

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-22197

WATER RIGHT NUMBER: 37-22197

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	EVERETT COATES C/O DAVID COATES PO BOX 322 GOODING, ID 83330 (208)934-5174
Current Owner	GARY M MCSTAY PO BOX 777 Bellevue, ID 83313 (208)788-2697
Current Owner	MARI MCSTAY PO BOX 777 Bellevue, ID 83313 (208)788-2697

Priority Date: 01/26/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.170 CFS	50.40 AF
	<u>Total Diversion:</u>	0.170 CFS	50.40 AF

Location of Point(s) of Diversion

WILLOW CREEK	SE1/4SE1/4SW1/4	Sec. 10, Twp 01S, Rge 16E, B.M.
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

Conditions of Approval:

1. 074 This right does not authorize the irrigation of land not previously irrigated.
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. R63 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-22197

4. X36 Right 37-22198 is also diverted through the point(s) of diversion described above.
5. R05 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. X35 Rights 37-2586, 37-22197, and 37-22198 when combined shall not exceed the irrigation of 764 acres.

Remarks:Comments:

1. amarshall 8/28/2007 POU
Comment: Updated Shape

2. amarshall 8/28/2007 POD
Comment: Updated shape

3. amarshall 8/28/2007 Licensing Review

Comment: Chronology of Events:

Permit 37-7549 approved, March 28, 1977, priority date: January 26, 1977, use: irrigation, 320 acres, 4.0 cfs, June 1 to November 1 (154 days), measuring device, access port, or certified measurement required under conditions of approval. Proof of Beneficial Use received, March 10, 1980.

Examination Fee Information and appropriate fee (\$175) received, December 8, 1986: indicates the extent of use is 160 acres, requests 3.2 cfs.

Assignment of Permit to McStay, March 2, 2005.

Field Examination completed by Jim Stanton, June 14, 2005. Diversion not measured but should have been as required by permit condition (ref: Rule 035.02.d and Rule 040.04 of Beneficial Use Examination Rules), theoretical capacity of pump calculated at 2.01 cfs, flow calculated based on theoretical sprinkler head capacity at 1.05 cfs, volume recommendation based on 1.05 cfs flow calculation.

Assignment of Permit to Clingerman, et al, November 15, 2006.

Application for Amendment of Permit received, November 15, 2006.

Field Report prepared by Jim Stanton, November 22, 2006, recommends: 141.0 acres, 1.05 cfs, 320.7 AFA.

Processing Notes:

Based on recent conversations with Shelley Keen and Jeff Peppersack, processing will or has proceeded as follows:

- Accepted permit assignments
- Split permit based on assignments
- Split created WR Nos. 37-22197 (McStay) and 37-22198 (Clingerman et al)
- Licensing amendments drafted for WR Nos. 37-22197 and 37-22198 based on field examination since permitted point of diversion differs from developed point of diversion
- Deny Application for Amendment of Permit, transfer application should be submitted instead
- Licenses can be issued without measurements

Licensing Amendments:

37-22197: 22.0 acres (based on satellite imagery)
0.17 cfs (22.0 acres x (1.05 cfs/140.0 acres))
50.4 AFA ((320.7 AFA/140.0 acres) x 22.0 acres)

37-22198: 118.0 acres (based on satellite imagery)
0.88 cfs (118.0 acres x (1.05 cfs/140.0 acres))
270.3 AFA ((320.7 AFA/140.0 acres) x 118.0 acres)

4. amarshall 9/27/2007 Ownership Split

Comment: Water right nos. 37-22197 and 37-22198 were split from water right permit no. 37-7549.

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Water Right Report 37-22197

Dates and Other Information:

Licensed Date: 3/6/2008
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector: And
 Water District Number: 37
 Generic Max Rate Per Acre: 0.02
 Generic Max Volume Per Acre: 3.5
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		765
Combined Water Rights: 37-2586 , 37-22197 , 37-22198		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.05	320.7	
Combined Water Rights: 37-22197 , 37-22198		

Water Supply Bank: