

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

In Re SRBA) Subcase No: 45-7086E, 45-13787,
) 45-13788
Case No. 39576)
)
) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING

Page 1

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:
McReits LLC
c/o Don 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

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

2004 OCT -8 PM 2:44

9/13/04

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

RIGHT NUMBER: 45-7086E

SPLIT RIGHT: SEE RIGHT NOS. 45-13787 AND 45-13788.

09/13/2004

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

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

RIGHT NUMBER: 45-13787
NAME AND ADDRESS: MC REITS LLC
C/O DON MC FARLAND
PO BOX 268
EDEN ID 83325

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 22.390 CFS
9,020.00 AFY

Rights 45-2578, 45-2597, 45-13627, 45-13628, and 45-13787 when combined shall not exceed a total annual maximum diversion volume of 9284.0 af at the field headgate.

PRIORITY DATE: 12/03/1971

POINT OF DIVERSION:

- T12S R20E S1 SWSWNE Within CASSIA County
- T12S R20E S12 SWSWSW Within CASSIA County
- T12S R20E S12 SWSWSW Within CASSIA County
- T12S R20E S13 SWSESE Within CASSIA County
- T12S R21E S17 SWSWNE Within CASSIA County
- T12S R21E S17 SWSWNW Within CASSIA County
- T12S R21E S18 SENWSW Lot 3 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	22.390 CFS 9,020.00 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
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

09/13/2004

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

T12S R20E S12	SWSW	38.0	T12S R20E S12	SESW	40.0
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

2321 ACRES TOTAL

This right is limited to the irrigation of 2255 acres within the place of use described above 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.

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: BASIS OF CLAIM - License

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.

This right is a split from former right 45-7086E.

09/13/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER

704 OCT -8 PM 2:45
DISTRICT 1 SRBA
TWIN FALLS CO., IDAHO
FILED

RIGHT NUMBER: 45-13788
NAME AND ADDRESS: MC REITS LLC
C/O DON MC FARLAND
PO BOX 268
EDEN ID 83325

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 1.640 CFS
462.00 AFY

PRIORITY DATE: 12/03/1971

POINT OF
DIVERSION: T12S R20E S13 SWSESE Within CASSIA County
T12S R20E S13 SWSESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	1.640 CFS 462.00 AFY
STOCKWATER	01/01 12/31	1.640 CFS 462.00 AFY

PLACE OF USE: STOCKWATER Within CASSIA County

T12S R21E S18	NESW	T12S R21E S18 Lot 3	NWSW
T12S R21E S18 Lot 4	SWSW	T12S R21E S18	SESW
<u>COMMERCIAL Within CASSIA County</u>			
T12S R21E S18	NESW	T12S R21E S18 Lot 3	NWSW
T12S R21E S18 Lot 4	SWSW	T12S R21E S18	SESW

09/13/2004

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

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: BASIS OF CLAIM - License

Commercial use is for a dairy.

The total instantaneous diversion of water from all points of diversion under Right 45-13788 shall not exceed 1.64 cfs, nor a total combined annual volume of 462.0 af.

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality &/or the Department of Agriculture.

This right is a split from former right 45-7086E.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.