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MAY 14 2009

DEPARTMENT OF
WATER RESOURCES

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

MAY 13 2009

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

Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

)
) Water Right: 37-22197
) (McStay)
)
) ORDER OF PARTIAL DECREE
)
)

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 recommendation for water right 37-07549. No objections were filed and the time period for filing objections has expired.

On June 25, 2008, the Idaho Department of Water Resources filed a *Notice of Completed Administrative and Amended Director's Report* notifying the Court that water right 37-07549 had been split into water rights 37-22197 and 37-22198. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

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

DATED

May 13, 2009

JOHN M. MELANSON

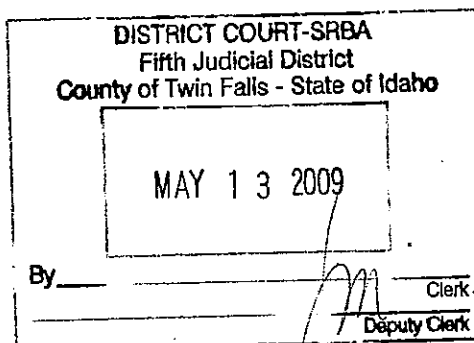
Presiding Judge

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 37-22197



NAME AND ADDRESS: GARY M MCSTAY
MARI MCSTAY
PO BOX 777
BELLEVUE, ID 83313

SOURCE: WILLOW CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 0.17 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:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.17 CFS
			50.40 AFY

PLACE OF USE:	Irrigation	Within Camas County
	T01S R16E S10	SENE 18.0
	22.0 Acres Total	SWSE 4.0

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 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

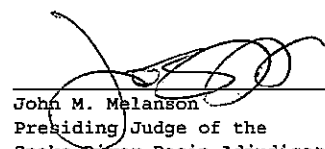
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

2009 MAY 13 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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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CERTIFICATE OF MAILING

Water Right(s): 37-22197

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 37-22197 was mailed
on May 13, 2009, with sufficient first-class postage prepaid
to the following:

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

GARY M MCSTAY
MARI MCSTAY
PO BOX 777
BELLEVUE, ID 83313

JULIE MURPHY
Chief Deputy Clerk