

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74712

This is to certify that: GARY MC STAY And MARI MC STAY
 PO BOX 777
 BELLEVUE ID 83313
 (208)764-2161

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>
37-21829	WR/Decreed	05/01/1888	0.93 cfs	N/A		45.0	WILLOW CREEK
37-21831	WR/Decreed	06/10/1900	0.3 cfs	N/A		45.0	WILLOW CREEK
37-22197	WR/Decreed	01/26/1977	0.17 cfs	50.4 af	22.0	22.0	WILLOW CREEK

Associated Water Right Also Included in Transfer Approval (Conditions Updated)

<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	NO	NO	NO	NO

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>
37-21829	NO	YES	YES	YES	NO	NO
37-21831	NO	YES	YES	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>
37-21829	37-21829	0.93 cfs	N/A	45.0	128.4		N/A	N/A	N/A	N/A
37-21831	37-21831	0.3 cfs	N/A	45.0	128.4		N/A	N/A	N/A	N/A

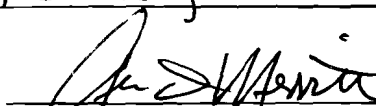
COMBINED

TOTALS	1.23 cfs		45	128.4		N/A	N/A	N/A	N/A
---------------	-----------------	--	-----------	--------------	--	------------	------------	------------	------------

Detailed Water Right Description(s) attached

Dated this 28th day of February, 20 11

SUPPORT DATA


 Southern Region Manager

IN FILE # 37-21829

WATER RIGHT NO. 37-21829
As Modified by Transfer No. 74712

In accordance with the approval of Transfer No. 74712, Water Right No. 37-21829 is now described as follows.

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

And

MARI MC STAY
PO BOX 777
BELLEVUE ID 83313

Priority Date: May 01, 1888

Source: WILLOW CREEK

Tributary: CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	0.93 CFS

LOCATION OF POINT(S) OF DIVERSION:

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

WILLOW CREEK SESESW Sec. 10 Twp 01S Rge 16E 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									40.0			39.0		40.0	9.4		128.4

Total Acres: 128.4

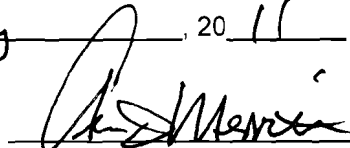
WATER RIGHT NO. 37-21829
As Modified by Transfer No. 74712

CONDITIONS OF APPROVAL

1. Rights 37-21829 and 37-21831 when combined shall not exceed a total diversion rate of 1.23 cfs, and the irrigation of 45 acres.
2. Right 37-22197 is also diverted through the point of diversion located in the SESESW of Section 10, Township 01 South, Range 16 East.
3. 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
4. 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).
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.
9. Rights 37-21828 and 37-21831 are limited to the irrigation of a specific 45.0 acres within the 128.4 acre place of use authorized by this right in a single irrigation season. The specific 45.0 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 45.0 acres to be irrigated within the 128.4 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

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 28th day of February, 2011


Southern Region Manager

WATER RIGHT NO. 37-21831
As Modified by Transfer No. 74712

In accordance with the approval of Transfer No. 74712, Water Right No. 37-21831 is now described as follows.

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

And

MARI MC STAY
PO BOX 777
BELLEVUE ID 83313

Priority Date: June 10, 1900

Source: WILLOW CREEK

Tributary: CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	0.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

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

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

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
01S	16E	10								40.0				39.0			40.0	9.4	128.4

Total Acres: 128.4

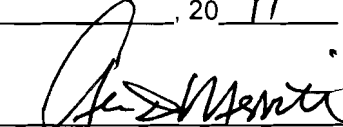
WATER RIGHT NO. 37-21831
As Modified by Transfer No. 74712

CONDITIONS OF APPROVAL

1. Rights 37-21829 and 37-21831 when combined shall not exceed a total diversion rate of 1.23 cfs, and the irrigation of 45 acres.
2. Right 37-22197 is also diverted through the point of diversion located in the SESESW of Section 10, Township 01 South, Range 16 East.
3. 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
4. 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).
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.
9. Rights 37-21828 and 37-21831 are limited to the irrigation of a specific 45.0 acres within the 128.4 acre place of use authorized by this right in a single irrigation season. The specific 45.0 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 45.0 acres to be irrigated within the 128.4 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

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 28th day of February, 2011


Southern Region Manager

WATER RIGHT NO. 37-22197
As Modified by Transfer No. 74712

In accordance with the approval of Transfer No. 74712, Water Right No. 37-22197 is now described as follows.

Right Holder: GARY M MCSTAY
PO BOX 777
Bellevue ID 83313

And

MARI MCSTAY
PO BOX 777
Bellevue ID 83313

Priority Date: January 26, 1977

Source: WILLOW CREEK

Tributary: CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.17 CFS	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 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

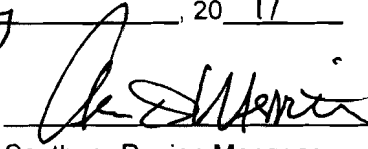
WATER RIGHT NO. 37-22197
As Modified by Transfer No. 74712

CONDITIONS OF APPROVAL

1. This right does not authorize the irrigation of land not previously irrigated.
2. Rights 37-21829, 37-21831, and 37-22198 also diverted through the point of diversion described above.
3. 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.
4. Rights 37-2586, 37-22197, and 37-22198 when combined shall not exceed the irrigation of 764 acres.
5. 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.
6. 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.
7. 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 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 28th day of February, 20 11



Southern Region Manager

State of Idaho
Department of Water Resources

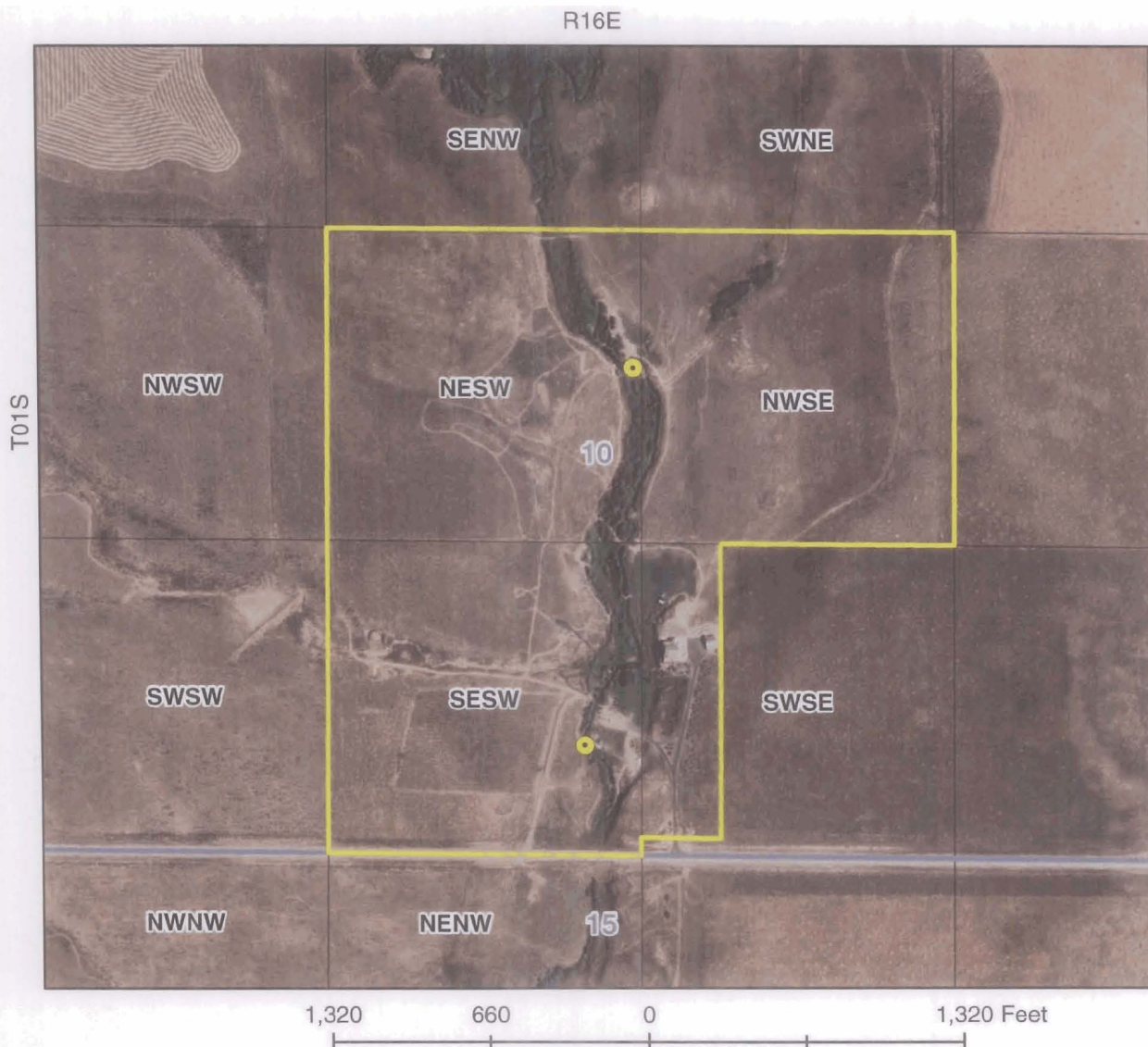
Attachment To Transfer Of Water Right

Transfer No. 74712

Rights: 37-21829, 37-21831

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

NOTE: These rights are limited to irrigation of no more than 45 acres in any one season within this boundary.
The location of the 45 acres must be provided to IDWR prior to use.



Legend

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

