

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79409

This is to certify that: GARY M MC STAY
MARI MC STAY
PO BOX 777
BELLEVUE, ID 83313

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-22197	WR/DECREED	1/26/1977	0.170 cfs	50.4 af	22.0	22.0	WILLOW CREEK
37-2586	WR/DECREED	10/28/1955	0.910 cfs	362.6 af	N/A	514.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-22198	WR/DECREED	1/26/1977	0.880 cfs	270.3 af	118.0	118.0	WILLOW CREEK
37-22662	WR/DECREED	10/28/1955	0.450 cfs	176.4 af		250.0	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>
37-22197	NO	NO	YES	NO	NO	NO
37-2586	YES	YES	YES	NO	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>
37-22197	37-22197	0.170 cfs	50.4 af	22.0	26.0	N/A	N/A	N/A	N/A	N/A
37-2586	37-22882	0.040 cfs	18.3 af	N/A	26.0	37-2586	0.870 cfs	344.3 af	N/A	488.0
COMBINED TOTALS		0.210 cfs	68.7 af	N/A	26.0		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 79409

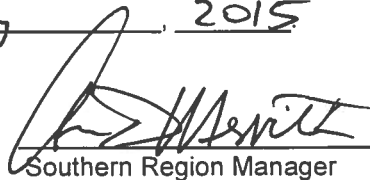
IN FILE # 37-2586

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79409

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 5th day of February, 2015


Southern Region Manager



WATER RIGHT NO. 37-2586**As Modified by Transfer No. 79409**

In accordance with the approval of Transfer No. 79409, Water Right No. 37-2586 is now described as follows:

Right Holder: EVERETT COATES ESTATE
RT 1 BOX 1140
FAIRFIELD, ID 83327

Priority Date: 10/28/1955

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
0.870 cfs
0.870 cfs

Diversion Volume
344.3 af
344.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSSE Sec 3 Twp 01S Rge 16E CAMAS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	16E	2												39.0			38.0		77.0
01S	16E	3																40.0	40.0
01S	16E	10	40.0			19.0													59.0
01S	16E	11					40.0		39.0	40.0		39.0				40.0	38.0	38.0	274.0
01S	16E	14		38.0															38.0

POU Total Acres: 488.0

CONDITIONS OF APPROVAL

1. Rights 37-2586, 37-22662, and 37-22198 when combined shall not exceed the irrigation of 738 acres.
2. 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.

WATER RIGHT NO. 37-22882 **As Modified by Transfer No. 79409**

In accordance with the approval of Transfer No. 79409, Water Right No. 37-22882 is now described as follows:

Right Holder: GARY M MC STAY
MARI MC STAY
PO BOX 777
BELLEVUE, ID 83313

Priority Date: 10/28/1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.040 cfs	18.3 af
			0.040 cfs	18.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec 10 Twp 01S Rge 16E CAMAS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	16E	10												1.0		17.0	8.0		26.0

POU Total Acres: 26.0

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.37B.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
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 place of use.
4. Rights 37-22882, and 37-22197 when combined shall not exceed the irrigation of 26 acres.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 79409

WATER RIGHT NO. 37-22882
As Modified by Transfer No. 79409

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.



WATER RIGHT NO. 37-22197
As Modified by Transfer No. 79409

In accordance with the approval of Transfer No. 79409, Water Right No. 37-22197 is now described as follows:

Right Holder: GARY M MC STAY
MARI MC STAY
PO BOX 777
BELLEVUE, ID 83313

Priority Date: 1/26/1977

Source: WILLOW CREEK

Tributary: CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.170 cfs 0.170 cfs	50.4 af 50.4 af

LOCATION OF POINT(S) OF DIVERSION

WILLOW CREEK SESESW Sec 10 Twp 01S Rge 16E CAMAS County

PLACE OF USE: IRRIGATION

Twp	Rng	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												1.0		17.0	8.0		26.0

Right Acre Limit: 22.0

POU Total Acres: 26.0

CONDITIONS OF APPROVAL

1. Rights 37-22197, and 37-22882 when combined shall not exceed the irrigation of 26 acres.
2. 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. 37B.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 79409

WATER RIGHT NO. 37-22197
As Modified by Transfer No. 79409

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
8. 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.

WATER RIGHT NO. 37-22198
As Modified by Transfer No. 79409

In accordance with the approval of Transfer No. 79409, Water Right No. 37-22198 is now described as follows:

Right Holder: ADAM CLINGERMAN
PASQUALE MIELE
SEBASTIAN NARDECCHIA
ANDREA HOUCK
2411 OLD CROW CANYON RD STE 105
SAN RAMON, CA 94583

Priority Date: 1/26/1977

Source: WILLOW CREEK

Tributary: CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.880 cfs	270.3 af
			0.880 cfs	270.3 af

LOCATION OF POINT(S) OF DIVERSION

WILLOW CREEK SESESW Sec 10 Twp 01S Rge 16E CAMAS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	16E	10				17.0									38.0		28.0	35.0	118.0

Right Acre Limit: 118.0

POU Total Acres: 118.0

CONDITIONS OF APPROVAL

1. 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.
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. Right 37-22197 is also diverted through the point(s) of diversion described above.
4. 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.
5. This right does not authorize the irrigation of land not previously irrigated.

Transfer No. 79409

WATER RIGHT NO. 37-22198
As Modified by Transfer No. 79409

CONDITIONS OF APPROVAL

6. 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. 37B.
7. Rights 37-2586, 37-22662, and 37-22198 when combined shall not exceed the irrigation of 738 acres.



WATER RIGHT NO. 37-22662
As Modified by Transfer No. 79409

In accordance with the approval of Transfer No. 79409, Water Right No. 37-22662 is now described as follows:

Right Holder: ADAM CLINGERMAN
 SEBASTIAN NARDECCHIA
 PASQUALE MIELE
 2411 OLD CROW CANYON RD STE 105
 SAN RAMON, CA 94583

Priority Date: 10/28/1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.450 cfs	176.4 af
			0.450 cfs	176.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSESE Sec 3 Twp 01S Rge 16E CAMAS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	16E	10													37.0		30.0	38.0	105.0
01S	16E	15	37.0	34.0	35.0	39.0													145.0

POU Total Acres: 250.0

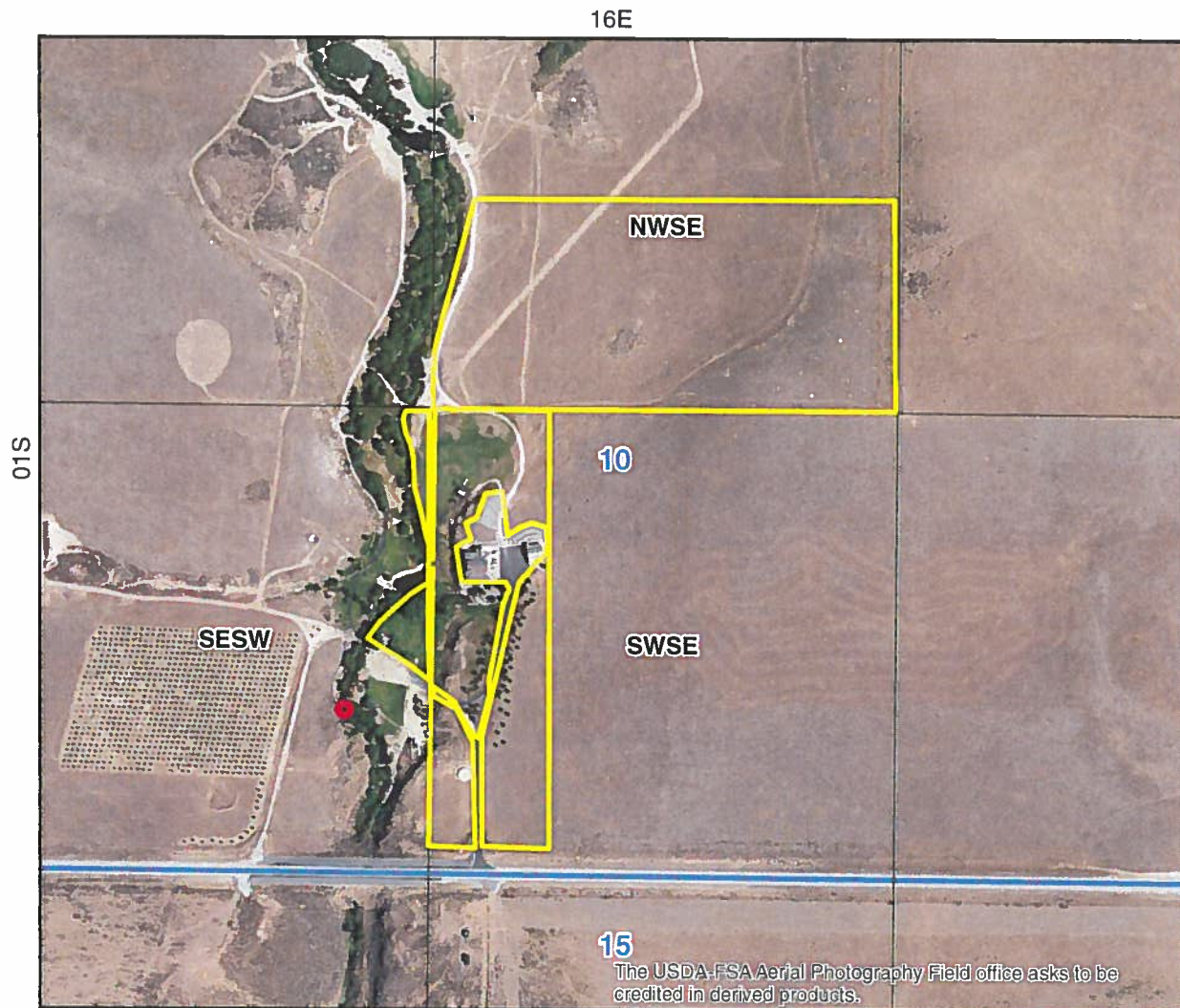
CONDITIONS OF APPROVAL

1. Rights 37-2586, 37-22662, and 37-22198 when combined shall not exceed the irrigation of 738 acres.
2. 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.

Transfer No. 79409

State of Idaho
Department of Water Resources
Attachment To Transfer No. 79409
Right: 37-22197

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



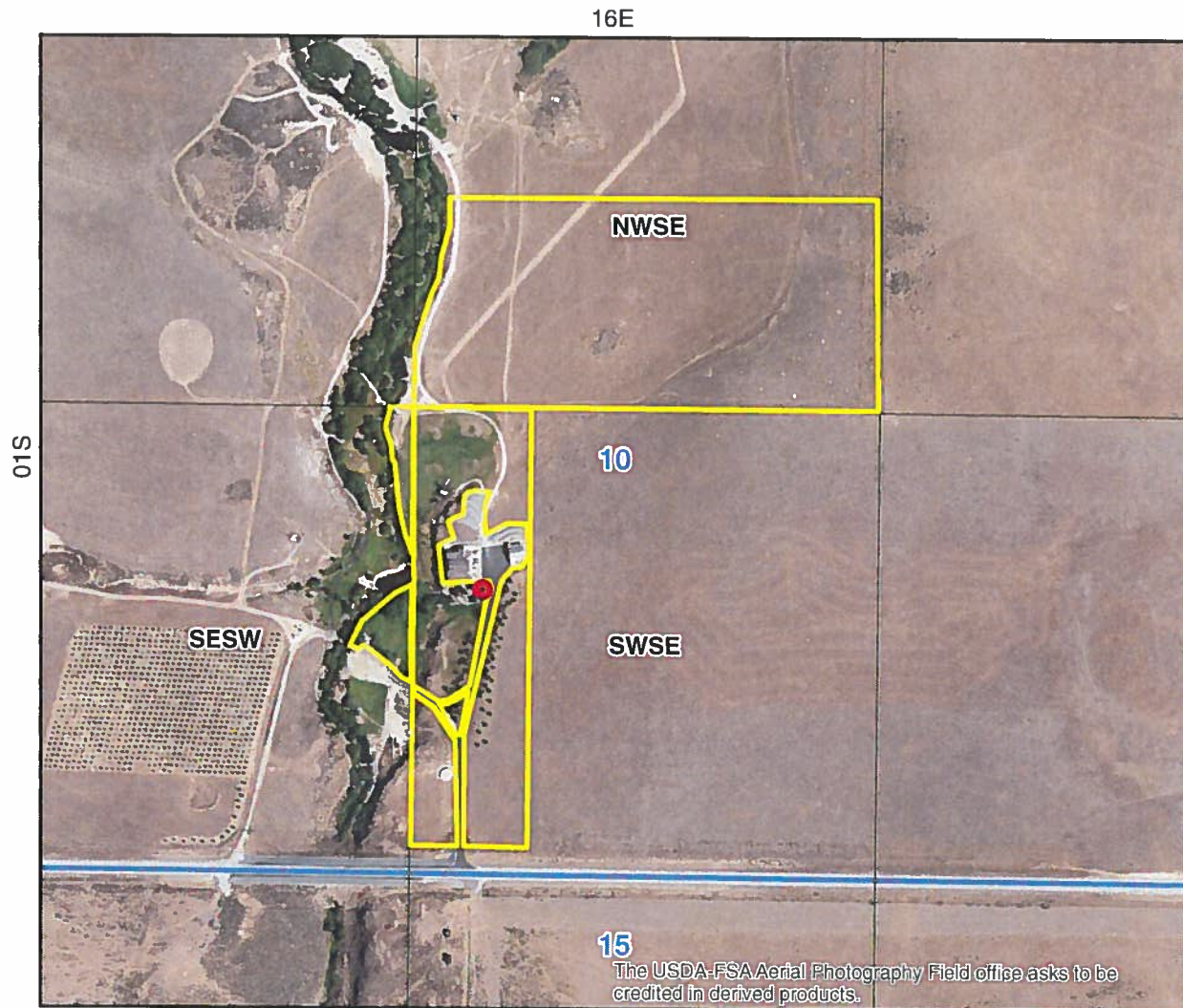
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer No. 79409
Right: 37-22882

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



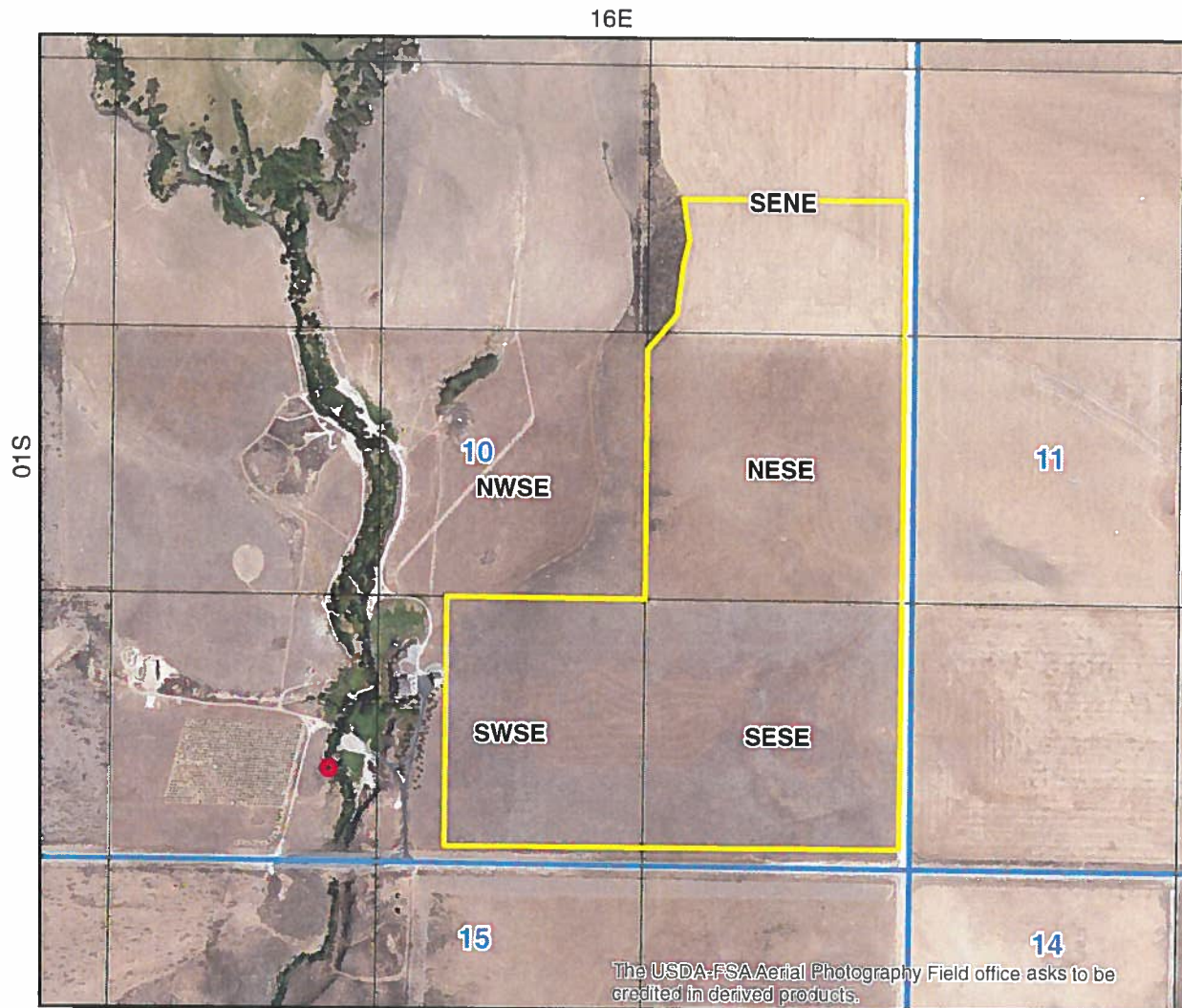
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer No. 79409
Right: 37-22198

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



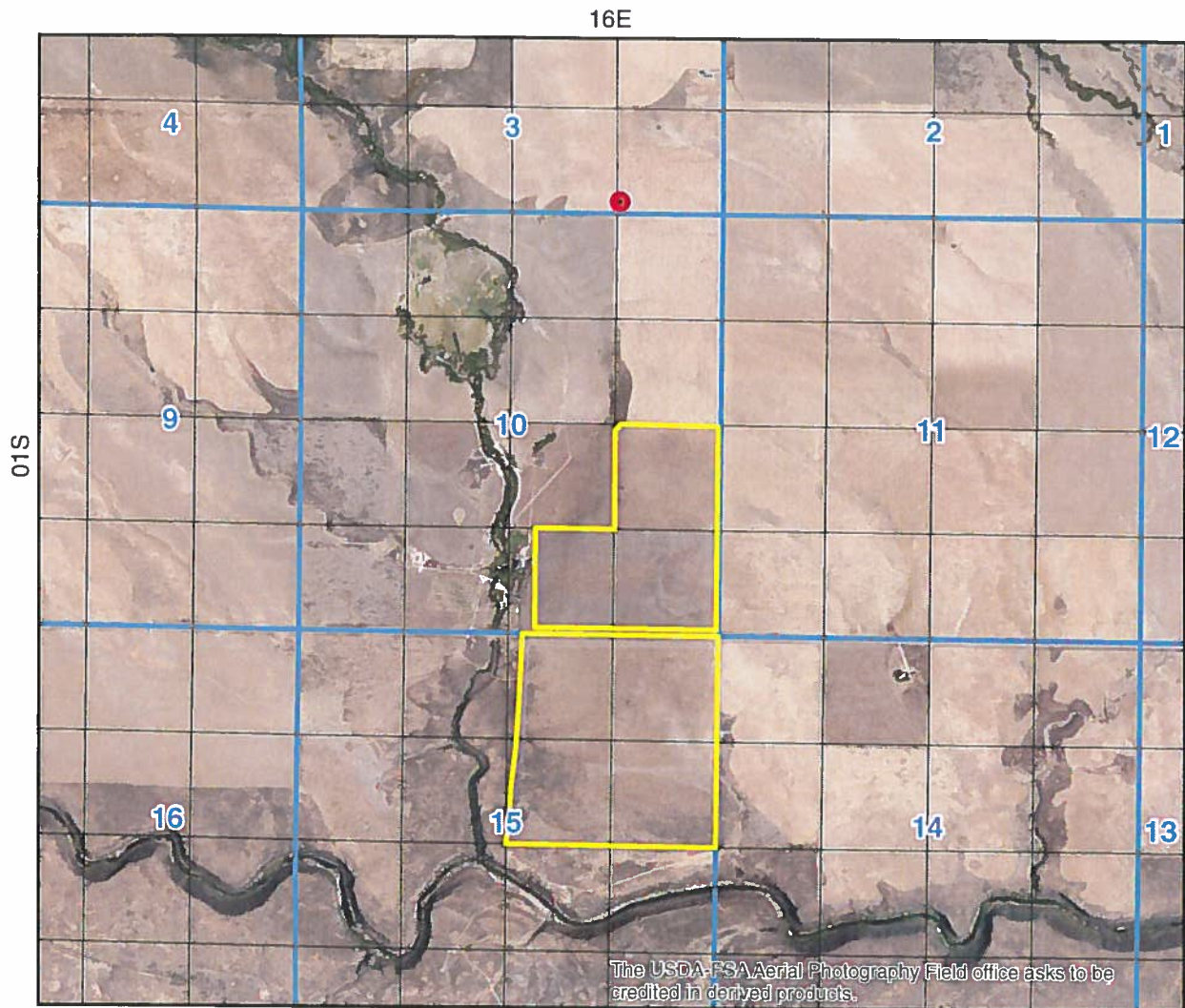
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.1 0.2 0.4 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer No. 79409
Right: 37-22662

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



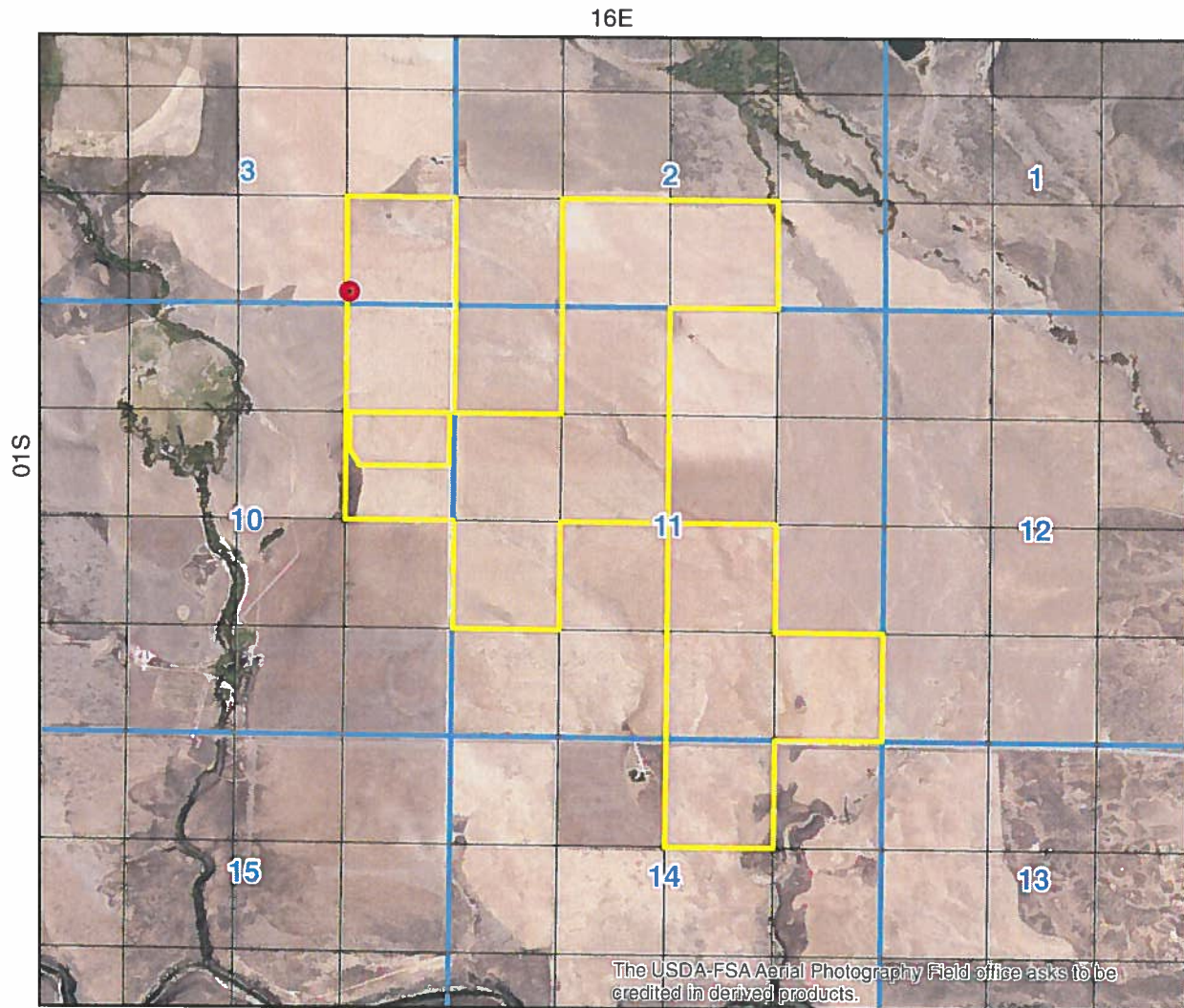
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.275 0.55 1.1 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer No. 79409
Right: 37-2586

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.25 0.5 1 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 5, 2015

GARY M MC STAY
MARI MC STAY
PO BOX 777
BELLEVUE ID 83313

Re: Transfer No: 79409
Water Right No(s): 37-2586, 37-22197, 37-22198, 37-22662

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is fluid and cursive, with a large initial "A" and "M".

Allen Merritt
Southern Regional Manager

Enclosure

cc:

EVERETT COATES ESTATE
ADAM CLINGERMAN
PASQUALE MIELE
SEBASTIAN NARDECCHIA
ANDREA HOUCK

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79409

Water Right No(s): 37-2586, 37-22197, 37-22198, 37-22662

**GARY M MC STAY
MARI MC STAY
PO BOX 777
BELLEVUE ID 83313**

**EVERETT COATES ESTATE
RT 1 BOX 1140
FAIRFIELD, ID 83327**

**ADAM CLINGERMAN
SEBASTIAN NARDECCHIA
PASQUALE MIELE
ANDREA HOUCK
2411 OLD CROW CANYON RD STE 105
SAN RAMON, CA 94583**

A handwritten signature in dark ink, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUCK" OTTER
Governor

GARY SPACKMAN
Director

February 5, 2015

RUSTY KRAMER WATERMASTER
WATER DISTRICT # 37-B
PO BOX 591
FAIRFIELD, ID 83327

Re: **Approved Transfer No. 79409 (Gary & Mari McStay)**

Dear Mr. Kramer:

For your information and records, we have enclosed a copy of the above referenced APPROVED Application(s) for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure

MEMORANDUM

Date: January 9, 2015
To: Transfer 79409 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the place of use of a 0.17 cfs water right diverted from Willow Creek and changing the point of diversion and place of use of a 0.04 cfs portion of a groundwater right with both rights currently being appurtenant to land located approximately 13.0 miles east and 0.6 miles north of the intersection of U.S. Highway 20 and Soldier Road in Fairfield. The proposed new place of use for both rights will consist of land located approximately 12.5 miles east and 0.2 miles north of the intersection of U.S. Highway 20 and Soldier Road in Fairfield. The proposed change in point of diversion for the groundwater right consists of changing from the currently authorized well located approximately 13.0 miles east and 1.0 miles north of the intersection of U.S. Highway 20 and Soldier Road in Fairfield to the new authorized location consisting of an existing well located approximately 12.5 miles east and 0.15 miles north of the intersection of U.S. Highway 20 and Soldier Road in Fairfield. The property and points of diversions involved with the application are located within Water District 37-B so watermaster comments were requested and approval was given along with instructions that measuring devices be installed. Water rights 37-22662 and 37-22197 were added to this transfer as associated rights to update condition X35 to reflect a previous missed ownership change and this current transfer.

- **Authority to File:**
Applicant submitted a Quitclaim Deed for a portion of water right 37-2586 and a Warranty Deed showing that the applicants owns the proposed place of use. The applicant is listed as current owner on IDWR records for water right 37-22197.
- **Water Right Validity:**
The rights involved with the transfer were reviewed as part of the SRBA and water right 37-2586 was decreed in 2010 and water right 37-22197 was decreed in 2009.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. Water rights are limited to a total of 26 acres when combined.
- **Local Public Interest:**
Application was subject to public notice and protest. No protests were received.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
No issues anticipated
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

DEC 23 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO)

SS.

County of Camas)

Edward Reagan being first duly sworn, deposes and says that he/she is the designated agent for the publisher of The Camas Courier, a newspaper published every week in Fairfield, County of Camas, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145, that the annexed advertisement, a copy of which is hereto attached, was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 15th day of October, 2014, and the date of the last publication was on the 22nd day of October, 2014.

Edward R. Rouse

On this 19 day of December, in the year of 2014 before me,
a Notary Public, personally appeared Edward Reagon,
known or identified to me to be the person whose name subscribed to the within
instrument, and being by me first duly sworn, declared that the statements therein
are true, and acknowledged to me that he/she executed the same.

BOBBIE WALTON
NOTARY PUBLIC
STATE OF IDAHO

Bobbie Walter

Notary Public for Idaho

Residing in Fairfield

My commission expires: 4-22-17

Cost of Publication

Number of lines in notice 64
Number of runs 2

Cost for advertisement: First run	\$	<u>51.20</u>
Additional runs	\$	<u>44.80</u>
Total Cost	\$	96.00

Legal ad rates:
1st or single run - \$ 0.80 pcl
Additional run - \$0.70 pcl
(pcl - per column line)

Mail payment to:

THE CAMAS COURIER
Post Office Box 339
Fairfield, Idaho 83327



Busy B's Indoor Flea Market

at the Billingsley Creek Barn in Hagerman
(17986 Hwy 30 ~ 1/2 mile north of Hagerman)

Great gift items available from our many venders
Fresh breads, Handmade Hats, Crochet & Knit items

Handmade Shoes & Slippers

Jams & Jellies, Jewelry, and novelties

Breakfast and Lunch served all day

Venders needed: call Bill 358-1409

LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES

T.S. No. 017405-ID NOTICE OF TRUSTEE'S SALE On 2/10/2015 at 2:00 PM (recognized local time), AT THE CAMAS COUNTY COURTHOUSE FRONT STEPS, 501 SOLDIER ROAD, FAIRFIELD, ID 83327, in the County of Camas, CASPER J. RANKIN, ESQ., a member of the State Bar of Idaho, of PITE DUNCAN, LLP, as trustee, will sell at public auction, to the highest bidder, for cash, in lawful money of the United States, all payable at the time of sale, the following described real property, situated in the County of Camas, State of Idaho, and described as follows, to wit LOT 8 BLOCK 2 OF DURALL ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED AS INSTRUMENT NO. 42225, RECORDS OF CAMAS COUNTY, IDAHO. The Trustee has no knowledge of a more particular description of the above referenced real property, but for purposes of compliance with Idaho Code Section 60-113, the Trustee has been informed that the address of: 343 ALTURUS AV W, FAIRFIELD, ID 83327, is commonly associated with said real property. Said sale will be made without covenant or warranty, express or implied, regarding title, possession or encumbrances to satisfy the obligation secured by and pursuant to the power of sale conferred in the Deed of Trust executed by HELEN B. ROUSSOS, A SINGLE PERSON as Grantor(s), to FIRST AMERICAN TITLE COMPANY as Trustee, for the benefit and security of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR CITIBANK, N.A., ITS SUCCESSORS AND ASSIGNS as Beneficiary, dated 9/13/2007, recorded 9/24/2007, as Instrument No. 2007-080957, official records of Camas County, Idaho. Please note: The above named Grantors are named to comply with Idaho Code Section 45-1506(4)(a); no representation is made that they are, or are not, presently responsible for the obligation. The default for which this sale is to be made is the failure to make monthly payments when due from 7/18/2013 and all subsequent monthly payments thereafter, including installments of principal, interest, impounds, advances, plus any charges lawfully due under the note secured by the aforementioned Deed of Trust, Deed of Trust and as allowed under Idaho Law. The sum owing on the obligation secured by said Deed of Trust as of 10/7/2014 is \$65,856.33, including interest, costs, fees, including trustee and/or attorney fees and costs, and expenses actually incurred in enforcing the obligation thereunder or in this sale and to protect the security associated with the Deed of Trust, as authorized in the Note, Deed of Trust or as allowed under Idaho Law. Because interest, late charges, fees, costs and expenses continue to accrue, the total amount due varies from day to day. Hence, if you pay the amount shown above, an adjustment may be necessary after receipt of funds to satisfy the debt. For further information, write the Trustee at 4375 Jutland Drive, Ste. 200, San Diego, CA 92117, or call (858)750-7600 DATED: 10/6/14

LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES

SUMMARY OF ORDINANCE NO. 258

ORDINANCE OF THE CITY OF FAIRFIELD, CAMAS COUNTY, IDAHO, AMENDING ZONING ORDINANCE #223 CHAPTER 9 PERMITS, SECTION 1.4 APPEALS BY ADDING LANGUAGE FOR A RECONSIDERATION HEARING; WHILE PROVIDING A SEVERABILITY CLAUSE AND EFFECTIVE DATE.

The following is a summary of Ordinance No. 258, passed by the City Council of the City of Fairfield, Camas County, Idaho, on October 9, 2014;

SECTION 1: Amends Section 9-1.4 of the Fairfield Zoning Ordinance #223, relating to appeals and requests for hearing, by clarifying appeal timelines and procedures, and adding a procedure for reconsideration hearing.

SECTION 2: Provides a severability clause.

SECTION 3: Provides a repealer clause.

SECTION 4: Establishes the effective date.

The full text of Ordinance No. 258 is on file at Fairfield City Hall and is available for public inspection during normal business hours.

Scott Marolf, Mayor

Attest: Mickey Dalin, City Clerk

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 79409

GARY M MC STAY and MARI MC STAY, PO BOX 777, Bellevue, ID 83313; has filed Application No. 75409 for changes to the following water rights within CAMAS County(s): Right No(s). 37-22197, 37-2586; to see a full description of these rights and the proposed transfer, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the place of use of a 0.17 cfs water right diverted from Willow Creek and changing the point of diversion and place of use of a 0.04 cfs portion of a groundwater right with both rights currently being appurtenant to land located approximately 13.0 miles east and 0.6 miles north of the intersection of U.S. Highway 20 and Soldier Road in Fairfield. The proposed new place of use for both rights will consist of land located approximately 12.5 miles east and 0.2 miles north of the intersection of U.S. Highway 20 and Soldier Road in Fairfield. The proposed change in point of diversion for the groundwater right consists of changing from the currently authorized well located approximately 13.0 miles east and 1.0 miles north of the intersection of U.S. Highway 20 and Soldier Road in Fairfield to the new authorized location consisting of an existing well located approximately 12.5 miles east and 0.15 miles north of the intersection of U.S. Highway 20 and Soldier Road in Fairfield.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before November 3, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

published on October 15th & 22nd, 2014

✓ OK DM 12/24/2014

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED

OCT 16 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 79409

Water Right No(s). 37-2586, 37-22197

Applicant's Name: GARY McSTAY
MARI McSTAY
PO BOX 777
BELLEVUE, ID 83313

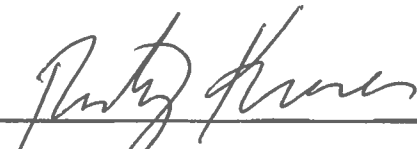
Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:

d) ☒ Additional comments: *Measuring device will need to be installed on well asap and creek pump whenever surface water goes out.*

Dated this 15 day of October, 2014

Water District No. 37-B


Watermaster's Signature

Rusty Kramer
Printed Name