



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

09/17/2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

GARY M MCSTAY
MARI MCSTAY
PO BOX 777
BELLVUE ID 83313

RE: Water Right Permit No. 37-22197

Dear Permit Holder(s):

The Department of Water Resources (Department) is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ X Point(s) of Diversion

☒ X Place(s) of Use

☐ Other

On March 2, 2005, an Assignment of Permit was received by the Department to change the ownership of a portion of water right permit no. 37-7549 to Gary M. and Mari McStay. That portion included 20.0 acres in the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, T. 1S, R. 16E and 9.5 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, T. 1S, R. 16E. A beneficial use field examination was subsequently completed by the Department to determine the extent to which the permit was developed. The field examiner found the extent of beneficial use under this portion of the permit to be 18.0 acres in the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, T. 1S, R. 16E and 4.0 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, T. 1S, R. 16E. The Department is required to license water rights as developed under the terms of the permit. The enclosed Application for Amendment reflects the actual development under the permit.

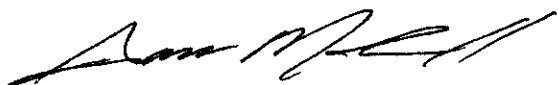
The Assignment of Permit is being treated as a change in ownership of the water right where the distribution of acreage under this right is based on land ownership. Since the original permit was split into two water rights, the portion assigned to Gary M. and Mari McStay is given a new water right number, 37-22197. The water right will be licensed as indicated on the Application for Amendment for Licensing Purposes with this number.

Application for Amendment of Permit No. 37-7549 was received by the Department on November 15, 2006. Changes to a water right subsequent to benchmark established by the license can be accomplished through the transfer process. After the licensing of a water right, a transfer can be used to change the place of use, change or add a point of diversion, change the nature of use, or change the period of use of a water right. Signature on the Application for Amendment for Licensing Purposes will be interpreted as a withdrawal of the existing Application for Amendment of a Permit.

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee by October 17, 2007.

If you have any questions, please call me at (208) 287-4943.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Marshall', with a stylized flourish at the end.

Aaron Marshall
Sr. Water Resource Agent

Enclosure(s)