

AJ0749NP
No. 45-10759

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 03/02/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	C GORDON LUKE	04/01/1960	DOMESTIC	01-01 12-31	0.04 CFS	
C	EOLA LUKE					
	1445 W 800 S					
	MURTAUGH ID 83344					
	(208) 432-6026					
				TOTAL DIVERSION:	0.04 CFS	

D MC REITS LLC
C/O DON MC FARLAND
PO BOX 268
EDEN ID 83325
(208) 734-0004

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T12S R20E S11 NENENE

CASSIA County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
12S	20E	11	:	D																:

POU County: CASSIA

Non-Irrigation Uses: 3 HOMES

Other Rights: IRRIGATION WELLS WATER THE LAWNS DURING THE IRRIG. SEASON

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. 12S20E110000

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

45-10759

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 45-07086C + 45-02551
Adjudication Claim No(s).: A45-07086C + A45-02551 + A45-10759
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - ☒ C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant McPartis L.L.C c/o Don McFarland
P.O. Box 268 Eden ID. 83325
4. New Owner/Claimant(s) C. Gordon Luke and Eula D. Luke
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 1445 West 800 South
City, State and ZIP Code Murfreesboro ID 83344
New Telephone Number (208) 332-6026
5. Date you acquired the property 5/11/98
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. See attached sheet
Number of acres you irrigate 457 + 420 Number and type of stock N/A
Diversion rate in CFS 4.53 Number of homes 3 Other uses N/A
2.63
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) X C. Gordon Luke
X Eula D. Luke
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

**ATTACHMENT TO WATER RIGHT OWNERSHIP CHANGE
BETWEEN MCREITS, LLC AND C. GORDON LUKE**

Water Right No's and Adjudication Claim No's:

#45-07086C and #A45-07086C

Number of acres irrigated 457
Diversion rate in CFS 4.53

#45-02551 and #A45-02551

Number of acres irrigated 470
Diversion rate in CFS 2.63

5-29-98

Split info:

All of Sec 2 & 11 goes to Luke

DIV Rates are specified (see blue tab)

P/D's do not change.

the system is going to stay the same.

KAC.

6000
- 424
- 576

1000

info from Tom McCain

for: Clear Creek Land & Mortgage

need to verify warranty deed legals
otherwise it should be ready to go.

KAC
OK
was 400
me Jan 1st =
me Reik

Note: - Water Right Claims split per
attachment to change of ownership
specifying divisions rate split

- Henry split per warranty deed
submitted 5/27/98

1.4

WARRANTY DEED**255421****#29744**

For Value Received

MCREITS, L.L.C., AN IDAHO LIMITED LIABILITY COMPANY

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

C. GORDON LUKE AND EOLA D. LUKE, HUSBAND AND WIFE
Address: 1445 WEST 800 SOUTH, MURTAUGH, ID 83344

Hereinafter called the Grantee, the following described premises situated in CASSIA County, Idaho, to-wit:

**TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO****Section 2: E½, SAVE AND EXCEPT a parcel of land located in the NW¼NE¼ of Section 2, more particularly described as follows:**

duct

Commencing at the North ¼ corner of said Section 2, which is the True Point of Beginning and from which the Northeast corner of Section 2 bears South 89°48'00" East for 2631.56 feet;
Thence South 89°48'00" East along the North boundary of the NE¼ of Section 2 for a distance of 662.00 feet;
Thence South 26°12'51" East for a distance of 149.89 feet to a point on the arc of a curve left;
Thence Southwesterly along the arc of the curve left for a distance of 854.55 feet, said arc having a radius of 1323.65 feet and a long chord bearing and distance of South 45°17'27" West for 839.79 feet;
Thence North 63°07'25" West for a distance of 145.07 feet to a point on the West boundary of the NE¼ of Section 2;
Thence North 00°10'27" West along the West boundary of the NW¼NE¼ of Section 2 for a distance of 662.00 feet to the True Point of Beginning.

Section 11: NE¼**TOGETHER WITH ALL WATER AND WATER RIGHTS, DITCHES AND DITCH RIGHTS USED THEREON OR APPURTENANT THERETO.****SUBJECT TO:****All reservations in patents or deeds in the chain of title.****Taxes for 1998 and subsequent years.**

Assessments of the Southwest Irrigation District and the rights and powers of said District as by law provided.

Mineral Deed from Glen Briggs and wife, Hazel Briggs, to Fred F. Foss, dated May 19, 1952 and recorded June 6, 1952 as Instrument No. 175773 in Book 54 of Deeds, Page 552, records of Cassia County, Idaho, granting an undivided one-half interest in and to all of the oil, gas and other minerals in and under and that may be produced from the the E½ of Section 2 in Township 12 South, Range 20 East of the Boise Meridian.

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Obligations in favor of THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK which the Grantee has assumed and agreed to pay pursuant to Apportionment and Modification Agreements dated May 8, 1998.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: May 8, 1998

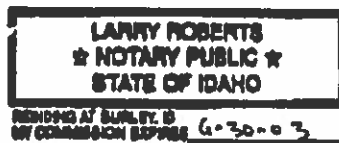
MCCREITS, L.L.C.

By: Don McFarland
DON MCFARLAND, MEMBER

By: Carol McFarland
CAROL MCFARLAND, MEMBER

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 8TH day of MAY, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared DON MCFARLAND AND CAROL MCFARLAND, known or identified to me to be MEMBERS of the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.



Larry Roberts
Notary Public
Residing at: Burley, Idaho
My Commission expires: 6-30-03

Page 3 of 3

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 299
1998 MAY 11 A.D. 16
CASSIA COUNTY, IDAHO
DANIEL M. ROSKELLEY
RECORDER
FEE 9.00 DEPUTY CL
LAND TITLE & ESCROW

255421.

Town 12 South
Range 20 East

R. 20 E.

R. 21 E.

T. 12 S.



GOLDEN VALLEY LAND & CATTLE CO.

SEC. 2

Panel

SEC. 11

#329 Well

#194 Well

+/- 7.0 Acres CLR
To BE Surveyed

SEC. 13

#193 Well

SEC. 12

Panel #
191

GOLDEN VALLEY ROAD

OAKLEY / BURLEY

SEC. 16

SEC. 15

Pipelines
Above Ground

SEC. 18

#1696 Booster

#602 Well

#569 Well

SEC. 21

SEC. 22

#662 Well

SEC. 28

#588 Well

SEC. 27

40
AC.

Conc. Ditch

OAKLEY

1698
#216, 247 & 386 Wells
Little Cedar Canyon

3
77.2

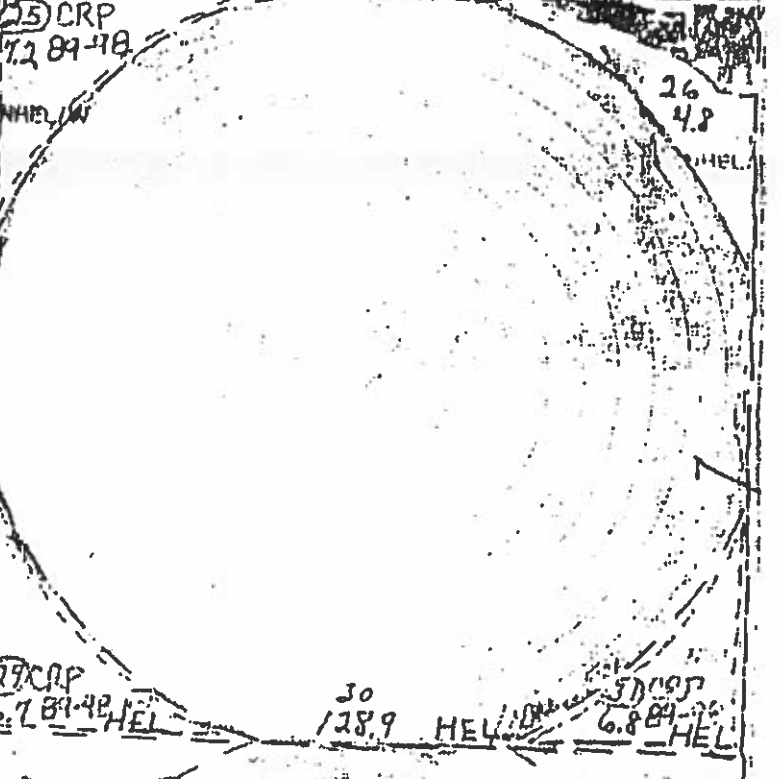
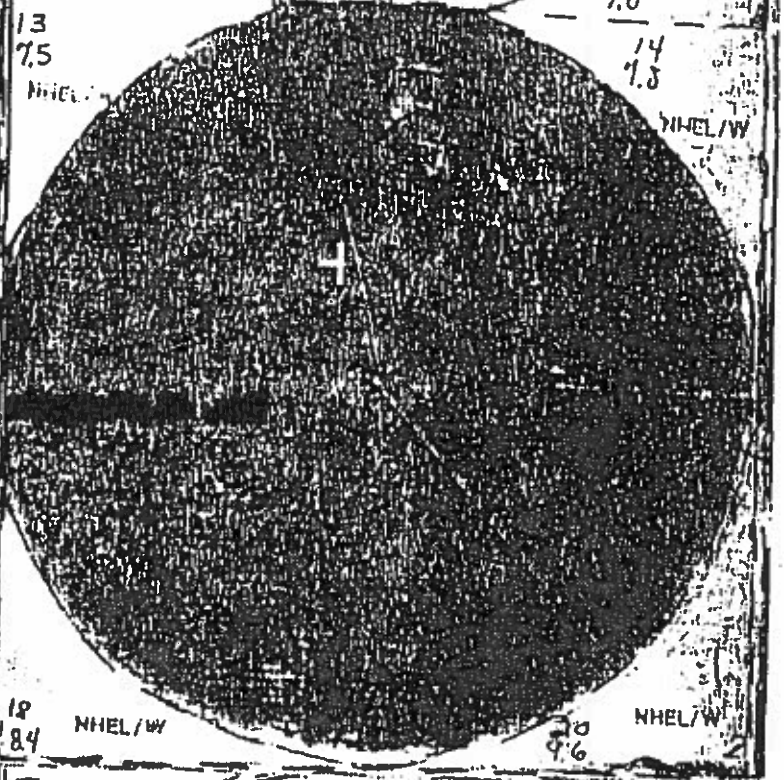
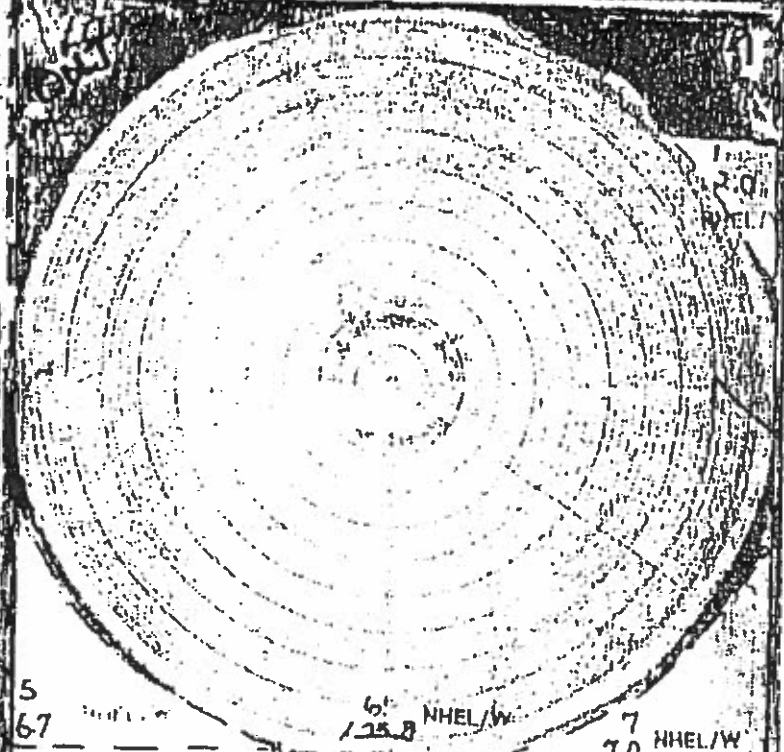
4
79.1

14
79.5

15
79.7

16
78.5

2603
112



AJ5856NP

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

DATE: SEP-9-1997
PAGE: A-517

RIGHT NUMBER: 45-10759

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

SOURCE: GROUNDWATER

QUANTITY:

0.04 CFS

3.6 AEFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/01/1960

POINT OF DIVERSION: T12S R20E S11 NENENE Within CASSIA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 3 HOMES	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within CASSIA County
T12S R20E S11 NENE

CONSUMPTIVE USE: 3.6 AEFY

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 12S20E110000

11/15/98
[Signature]

Claim proofread by: [Signature]

Date: 9-99

8/9/94

COMMUNICATION DOCUMENTATION

Claim No.

A45-10161
A45-02550
A45-02551
A45-02578
A45-02597
A45-07086C
A45-07086D
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.

DEC 03 1996

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: A45-10759
Date Received: 5/23/1989
Receipt No: 5007271
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: APR 01, 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	11	NE	NE	NE		CASSIA

5. Description of diverting works:
WELL, 2 HP PUMP, PIPELINE TO 3 RESIDENCES WITH LAWNS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 3.60 A.F.A.

8. Total consumptive use is 3.6 Acre Feet Per Annum.

9. Non-irrigation uses:
D/3 HOMES W/LAWNS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	20E	11	NE	NE		DOMEST	

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:

IRRIGATION WELLS WATER THE LAWNS DURING THE IRRIG. SEASON

14. Remarks:

WELL ALSO PROVIDES WATER FOR A SHOP & POTATO CELLAR WITH A LATER
PRIORITY AS A CHANGE IN NATURE OF USE OF LICENSED IRRIG. RIGHTS.

15. Basis of Claim: BENEFICIAL USE

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 X 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

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

document in the space below as Vice President of

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

foregoing document are true and correct.

Don Walerton
Signature of Authorized Agent

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

5/23/89
Date

State of Idaho)
County of Twin Falls) SS.

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

of May 19 85

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.

My Commission Expires 6/30/89

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
NOV 02 1998
Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 3/2/7 45-07086C & 45-02551
Adjudication Claim No(s): A45-07086C^{FVH} & A45-02551 & A45-10759
 2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
 3. Name and Address of Former Owner/Claimant McReits L.L.C. c/o Don McFarland
P.O. Box 208, Eden Idaho, 83325
 4. New Owner/Claimant(s) C. Gordon Luke & Eola D. Luke
Name Connector (Check one): ☐ and ☐ or ☐ and ☐
New Mailing Address 1445 West, 800 South
City, State and ZIP Code Murtaugh, Idaho 83366
New Telephone Number (208) 423-6026
 5. Date you acquired the property 5 / 11 / 98
 6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
(457) SEE ATTACHED SHEET
Number of acres you irrigate 457 & 470 Number and type of stock N / A
4.53
Diversion rate in CFS 2.63 Number of homes 3 Other uses N / A
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner X C. Gordon Luke Date 10-29-98
or Claimant(s) X Eola D. Luke Date 10-29-98
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
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ATTACHMENT TO WATER RIGHT OWNERSHIP CHANGE
BETWEEN MCREITS, LLC AND C. GORDON LUKE

Water Right No's and Adjudication Claim No's:

#45-07086C and #A45-07086C

Number of acres irrigated 457
Diversion rate in CFS 4.53

#45-02551 and #A45-02551

Number of acres irrigated 470
Diversion rate in CFS 2.63

WARRANTY DEED

255421

#29744

For Value Received

MCREITS, L.L.C., AN IDAHO LIMITED LIABILITY COMPANY

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

C. GORDON LUKE AND EOLA D. LUKE, HUSBAND AND WIFE
Address: 1445 WEST 800 SOUTH, MURTAUGH, ID 83344

Hereinafter called the Grantee, the following described premises situated in CASSIA County, Idaho, to-wit:

TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: E $\frac{1}{4}$, SAVE AND EXCEPT a parcel of land located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, more particularly described as follows:

Commencing at the North $\frac{1}{4}$ corner of said Section 2, which is the True Point of Beginning and from which the Northeast corner of Section 2 bears South 89°48'00" East for 2631.56 feet;

Thence South 89°48'00" East along the North boundary of the NE $\frac{1}{4}$ of Section 2 for a distance of 662.00 feet;

Thence South 26°12'51" East for a distance of 149.89 feet to a point on the arc of a curve left;

Thence Southwesterly along the arc of the curve left for a distance of 854.55 feet, said arc having a radius of 1323.65 feet and a long chord bearing and distance of South 45°17'27" West for 839.79 feet;

Thence North 63°07'25" West for a distance of 145.07 feet to a point on the West boundary of the NE $\frac{1}{4}$ of Section 2;

Thence North 00°10'27" West along the West boundary of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2 for a distance of 662.00 feet to the True Point of Beginning.

Section 11: NE $\frac{1}{4}$

TOGETHER WITH ALL WATER AND WATER RIGHTS, DITCHES AND DITCH RIGHTS USED THEREON OR APPURTENANT THERETO.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1998 and subsequent years.

Assessments of the Southwest Irrigation District and the rights and powers of said District as by law provided.

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Dated: May 8, 1998

MCCREITS, L.L.C.

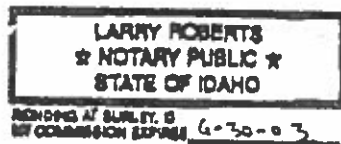
By: Don McFarland
DON MCFARLAND, MEMBER

By: Carol McFarland
CAROL MCFARLAND, MEMBER

STATE OF IDAHO)

COUNTY OF CASSIA) ss.

On this 8TH day of MAY, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared DON MCFARLAND AND CAROL MCFARLAND, known or identified to me to be MEMBERS of the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.



Carol McFarland
Notary Public
Residing at: Burley, Idaho
My Commission expires: 6-30-93

Page 3 of 3

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILE # 299
1998 MAY 11 A 10:16
CASSIA COUNTY, IDAHO
DANIEL M. ROSKELLEY
RECORDER
FEE 9.00 DEPUTY CL
LAND TITLE & ESCROW

255421.

LEGAL DESCRIPTION - C. GORDON LUKE

TOWNSHIP 12 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO.

SECTION 2: E1/2, SAVE AND EXCEPT a parcel of land located in the NW1/4NE1/4
of Section 2, more particularly described as follows:

Commencing at the North 1/4 corner of said Section 2, which is the True
Point of Beginning and from which the Northeast corner of Section 2 bears
South 89°48'00" East for 2631.56 feet;
Thence South 89°48'00" East along the North boundary of the NE1/4 of
Section 2 for a distance of 662.00 feet;
Thence South 26°12'51" East for a distance of 149.89 feet to a point on the
arc of a curve left;
Thence Southwesterly along the arc of the curve left for a distance of
854.55 feet, said arc having a radius of 1323.65 feet and a long chord
bearing and distance of South 45°17'27" West for 839.79 feet;
Thence North 63°07'25" West for a distance of 145.07 feet to a point on
the West boundary of the NE1/4 of Section 2;
Thence North 00°10'27" West along the West boundary of the
NW1/4NE1/4 of Section 2 for a distance of 662.00 feet to the True Point
of Beginning.

SECTION 11: NE1/4.

