576 | ) |                               |
|                | ) | NOTICE OF COMPLETED           |
| _____          | ) | ADMINISTRATIVE PROCEEDING     |

IDWR has completed the following Administrative proceeding: **I.C. § 42-222 TRANSFER**

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An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

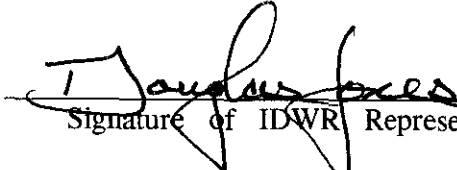
|                                              |                                                  |
|----------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Change in Ownership | <input type="checkbox"/> Split of Water Right    |
| <input type="checkbox"/> Point of Diversion  | <input checked="" type="checkbox"/> Place of Use |
| <input type="checkbox"/> Period of Use       | <input type="checkbox"/> Nature of Use           |
| <input checked="" type="checkbox"/> Remarks  |                                                  |

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IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 10/2/04

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 10/8, 2004, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls ID 83303-2707
2. One Copy to:  
Claimant or attorney of record:  
Don McFarland  
Carol McFarland  
PO Box 268  
Eden ID 83325
3. One Copy to:  
Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449
4. One Copy to:  
United States Dept of Justice  
Environment & Natural Resource Div  
550 W Fort St MSC 033  
Boise ID 83724

  
Signature of person or attorney mailing the form

09/16/2004

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

2004 OCT -8 PM 2:44  
DISTRICT CLERK SRBA  
TWIN FALLS CO., IDAHO  
FILED

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  
494.00 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:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>          |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 03/15 11/15          | 13.500 CFS<br>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 |

09/16/2004

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

|                     |      |      |                     |      |      |
|---------------------|------|------|---------------------|------|------|
| 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       | SENE | 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 |
| 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       | SENE | 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       | SENE | 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: BASIS OF CLAIM - 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.

09/16/2004

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE

701 OCT -8 PM 2: 44  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

RIGHT NUMBER: 45-2578  
NAME AND ADDRESS: CAROL MC FARLAND  
PO BOX 5178  
TWIN FALLS ID 83301

DON MC FARLAND  
PO BOX 268  
EDEN ID 83325-0268

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.560 CFS  
978.00 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: 04/29/1959

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:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 03/15 11/15          | 3.560 CFS<br>978.00 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 |

09/16/2004

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

|                     |      |      |                     |      |      |
|---------------------|------|------|---------------------|------|------|
| 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       | SENE | 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 |
| 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       | SENE | 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       | SENE | 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 473 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: BASIS OF CLAIM - 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.

09/16/2004

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

2004 OCT -8 PM 2:44  
TWIN FALLS CO., IDAHO  
FILED

RIGHT NUMBER: 45-13627  
NAME AND ADDRESS: CAROL MC FARLAND  
PO BOX 5178  
TWIN FALLS ID 83301

DON MC FARLAND  
PO BOX 268  
EDEN ID 83325-0268

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.210 CFS  
1,248.00 AFY

USE OF THIS RIGHT WITH RIGHT NO.45-13787 IS LIMITED TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 9,052 AF.

PRIORITY DATE: 06/24/1957

POINT OF  
DIVERSION: T12S R20E S12 SWSWSE Within CASSIA County  
T12S R20E S12 SWSWSE Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>           |
|-----------------------|----------------------|---------------------------|
| IRRIGATION            | 03/15 11/15          | 3.210 CFS<br>1,248.00 AFY |

PLACE OF USE: IRRIGATION Within CASSIA County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T12S R20E S12 | NENW | 36.0 | T12S R20E S12 | NWNW | 38.0 |
| T12S R20E S12 | SWNW | 40.0 | T12S R20E S12 | SENW | 40.0 |
| T12S R20E S12 | NESW | 40.0 | T12S R20E S12 | NWSW | 40.0 |
| T12S R20E S12 | SWSW | 38.0 | T12S R20E S12 | SESW | 40.0 |

312 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 45-13787 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 2263 ACRES 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: BASIS OF CLAIM - License

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-2550.

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

08/16/2004

2004 OCT -8 PM 2:44  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

RIGHT NUMBER: 45-13628  
NAME AND ADDRESS: CAROL MC FARLAND  
PO BOX 5178  
TWIN FALLS ID 83301

DON MC FARLAND  
PO BOX 268  
EDEN ID 83325-0268

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.560 CFS  
1,737.00 AFY

USE OF THIS RIGHT WITH RIGHT NO.45-13787 IS LIMITED TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 9,076 AF.

PRIORITY DATE: 06/24/1957

POINT OF  
DIVERSION: T12S R20E S12 SWSWSW Within CASSIA County  
T12S R20E S12 SWSWSW Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>           |
|-----------------------|----------------------|---------------------------|
| IRRIGATION            | 03/15 11/15          | 3.560 CFS<br>1,737.00 AFY |

PLACE OF USE: IRRIGATION Within CASSIA County

|                          |      |                          |      |
|--------------------------|------|--------------------------|------|
| T12S R20E S01 Lot 1 NENE | 40.0 | T12S R20E S01 Lot 2 NWNE | 40.0 |
| T12S R20E S01 SWNE       | 40.0 | T12S R20E S01 SENE       | 40.0 |
| T12S R20E S01 Lot 3 NENW | 40.0 | T12S R20E S01 Lot 4 NWNW | 39.0 |
| T12S R20E S01 SWNW       | 39.0 | T12S R20E S01 SENW       | 40.0 |
| T12S R20E S01 NESW       | 40.0 | T12S R20E S01 NWSW       | 39.0 |
| T12S R20E S01 SWSW       | 35.0 | T12S R20E S01 SESW       | 40.0 |
| T12S R20E S01 NESE       | 40.0 | T12S R20E S01 NWSE       | 40.0 |
| T12S R20E S01 SWSE       | 40.0 | T12S R20E S01 SESE       | 40.0 |

632 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 45-13787 IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 2269 ACRES 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.

09/16/2004

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-2551A.