

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71248

This is to certify that: MC REITS LLC
C/O DON MC FARLAND
PO BOX 268
EDEN ID 83325
(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

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
45-7086E	AJC/License	12/03/1971	24.03 cfs	9700 af	2,425.0	2,491.0	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Update Conditions)

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
45-13628	AJC/License	06/24/1957	3.56 cfs	1737 af	N/A	632.0	GROUND WATER
45-13627	AJC/License	06/24/1957	3.21 cfs	1248 af	N/A	312.0	GROUND WATER
45-2597	AJC/Decreed	01/13/1960	13.50 cfs	494 af	1,280.0	2,481.0	GROUND WATER
45-2578	AJC/Decreed	04/29/1959	3.56 cfs	978 af	473.0	2,481.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

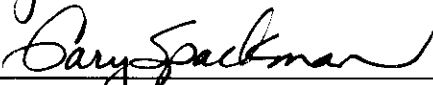
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-7086E	YES	YES	NO	YES	YES	YES

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
45-7086E	45-13788	1.64 cfs	462 af	N/A	N/A	45-13787	22.39 cfs	9020 af	2,255.0	2,321.0
COMBINED										
TOTALS		1.64 cfs	462 af	N/A	N/A		22.39 cfs	9020 af	2,255.0	2,321.0

Detailed Water Right Description(s) attached

Dated this 31st day of August, 2004


Chief, Water Allocation Bureau

45-7086

WATER RIGHT NO. 45-13787
As Modified by Transfer No. 71248

In accordance with the approval of Transfer No. 71248, Water Right No. 45-13787 is now described as follows.

Right Holder: MC REITS LLC
C/O DON MC FARLAND
PO BOX 268
EDEN ID 83325

Priority Date: December 03, 1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	22.39 CFS	9,020.0 AF
			22.39 CFS	9,020.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWNE	Sec. 1 Twp 12S Rge 20E CASSIA County
GROUND WATER	SWSWSW	Sec. 12 Twp 12S Rge 20E CASSIA County
GROUND WATER	SWSWSW	Sec. 12 Twp 12S Rge 20E CASSIA County
GROUND WATER	SWSESE	Sec. 13 Twp 12S Rge 20E CASSIA County
GROUND WATER	SWSWNE	Sec. 17 Twp 12S Rge 21E CASSIA County
GROUND WATER	SWSWNW	Sec. 17 Twp 12S Rge 21E CASSIA County
GROUND WATER	L3 (SENWSW)	Sec. 18 Twp 12S Rge 21E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	20E	1	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	35.0	40.0	40.0	40.0	40.0	40.0	632.0
			L 1	L 2			L 3	L 4											
12S	20E	12					36.0	38.0	40.0	40.0	40.0	40.0	38.0	40.0					312.0
12S	20E	13	37.0	40.0	33.0	39.0									39.0	34.0	32.0	31.0	285.0
12S	21E	17	39.0	39.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	39.0	39.0	630.0
12S	21E	18	40.0	40.0	35.0	40.0	40.0	38.0	38.0	35.0					40.0	36.0	40.0	40.0	462.0
							L 1	L 2											

Total Acres: 2321

WATER RIGHT NO. 45-13787
As Modified by Transfer No. 71248

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2255 acres within the place of use described above in a single irrigation season.
2. 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, and the irrigation of 2321 acres.
3. 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 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 31st day of August, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-13788
As Modified by Transfer No. 71248

In accordance with the approval of Transfer No. 71248, Water Right No. 45-13788 is now described as follows.

Right Holder: MC REITS LLC
 C/O DON MC FARLAND
 PO BOX 268
 EDEN ID 83325

Priority Date: December 03, 1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to	12/31	1.64 CFS	462.0 AF
STOCKWATER	01/01 to	12/31	1.64 CFS	462.0 AF
			1.64 CFS	462.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSESE Sec. 13 Twp 12S Rge 20E CASSIA County

GROUND WATER SWSESE Sec. 13 Twp 12S Rge 20E CASSIA County

PLACE OF USE: 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	
12S 21E 18									X	X	X	X					
										L3	L4						

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S 21E 18									X	X	X	X					
										L3	L4						

WATER RIGHT NO. 45-13788
As Modified by Transfer No. 71248

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. 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.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. 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.
6. Commercial use is for a dairy.
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.
9. 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 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 31st day of August, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-2578
As Modified by Transfer No. 71248

In accordance with the approval of Transfer No. 71248, Water Right No. 45-2578 is now described as follows.

Right Holder: CAROL MC FARLAND
 PO BOX 5178
 TWIN FALLS ID 83301

And

DON MC FARLAND
 PO BOX 268
 EDEN ID 83325-0268

Priority Date: April 29, 1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	3.56 CFS	978.0 AF
			3.56 CFS	978.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L2 (NESWNW)	Sec. 31 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	L2 (SWSWNW)	Sec. 31 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NWSWSW	Sec. 5 Twp 13S	Rge 21E	CASSIA County
GROUND WATER	SESWSW	Sec. 5 Twp 13S	Rge 21E	CASSIA County
GROUND WATER	NESENW	Sec. 8 Twp 13S	Rge 21E	CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S 20E 13	37.0	40.0	33.0	39.0									39.0	34.0	32.0	31.0	285.0
12S 21E 17	39.0	39.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	39.0	39.0	630.0
12S 21E 18	40.0	40.0	35.0	40.0	40.0	38.0	38.0	35.0					40.0	36.0	40.0	40.0	462.0
12S 21E 21	38.0	39.0	40.0	39.0		L 1	L 2										156.0
12S 21E 22	38.0	40.0	40.0	38.0	40.0	38.0	38.0	40.0	40.0	38.0	37.0	39.0	39.0	40.0	39.0	38.0	622.0
12S 21E 27					40.0	38.0	38.0	40.0									156.0

Total Acres: 2311

WATER RIGHT NO. 45-2578
As Modified by Transfer No. 71248

CONDITIONS OF APPROVAL

1. This right is subject to conditions found in decree dated 6/25/1980.
2. 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.
3. 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.
4. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. 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.
6. 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.
7. 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.
8. This right is limited to the irrigation of 473 acres within the place of use described above in a single irrigation season.

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 31st day of August, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-2597
As Modified by Transfer No. 71248

In accordance with the approval of Transfer No. 71248, Water Right No. 45-2597 is now described as follows.

Right Holder: MC REITS LLC
 C/O DON MC FARLAND
 PO BOX 268
 EDEN ID 83325

Priority Date: January 13, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	13.50 CFS	494.0 AF
			13.50 CFS	494.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L2 (NESWNW)	Sec. 31 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	L2 (SWSWNW)	Sec. 31 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NWSWSW	Sec. 5 Twp 13S	Rge 21E	CASSIA County
GROUND WATER	SESWSW	Sec. 5 Twp 13S	Rge 21E	CASSIA County
GROUND WATER	NESENW	Sec. 8 Twp 13S	Rge 21E	CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S 20E 13	37.0	40.0	33.0	39.0									39.0	34.0	32.0	31.0	285.0
12S 21E 17	39.0	39.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	39.0	39.0	630.0
12S 21E 18	40.0	40.0	35.0	40.0	40.0	38.0	38.0	35.0					40.0	36.0	40.0	40.0	462.0
12S 21E 21	38.0	39.0	40.0	39.0		L 1	L 2										156.0
12S 21E 22	38.0	40.0	40.0	38.0	40.0	38.0	38.0	40.0	40.0	38.0	37.0	39.0	39.0	40.0	39.0	38.0	622.0
12S 21E 27					40.0	38.0	38.0	40.0									156.0

Total Acres: 2311

WATER RIGHT NO. 45-2597
As Modified by Transfer No. 71248

CONDITIONS OF APPROVAL

1. This right is subject to conditions found in decree dated 6/25/1980.
2. 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.
3. 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.
4. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. 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.
6. 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.
7. 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.
8. This right is limited to the irrigation of 1280 acres within the place of use described above in a single irrigation season.

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 31st day of August, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-13627

As Modified by Transfer No. 71248

In accordance with the approval of Transfer No. 71248, Water Right No. 45-13627 is now described as follows.

Right Holder: CAROL MC FARLAND
PO BOX 5178
TWIN FALLS ID 83301

And/Or

DON MC FARLAND
PO BOX 268
EDEN ID 83325-0268

Priority Date: June 24, 1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	3.21 CFS	1,248.0 AF
			3.21 CFS	1,248.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSWSE Sec. 12 Twp 12S Rge 20E CASSIA County

GROUND WATER SWSWSE Sec. 12 Twp 12S Rge 20E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	20E	12					36.0	38.0	40.0	40.0	40.0	40.0	38.0	40.0					312.0

Total Acres: 312

WATER RIGHT NO. 45-13627
As Modified by Transfer No. 71248

CONDITIONS OF APPROVAL

1. 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.
2. Use of this right with right no. 45-13787 is limited to a total combined annual diversion volume of 9,052 af.
3. 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.
4. This right is a split from former right 45-2550.

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 31st day of August, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-13628
As Modified by Transfer No. 71248

In accordance with the approval of Transfer No. 71248, Water Right No. 45-13628 is now described as follows.

Right Holder: CAROL MC FARLAND
 PO BOX 5178
 TWIN FALLS ID 83301

And/Or

DON MC FARLAND
 PO BOX 268
 EDEN ID 83325-0268

Priority Date: June 24, 1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	3.56 CFS	1,737.0 AF
			3.56 CFS	1,737.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSWSW Sec. 12 Twp 12S Rge 20E CASSIA County

GROUND WATER SWSWSW Sec. 12 Twp 12S Rge 20E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	20E	1	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	35.0	40.0	40.0	40.0	40.0	40.0	
			L 1	L 2			L 3	L 4											

Total Acres: 632

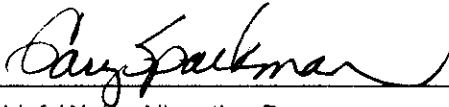
WATER RIGHT NO. 45-13628
As Modified by Transfer No. 71248

CONDITIONS OF APPROVAL

1. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. 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.
3. Use of this right with right no. 45-13787 is limited to a total combined annual diversion volume of 9,076 af.
4. 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.
5. This right is a split from former right 45-2551A.

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 31st day of August, 2004



Chief, Water Allocation Bureau