

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-00604D**

Date Received: 10/26/1988

Receipt No: X777777

Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: MARGARET E KACALEK 208-788-4152
Address: PO BOX 562
BELLEVUE ID 83313

2. Date of Priority: JUN 3, 1887

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	18E	12	NW	SE	SW		BLAINE

5. Description of diverting works:
DIVERSION DAM, HEADGATE, CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.532		

7. Total Quantity Appropriated is:
0.532 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	22	SE	NE		IRR	20.0

Section Acres 20.0

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10. Place of Use: Continued

Total Acres 20.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-07775D

14. Remarks:

CLAIM SPLIT ON 5-2-95 BASED UPON AN ASSIGNMENT OF PERMIT FORM
* COMPLETED AND SIGNED BY ROD KEGLEY. KKC

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S. C. FROST, ET AL
Decree Plaintiff

ALTURAS WATER CO., ET AL
vs Decree Defendant

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State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT
To change the ownership of a permit

I, ROD KEGLEY (Permit Holder), hereby assign to MARGARET E. KACALEK
of _____ (Full Address)

All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. A37-00604A to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.

ASSIGNMENT OF 26.6 INCHES OF SURFACE
WATER A37-00604A FOR USE ON LAND
LOCATED SE NE SEC 22 R18E

Made this 30 day of NOV, 1993.

[Signature]
Permit Holder(s)

State of Idaho)
County of BLAINE) ss

On this 30th day of Nov., 1993, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Idaho.

Notary Public

SEAL

[Signature]
Signature

My commission expires: 8-3-98

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NOV 22 1996

11/15/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-604D

NAME AND ADDRESS: MARGARET E KACALEK
PO BOX 562
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.530 CFS

PRIORITY DATE: 06/03/1887

POINT OF DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.530 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R18E S22

SWNE

3.30

T01N R18E S22

SENE

16.70

20 ACRES TOTAL

Right Nos. 37-604D and 37-7775D are limited to the irrigation of a combined total of 20 acres in a single irrigation season.

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The place of use is located within Lot 1, Block 1, Biche Field Subdivision.



Idaho Department of Water Resources

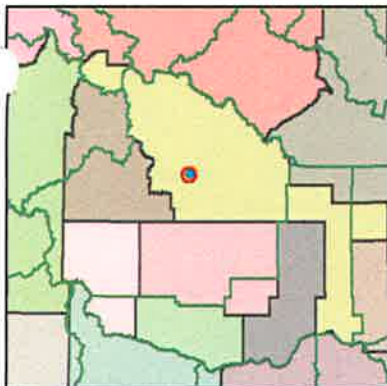
SRBA Recommendation:

37-604D

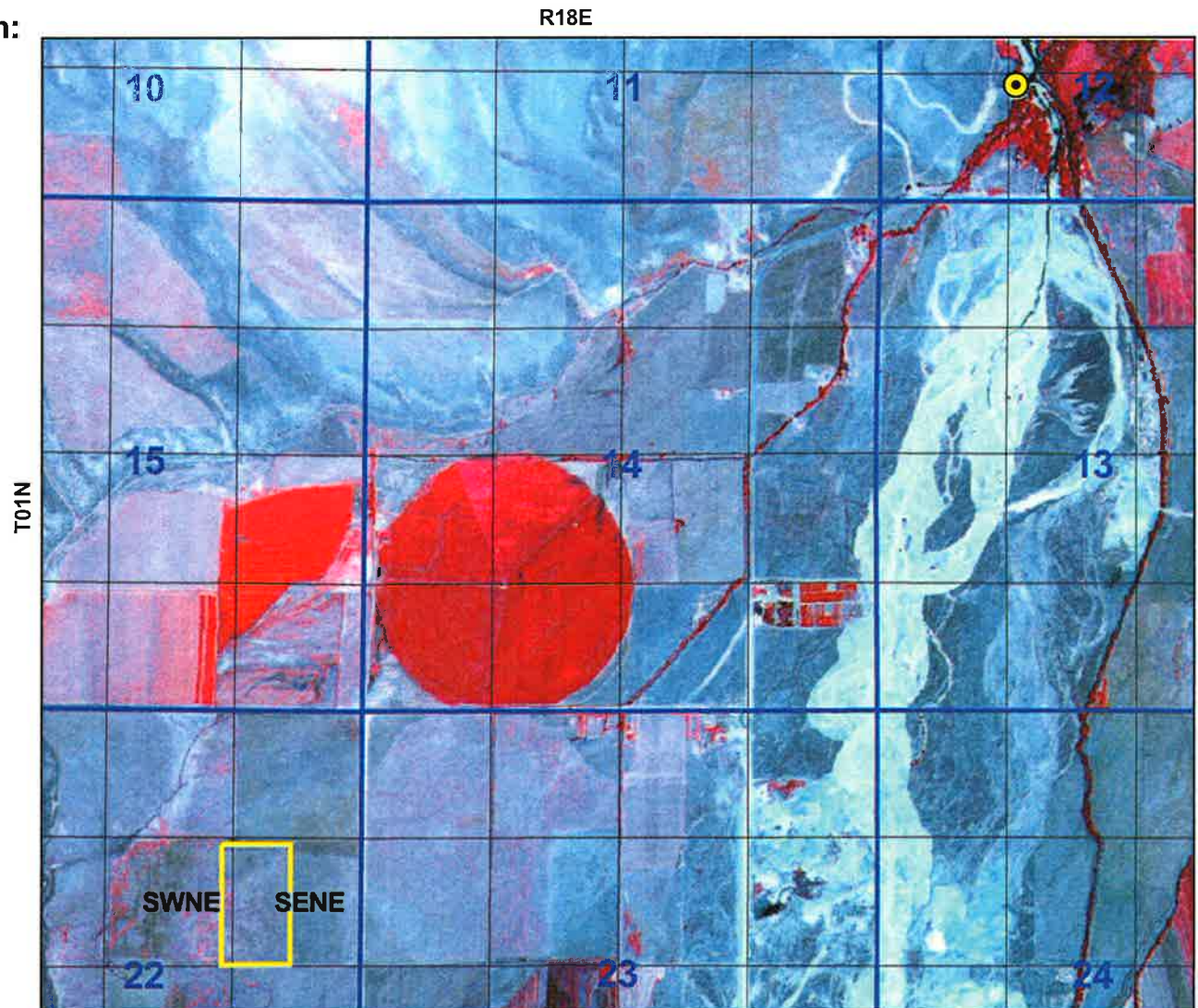
(Irrigation)

Legend

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

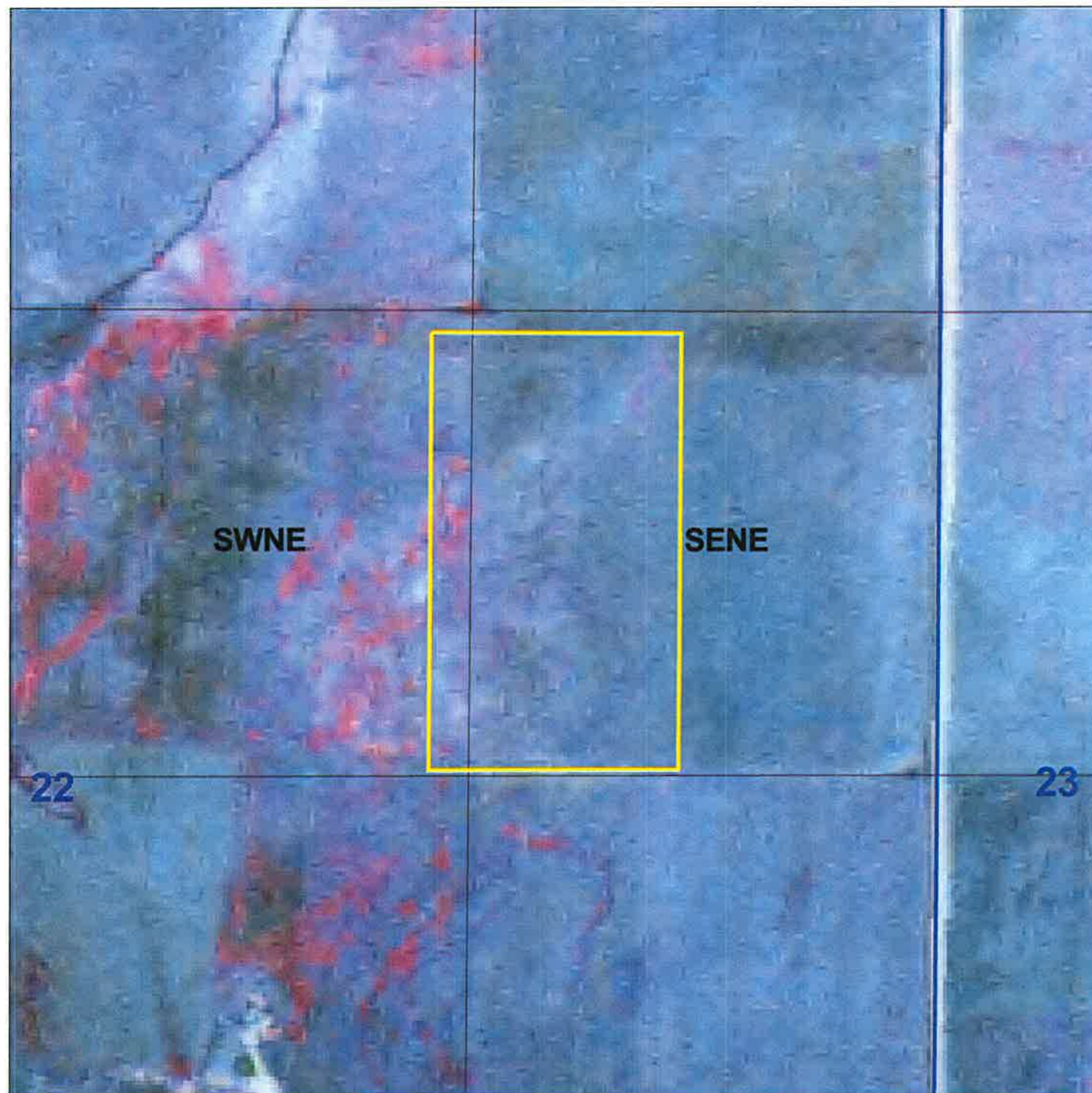


Blaine County
IDWR Basin 37



Prepared by E. NORQUES
On Wednesday, October 11, 2006
1987/88 Aerial Photography

37-604D



Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Volume(af)	Source	Water Use	Owner(s)	Source Table
37	604			See Rema	1887-06-03	4		BIG WOOD	IRRIGATION		wrAdjudicationClaim
37	604	A		See Rema	1887-06-03	4		BIG WOOD	IRRIGATION		wrAdjudicationClaim
37	604	B	Decreed	Active	1887-06-03	0.22		BIG WOOD	IRRIGATION	MYSTIC S	wrAdjudicationClaim
37	604	C	Decreed	Active	1887-06-03	0.53		BIG WOOD	IRRIGATION	CARNES,	wrAdjudicationClaim
37	604	D	Decreed	Active	1887-06-03	0.53		BIG WOOD	IRRIGATION	KACALEK,	wrAdjudicationClaim
37	604	E	Decreed	Active	1887-06-03	1.04	126	BIG WOOD	IRRIGATION	REED, LIN	wrAdjudicationClaim
37	604	F	Decreed	Active	1887-06-03	0.53		BIG WOOD	IRRIGATION	MARTIN, F	wrAdjudicationClaim
37	604	G	Decreed	Active	1887-06-03	0.53		BIG WOOD	IRRIGATION	DILWORT	wrAdjudicationClaim
37	604	H	Decreed	Active	1887-06-03	0.53		BIG WOOD	IRRIGATION	O BRIAN,	wrAdjudicationClaim
37	604	A		See Rema	1887-06-03	4		BIG WOOD	IRRIGATION		wrAdjudicationRecommendation
37	604	D	Decreed	Active	1887-06-03	0.53		BIG WOOD	IRRIGATION	KACALEK,	wrAdjudicationRecommendation
37	604	E	Decreed	Active	1887-06-03	1.04	126	BIG WOOD	IRRIGATION	REED, LIN	wrAdjudicationRecommendation
37	604	G	Decreed	Active	1887-06-03	0.53		BIG WOOD	IRRIGATION	DILWORT	wrAdjudicationRecommendation
37	604			See Remarks							wrWaterApplication
37	604			See Remarks							wrWaterRight
37	604	A	Decreed	Active	1887-06-03	2.96		BIG WOOD	IRRIGATION	SHIPP, JO	wrWaterRight
37	604	B	Decreed	Active	1887-06-03	1.04	126	GROUND	IRRIGATION	REED, LIN	wrWaterRight
37	604			See Remarks							wrWaterPermit

Basin 37 Watermaster Report

DIVER	R	DIST_PRIOR	OWNER	ST_ID	DECREE_TO		PRIOR				INCHES	CFS	ABOVE	BELOW
50	E	61-A	MARGARET E KACALEK	37-0604	JOSEPH H SHIPP	06	/	03	/	1887	28.60	0.57	410.76	0.57

7 0580 ✓	Robertson, J. C.	160 inches.	300	Apr. 2, 1906.	Big Wood River.
7 0581 ✓	" "	160 "	300	Apr. 2, 1906.	" " "
7 0582 ✓	Robertson, Jennie	160 "	300	Apr. 2, 1906.	" " "
7 0583 ✓	Robertson, Joseph W.	160 "	300	Apr. 2, 1906.	" " "
7 0584 ✓	" "	160 "	300	Apr. 2, 1906.	" " "
7 0585 ✓	Robinson, Arthur.	100 "	377	Feb. 7, 1908.	" " "
7 0586 ✓	Roesaler, George and Jacob	132 "	461	Apr. 30, 1889.	" " "
7 0587 ✓	Roesaler, George J.	140 "	240	Apr. 2, 1905.	" " "
7 0588 ✓	" "	160 "	300	July 10, 1906.	" " "
7 0589 ✓	Roesaler, Jacob H.	150 "	287	May 1, 1904.	" " "
7 0590 ✓	Rogers, Lindsay B.	250 "	114	May 1, 1886.	" " " Trans #568
7 0591 ✓	Ryan, Mary S.	100 "	181	July 15, 1887.	Upper Malad River.
7 0592 ✓	" "	75 "	442	June 1, 1899.	" " "
7 0593 ✓	" "	75 "	231	June 1, 1897.	Spring Creek, a tributary of Upper Malad.
7 0594 ✓	Ryan, Sarah	150 "	231	June 1, 1898.	Upper Malad River.
7 0595 ✓	" "	125 "	264	July 20, 1901.	" " "
7 0596 ✓	" "	All of			Bliss Spring, rising on or near the land.
7 0597 ✓	Sams, A. H.	115 inches.	114	May 1, 1886.	Big Wood River. #568
7 0598 ✓	Savage, Lola	160 "	300	June 11, 1906.	" " "
7 0599 ✓	Savage, M. K.	135 "	220	Apr. 27, 1896.	" " " Trans #314
7 0600 ✓	" "	135 "	220	Apr. 27, 1896.	" " "
Scharff, W. D., and Adolph Heckerd					
7 0601 ✓	Sharr, James	120 "	104	Sept. 18, 1885.	Big Wood River.
7 0602 ✓	Shipp, Elizabeth	125 "	124	June 1, 1887.	Willow Creek.
7 0603 ✓	" "	50 "	231	June 1, 1897.	" " "
7 0604 ✓	Shipp, Joseph H.	200 "	117	June 3, 1887.	Big Wood River.
7 0605 ✓	Shoshone Light & Water Company				3000 " 287 Nov. 6, 1903.
7 0606 ✓	Shoshone Village of	100 "	12	Nov. 28, 1882.	Little Wood River.

(Bee Heckerd, Adolph, and W. D. Scharff.)

Big Wood River.

Willow Creek.

Big Wood River.

Little Wood River.
(For power purposes.)

Little Wood River.

	and NE 1/4 of NE 1/4 of Sec. 15, T. 5 S., R. 15 E., containing 160 acres. Also, SW 1/4 of SE 1/4 and S 1/2 of SW 1/4 of Sec. 11, and SE 1/4 of SE 1/4 of Sec. 10, T. 5 S., R. 15 E., containing 160 acres.
Scharff, William D. and Adolph Heckerd	(Same as Heckerd, Adolph, and William D. Scharff.)
Sharp, James	SE 1/4 of SE 1/4 of Sec. 14, N 1/2 of NE 1/4 of NE 1/4 of Sec. 23, T. 1 N., R. 18 E., containing 60 acres.
Shipp, Elizabeth	NE 1/4 of NE 1/4 of Sec. 22, W 1/2 of NW 1/4 and SE 1/4 of NW 1/4 of Sec. 23, T. 1 N., R. 16 E.
Shipp, Joseph H.	W 1/2 of NE 1/4 and N 1/2 of SE 1/4 of Sec. 22, T. 1 N., R. 18 E.
Shoshone, Village of	Lands situated in NW 1/4 of Sec. 2, T. 6 S., R. 17 E.
Silk, Martin	S 1/2 of SE 1/4 and NE 1/4 of SE 1/4 of Sec. 29, and NE 1/4 of NE 1/4 of Sec. 32, T. 5 S., R. 15 E., containing 160 acres.
Silva, A. I.	S 1/2 of SE 1/4 of Sec. 33, T. 5 S., R. 15 E., NE 1/4 of Sec. 4, T. 6 S., R. 15 E., S 1/2 of NW 1/4, S 1/2 of NE 1/4 and Lot 1, of Sec. 3, T. 6 S., R. 15 E., containing 440 acres.
Silva, Alice	E 1/2 of SW 1/4 and SE 1/4 of Sec. 31, W 1/2 of SW 1/4 of Sec. 32, T. 1 S., R. 15 E., containing 320 acres.
Silva, Arthur D.	NE 1/4 of Sec. 17, T. 5 S., R. 17 E., containing 160 acres. Also, W 1/2 of NW 1/4 of Sec. 16, T. 5 S., R. 17 E., containing 80 acres.
Silva, Joe and Anthony	SE 1/4 of SW 1/4, and S 1/2 of SE 1/4 of Sec. 29, and NE 1/4 of NW 1/4 of Sec. 32, T. 5 S., R.

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Shipp, Joseph H.	200 inches.	June 3, 1887.	Big Wood River.
Shoshone, Village of	60 "	Nov. 28, 1882.	Little Wood River.
Silk, Martin	120 "	Aug. 15, 1886.	Big Wood River.
" "	40 "	Apr. 15, 1887.	" " "
Silva, A. I.	145 "	Apr. 1, 1884.	Little Wood River. (Also shares in Big Cottonwood Canal Co.)
Silva, Alice	320 "	May 31, 1903.	Upper Malad River.
Silva, Arthur D.	140 "	Apr. 30, 1903.	Big Wood River.
" " "	80 "	June 2, 1903.	" " "
Silva, Joe and Anthony	160 "	Apr. 1, 1884.	Little Wood River.
Do.	40 "	May 1, 1889.	" " "
Do.			Also shares in Big Cottonwood Canal Co.
Silva, Manuel	155 "	May 31, 1884.	Big Wood River.
" "	135 "	May 10, 1897.	" " "
Silva, Mary	225 "	June 1, 1887.	" " "
Simpson, W. D.	110 "	June 22, 1884.	Little Wood River. (Also shares in Little Wood River Canal Co.)
Sims, William	160 "	May 1, 1884.	Big Wood River.
" "	65 "	May 1, 1891.	" " "
Sing, Quong			(See Quong Sing.)
Skiles, J. W.	150 "	June 15, 1888.	Monumental Creek.
Slater, Charlotte M.	80 "	Apr. 3, 1882.	Big Wood River.
" " "	120 "	Apr. 3, 1895.	" " "
Smidt, Christina	60 "	Apr. 15, 1889.	Rock Creek.
" "	30 "	June 1, 1886.	" "
" "	All of	May 31, 1886.	Smidt Creek.
Smith, C. H.	140 inches.	June 1, 1891.	Three Mile Creek or Four Mile Creek.
✓ Smith, Charles C.	25 "	May 15, 1904.	Aubrey Creek.
✓ " " " 35 "	35 "	June 30, 1885.	Butte Creek.
✓ " " " 35 "	35 "	June 15, 1887.	" "

JUN 04 1996

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 04/06/99

TIME: 16:14:30

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
37-00604	SHIPP, JOSEPH H.	C	06/03/1887	D/	BIG WOOD RIVER	IRR	WR
T37-00604A	SHIPP, JOSEPH H.	C	06/03/1887	D/	BIG WOOD RIVER	IRR	WR
T37-00604B	SAMPLE, W K	C	06/03/1887	D/	BIG WOOD RIVER	IRR	WR
	REED, LINDA K	C			GROUNDWATER		
A37-00604	SPLIT RIGHT	C	06/03/1887	/Z	BIG WOOD RIVER	IRR	AJ
A37-00604A	SPLIT RIGHT	C	06/03/1887	/Z	BIG WOOD RIVER	IRR	AJ
					SPLIT RIGHT		
A37-00604B	BITTON, JEFF	C	06/03/1887	D/	BIG WOOD RIVER	IRR	AJ
	BITTON, DEBRA A	C				STOCK	
A37-00604C	DALEY, JOHN W	C	06/03/1887	D/	BIG WOOD RIVER	IRR	AJ
	ARONSON-DALEY, CONSTANCE	C					
A37-00604D	KACALEK, MARGARET E	C	06/03/1887	D/	BIG WOOD RIVER	IRR	AJ
A37-00604E	SAMPLE, W K	C	06/03/1887	D/	BIG WOOD RIVER	IRR	AJ
	REED, LINDA K	C					
A37-00604F	TEMPEL, BRIAN W	C	06/03/1887	D/	BIG WOOD RIVER	IRR	AJ
	MARTIN, ROXANNE L	C					
A37-00604G	ROCKWOOD, KELLY M	C	06/03/1887	D/	BIG WOOD RIVER	IRR	AJ
	DILWORTH, BRYAN K	C					
A37-00604H	O BRIEN, DENNIS	C	06/03/1887	D/	BIG WOOD RIVER	IRR	AJ
	O BRIEN, PATTI	C					
R37-00604A	SPLIT RIGHT	C	06/03/1887	/Z	BIG WOOD RIVER	IRR	AJ
					SPLIT RIGHT		

Permit 37-7775

KKC
5-1-95

3.20 CFS for 145 acres

extension of time filed on Aug 31, 1992
for 2.74 CFS & 137 acres

37-7775A

KEGLEY

37-7775B

Dennis O'Brien

.40 CFS Sec 22 NWSE 20A
8-8-94

37-7775C

John W Daley

.40 CFS for Sec 22
NE SE 10 }
NW SE 10 } 20A

transferred 8-8-94

37-7775D

MARGARET KAKALEK

.40 CFS for Sec 22

SE NE 20A

transfer 4461 filed

8-8-94

37-7775E

W K SAMPLE

.72 CFS Sec 22

SW NE - 36A

8-8-94

37-7775F

BRIAN W TEMPEL

.40 CFS Sec 22

NE SE 20A

8-8-94

37-7775G

Kelly M Rockwell

.40 CFS Sec 22

SE NE 20A

8-8-94

Split Totals

7775B .40 CFS & 20A

C .40 CFS 20A

D .40 CFS 20A

E .72 CFS 36A

F .40 CFS 20A

G .40 CFS 20A

Totals 2.72 CFS 136 Acres.

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6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE August 8, 1997 8:33am CUSTOMER **BILL TORMEY A37-00604D & A37-07775D**

SUBJECT: DRILLING A WELL??
phone call (X) walk-in (.)

He called about getting a drilling permit for a new irrigation well. Transfer #4461, adding a new well, was approved in 1995 but they haven't drilled the well yet. I told him that the transfer required that the well be drilled within one year of the date of the approval of the transfer, so in order to begin drilling, he should contact Glen Saxton at the So and get an extension.

He also asked about the possibility of filing another transfer to change his surface water to the well, improving his priority date. I told him that the previous transfer had a condition that required him to use his surface water first. A new transfer would probably negate this condition but he would get no more water cause the property already had the allowable amount of 1" per acre. He said he understood that and was mostly interested in improving his priority date. I sent him a transfer application...



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS

Governor PHILLIP E BATT

R. KEITH HIGGINSON
Director

May 2, 1995

MARGARET E KACALEK
PO BOX 562
BELLEVUE ID 83313

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM A37-00604D
CHANGE OF OWNERSHIP

Dear Ms Kacalek

Enclosed is your copy of the above listed claim as changed and a copy of your ownership change request. Please review this claim to verify that the data is correct.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

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KKC
5-1-95

37-00604 Decreed for 4.00 CFS
CLAIMED AS

A37-00604A
Rod Kegley
4.00 CFS on 145A

A37-00604B
Jeff Bitton
.22 CFS, Sec 22
NWSE 10A

Pending split

604C	604D	604E	604F	604G	604H
Daley	Kacalek	Sample	Tempel	Rockwood	O'Brien
.532 CFS	.532 CFS	1.04 CFS	.532 CFS	.532 cfs	.533 CFS
on 20A	P/U	P/U 36A	P/U 20A	P/U 20A.	P/U Lot 4
Lot 3B Rock Ch. R.	SENE	Lot 1A Rock Chait	Lot 3C Rock	Biche Field	Rock Chait Sub
based upon	based upon	R RANCH 548.	CHAIT R RANCH	L+2	div
Assignment	assignment	based on	based upon	based upon	based on
		assignment	assignment	assignment	chg of ownership
					Signed by
					O'Brien
					-w- warranty deed

SIGNED BY RON

Split Totals

604B	.22 CFS
C	.532 CFS
D	.532 CFS
E	1.04 CFS
F	.532 CFS
G	.532 CFS
H	.533 CFS
	3.93 CFS

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