

RECEIVED

MAY 21 2009

Department of Water Resources
Adjudication Bureau

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 20 2009

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

By _____ Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

)
) Water Right Nos.: 37-21829 & 37-21831
) (McStay)

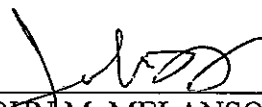
)
) ORDER OF PARTIAL DECREES
)
)

On December 5, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 37, Part II, Reporting Area 16, for Irrigation and Other Water Rights*, which included recommendations for the above named water rights. No objections were filed and the time period for filing objections has expired.

On June 22, 2007, the Idaho Department of Water Resources filed an *Amended Notice of Completed Administrative Proceeding and Amended Director's Reports* notifying the Court of a substitution of party in each of the above named water rights. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that the above-captioned water rights be decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED May 20, 2009.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 37-21829

NAME AND ADDRESS: GARY MC STAY
MARI MC STAY
PO BOX 777
BELLEVUE, ID 83313

SOURCE: WILLOW CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 0.93 CFS

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION: T01S R16E S03 SWSESW Within Camas County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.93 CFS

PLACE OF USE:	Irrigation	Within Camas County
	T01S R16E S10 NESW 15.0	NWSE 30.0
	45.0 Acres Total	

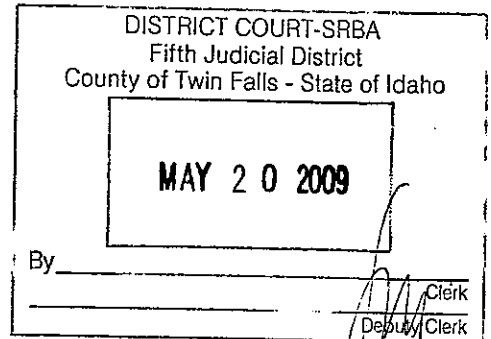
The rights listed below are limited to the irrigation of a combined total of 45 acres in a single irrigation season.
Combined Right Nos.: 37-21829 and 37-21831.

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

This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

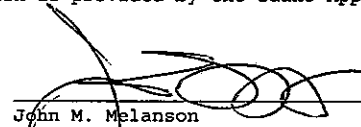
Basin 37 General Provision No. 1.A or 1.B, the separate streams general provision, shall only apply to water rights that are partially decreed in the Snake River Basin Adjudication.

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. I.C. SECTION 42-1412(6).



RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21831

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 20 2009

By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: GARY MC STAY
MARI MC STAY
PO BOX 777
BELLEVUE, ID 83313

SOURCE: WILLOW CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 0.30 CFS

PRIORITY DATE: 06/10/1900

POINT OF DIVERSION: T01S R16E S03 SWSESW Within Camas County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.30 CFS

PLACE OF USE:	Irrigation	Within Camas County
	T01S R16E S10 NESW 15.0	NWSE 30.0
	45.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 45 acres in a single irrigation season.
Combined Right Nos.: 37-21829 and 37-21831.

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

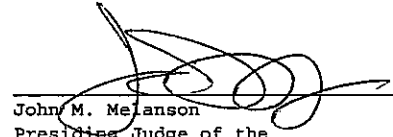
This water right shall be administered as being from a separate
source pursuant to Basin 37 Part 2 General Provision No. 1.A or
1.B. If the holder of this right seeks to change the right
pursuant to Idaho Code Sec. 42-222 or successor statute, nothing
in this general provision shall preclude any other person or
entity from demonstrating that such a change in use would cause
injury to its water right or from receiving any relief provided
by law in the event of injury.

Basin 37 General Provision No. 1.A or 1.B, the separate streams
general provision, shall only apply to water rights that are
partially decreed in the Snake River Basin Adjudication.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on May 20, 2009, with sufficient first-class postage to the following:

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

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098


Deputy Clerk