

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72951

This is to certify that: MC REITS LLC
PO BOX 5178
TWIN FALLS ID 83303
(208)734-0004

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-7288D	WR/Decreed	02/28/1973	2.24 cfs	448 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-7288D	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-7288D	36-7288D	2.24 cfs	448 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.24 cfs	448 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of November, 20 06



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-7288D
As Modified by Transfer No. 72951

In accordance with the approval of Transfer No. 72951, Water Right No. 36-7288D is now described as follows.

Right Holder: MC REITS LLC
 PO BOX 5178
 TWIN FALLS ID 83303

Priority Date: February 28, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	2.24 CFS	197.0 AF
COMMERCIAL	01/01	to 12/31	2.24 CFS	251.0 AF
			2.24 CFS	448.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENESE	Sec. 19 Twp 08S	Rge 16E	GOODING County
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GROUND WATER	NWNESE	Sec. 19 Twp 08S	Rge 16E	GOODING County
GROUND WATER	NWNESE	Sec. 19 Twp 08S	Rge 16E	GOODING County

PLACE OF USE: STOCKWATER & COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	16E	19													X				

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. Prior to the diversion and use of water under Transfer approval 72951, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

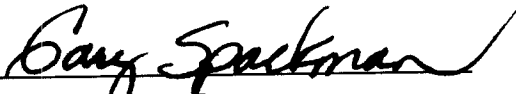
WATER RIGHT NO. 36-7288D
As Modified by Transfer No. 72951

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Commercial use is for a dairy.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3rd day of November, 20 06


Chief, Water Allocation Bureau