

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 37-22197
Date Received: 4/24/2008
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GARY M MCSTAY Phone: (208)788-2697
PO BOX 777
Bellevue ID USA 83313

MARI MCSTAY Phone: (208)788-2697
PO BOX 777
Bellevue ID USA 83313

2. Date of Priority: 01/26/1977

3. Source: WILLOW CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
01S	16E	10	SE	SE	SW	CAMAS	

5. Description of diverting works:

Rock check dam in stream, pump in pond, mainline to wheel lines.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.17	50.4

7. Total Quantity Appropriated is:
0.17 C.F.S. and/or 50.4 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	16E	10	SE	NE	IRRIGATION	18
			SW	SE	IRRIGATION	4
					Section Acres	22
					Total Acres	22

11. Place of use in counties: CAMAS

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This right does not authorize the irrigation of land not previously irrigated. Right 37-22198 is also diverted through the point(s) of diversion described above.

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. 37.

Water may not be diverted unless all of the prior water rights including those on the Wood River and for the storage of water in Magic Reservoir are fulfilled.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 37-2586, 37-22197, and 37-22198 when combined shall not exceed the irrigation of 764 acres.

15. Basis of Claim: License

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2008 JUN 25 PM 12 05

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

Case No. 39576

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)
)
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)
Water Rights: 37-7549 (Split)
37-22197 and 37-22198

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative Proceeding:

☒ License issued

☒ Substitution of party

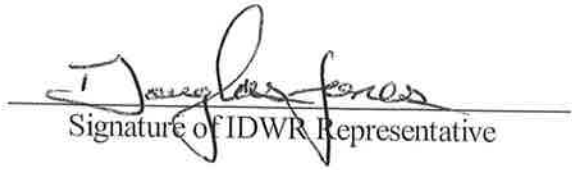
Does the change in "ownership" result in a splitting of the water right claimed? ☒ Yes ☐ No

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

6/24/08


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6/25, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required 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. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Gary McStay
Mari McStay
PO Box 777
Bellevue ID 83313

Andrea Houck
Adam Clingerman
Pasquale Miele
Sebastian Nardecchia
2411 Old Crow Rd
San Ramon CA 94583

Everett Coates Estate
Rt 1 Box 1140
Fairfield ID 83327



Signature of person or attorney mailing the form

04/25/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-7549	EVERETT COATES ESTATE RT 1 BOX 1140 FAIRFIELD ID 83327	Disallowed	Recommended as 37-22197 & 37-22198

04/25/2008

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

RIGHT NUMBER: 37-22197

NAME AND ADDRESS: GARY M MCSTAY
PO BOX 777
Bellevue ID 83313

MARI MCSTAY
PO BOX 777
Bellevue ID 83313

SOURCE: WILLOW CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.170 CFS
50.40 AFY

Rights 37-2586, 37-22197, and 37-22198 when combined shall not exceed the irrigation of 764 acres.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 01/26/1977

POINT OF
DIVERSION:

T01S R16E S10 SESESW Within CAMAS County
Right 37-22198 is also diverted through the point(s) of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.170 CFS 50.40 AFY

PLACE OF USE:

IRRIGATION in CAMAS County

T01S R16E S10	SENE	18.00	T01S R16E S10	SWSE	4.00
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22 ACRES TOTAL

This right does not authorize the irrigation of land not previously irrigated.

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

Water may not be diverted unless all of the prior water rights including those on the Wood River and for the storage of water in Magic Reservoir are fulfilled.

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. 37.

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

04/25/2008

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

RIGHT NUMBER: 37-22198

NAME AND ADDRESS: ANDREA HOUCK
2411 OLD CROW RD
SAN RAMON CA 94583

ADAM CLINGERMAN
2411 OLD CROW RD
SAN RAMON CA 94583

PASQUALE MIELE
2411 OLD CROW RD
SAN RAMON CA 94583

SEBASTIAN NARDECCHIA
2411 OLD CROW RD
SAN RAMON CA 94583

SOURCE: WILLOW CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.880 CFS
270.30 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 37-2586, 37-22197, and 37-22198 when combined shall not exceed the irrigation of 764 acres.

PRIORITY DATE: 01/26/1977

POINT OF
DIVERSION:

T01S R16E S10 SESESW Within CAMAS County
Right 37-22197 is also diverted through the point(s) of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.880 CFS 270.30 AFY

PLACE OF USE:

IRRIGATION in CAMAS County

T01S R16E S10	SENE	17.00	T01S R16E S10	NESE	38.00
T01S R16E S10	SWSE	28.00	T01S R16E S10	SESE	35.00

118 ACRES TOTAL

This right does not authorize the irrigation of land not previously irrigated.

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

Water may not be diverted unless all of the prior water rights including those on the Wood River and for the storage of water in Magic Reservoir are fulfilled.

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.

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. 37.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

June 25, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

GARY MCSTAY
MARI MCSTAY
PO BOX 777
BELLEVUE ID 83313

RE: SRBA Claim(s) 37-7549

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,


Trish Fawcett
Technical Records Specialist

Enclosure

cc: Andrea Houck/Adam Clingerman
Pasquale Miele/Sebastian Nardecchia
2411 Old Crow Rd
San Ramon CA 94583

Everett Coates Estate
Rt 1 Box 1140
Fairfield ID 83327

04/24/2008

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

RIGHT NUMBER: 37-22197

NAME AND ADDRESS: GARY M MCSTAY
PO BOX 777
Bellevue ID 83313

MARI MCSTAY
PO BOX 777
Bellevue ID 83313

SOURCE: WILLOW CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.170 CFS
50.400 AFY

Rights 37-2586, 37-22197, and 37-22198 when combined shall not exceed the irrigation of 764 acres.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 01/26/1977

POINT OF DIVERSION:

T01S R16E S10 SESESW Within CAMAS County

Right 37-22198 is also diverted through the point(s) of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.170 CFS 50.40 AFY

PLACE OF USE: IRRIGATION in CAMAS County

T01S R16E S10	SENE	18.00	T01S R16E S10	SWSE	4.00
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22 ACRES TOTAL

This right does not authorize the irrigation of land not previously irrigated.

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

Water may not be diverted unless all of the prior water rights including those on the Wood River and for the storage of water in Magic Reservoir are fulfilled.

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. 37.

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



Idaho Department of Water Resources

SRBA Recommendation

37-22197

(IRRIGATION)

Legend

○ Point of Diversion

Place of Use



Townships



PLS Sections

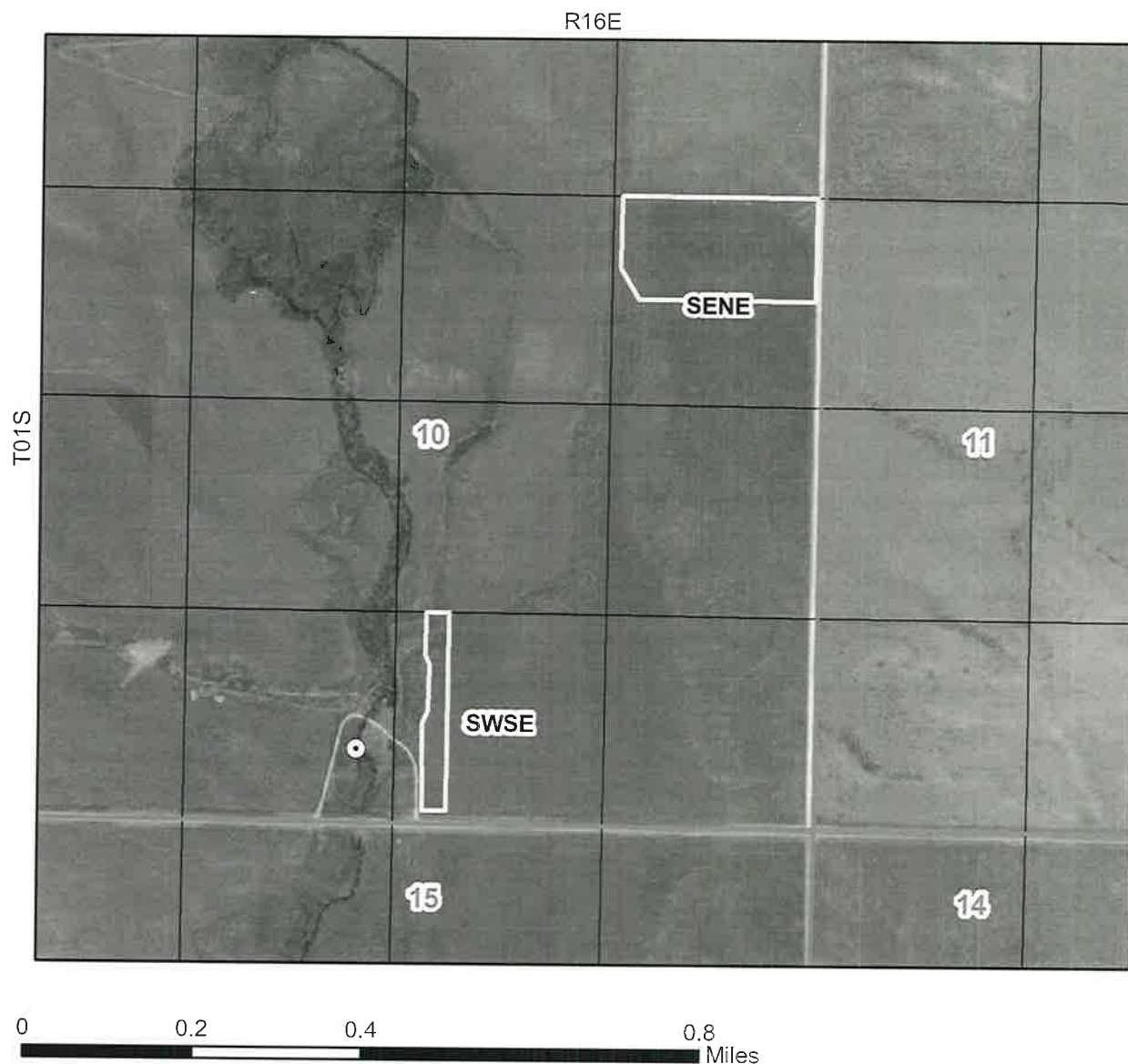


Quarter Quarters



Camas County
IDWR Basin 37

Prepared by Trish Fawcett
On Thursday, April 24, 2008
2004 Aerial Photography



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-22197

Priority: January 26, 1977

Maximum Diversion Rate: 0.17 CFS
Maximum Diversion Volume: 50.4 AF

It is hereby certified that GARY M MCSTAY and MARI MCSTAY
PO BOX 777
Bellevue ID 83313 has complied with the terms and conditions of the permit, issued
pursuant to Application for Permit dated January 26, 1977; and has submitted Proof of Beneficial Use on March 12, 1980.
An examination indicates that the works have a diversion capacity of 2.01 cfs of water from:

SOURCE

WILLOW CREEK

Tributary: CAMAS CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	0.17 CFS	50.4 AF

LOCATION OF POINT(S) OF DIVERSION:

WILLOW CREEK SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, Twp 01S, Rge 16E, B.M. CAMAS 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	
01S 16E 10				18.0											4.0		22.0

Total Acres: 22.0

CONDITIONS OF APPROVAL

1. This right does not authorize the irrigation of land not previously irrigated.
2. Water may not be diverted unless all of the prior water rights including those on the Wood River and for the storage of water in Magic Reservoir are fulfilled.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. 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. 37.
5. Right 37-22198 is also diverted through the point(s) of diversion described above.
6. Rights 37-2586, 37-22197, and 37-22198 when combined shall not exceed the irrigation of 764 acres.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 13th day of March, 2008.


for DAVID R. TUTHILL, JR.
Director