

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: **A37-07775B**
Date Received: 10/26/1988
Receipt No: X777777
Received By: _____

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

1. Name: DENNIS O BRIEN 208-788-4217
Address: BOX 1263
KETCHUM ID 83340

2. Date of Priority: AUG 2, 1988

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	22	SE	NE			BLAINE

5. Description of diverting works:
200' WELL, 14" CASING.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.400		70.00

7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) 70.00 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 of	Lot	Use	Acres
01N	18E	22	NW	SE		IRR	20.0

Section Acres 20.0

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:
A37-00604

14. Remarks:

The following rights are also diverted through the point of diversion described above: 37-07775C, 37-07775D, 37-07775E, 37-07775F, and 37-07775G.

The place of use is located within Lot 4, Rocking Chair R Ranch Subdivision.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

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: A37-07775

Date Received: 10/24/1988

Receipt No: 10001776

Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROD KEGLEY 208-726-8190
Address: BOX 2063
KETCHUM, ID 83340

2. Date of Priority: MAY 02, 1979

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	18E	22	SE	SE	NE		BLAINE

5. Description of diverting works:
DRILLED WELL, 14" CASING, 200' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

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

8. Total consumptive use is 362.5 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	SW	NE		IRR	40.0
			SE	NE		IRR	39.1
			NE	SE		IRR	39.1

A37-07775

Page 1

Date: 10/24/88

MICROFILMED

FEB 24 1989

KEGLEY

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	22	NW	SE		IRR	26.8

Section Acres 145.0

Total Acres 145.0

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:

A37-00604

14. Remarks:

THIS CLAIM HAS LAPSED AND AN REINSTATEMENT HAS BEEN APPLIED FOR.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Rediff Date: 10-26-88

Date: _____

State of Idaho)
County of BLAINE) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of October 19 88 Barry J. Lubowski
Notary Public

Seal

Residing at Ketchum
My Commission Expires 1991

MICROFILMED

FEB 24 1993

KEGLEY

12/05/2006

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

RIGHT NUMBER: 37-7775B

NAME AND ADDRESS: DENNIS P O BRIEN
PO BOX 1263
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.400 CFS
70.000 AFY

PRIORITY DATE: 08/02/1988

POINT OF DIVERSION:

T01N R18E S22 SESENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/15 10/15

0.400 CFS

70.00 AFY

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R18E S22

NWSE

20.00

20 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 20.0 acres in a single irrigation season. Combined Right Nos.: 37-604H and 37-7775B.

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 - License

The place of use is located within Lot 4, Rocking Chair R Ranch Subdivision.

11/21/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-7775B

DENNIS P O BRIAN

PO BOX 1263

KETCHUM ID 83340

Telephone Number: (208)788-9595

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

① Delete Supplemental conditions under source.
② O'Brien misspelled

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/12/06

SIGNATURE: [Signature]

Please print your name: Dennis P. O'Brien

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

11/21/2006

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

RIGHT NUMBER: 37-7775B

NAME AND ADDRESS: DENNIS P O BRIAN
PO BOX 1263
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

ground

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of

water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

QUANTITY: 0.400 CFS
70.00 AFY

PRIORITY DATE: 08/02/1988

POINT OF DIVERSION:
T01N R18E S22 SESENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/15 10/15

0.400 CFS
70.00 AFY

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S22 NWSE 20.00

20 ACRES TOTAL

20.0

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 37-604H and 37-7775B.

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 - License

The place of use is located within Lot 4, Rocking Chair R Ranch Subdivision.



Idaho Department of Water Resources

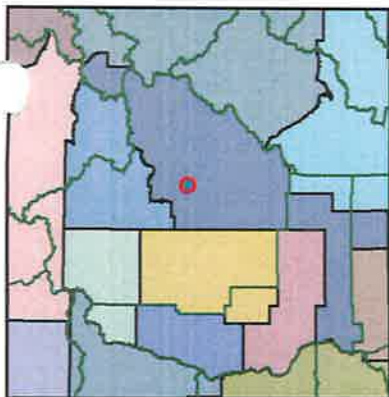
SRBA Recommendation:

37-7775B

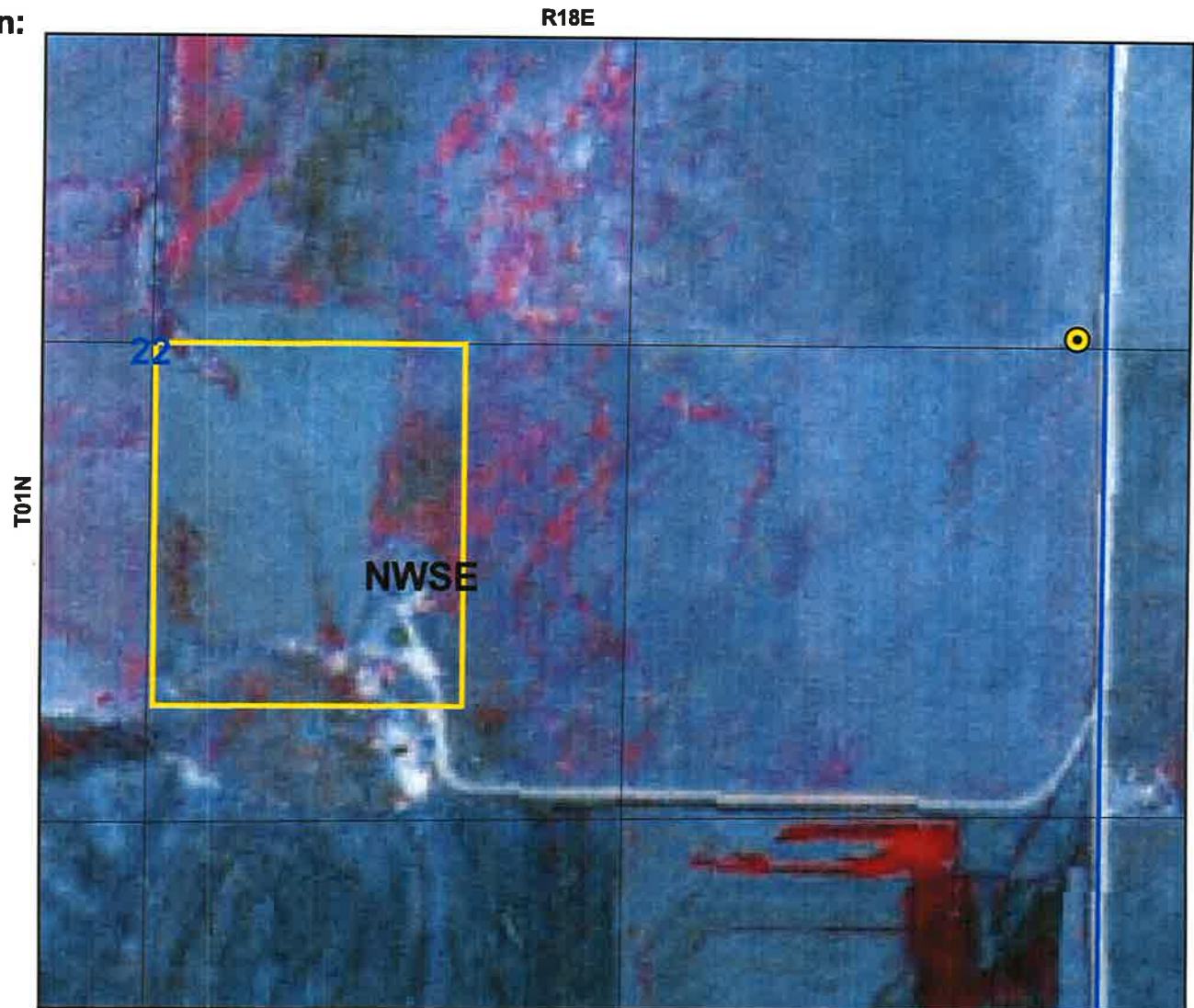
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



Prepared by C. Skinner
On Wednesday, November 15, 2006
1987/88 Aerial Photography

State of Idaho
Department of Water Resources

SEP 13 1994

Department of Water Resources
Southern Region Office

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07775B

Priority: August 2, 1988

Maximum Diversion Rate: 0.40 CFS

Maximum Diversion Volume: 70.0 AF

This is to certify, that DENNIS O BRIEN

BOX 1263

KETCHUM ID 83340

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 2, 1979; and has submitted Proof of Beneficial Use on August 2, 1988. An examination indicates that the works have a diversion capacity of 2.780 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.40 CFS	70.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE, Sec. 22, Township 01N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	18E	22	NWSE	20		20

Total number of acres irrigated: 20

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. The following rights are also diverted through the point of diversion described above: 37-07775C, 37-07775D, 37-07775E, 37-07775F, and 37-07775G.
7. The place of use is located within Lot 4, Rocking Chair R Ranch Subdivision.

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NOV 27 1996

37-07775B

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07775B

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 8TH
day of SEPTEMBER, 1994.

Acting for  R. Keith Higginson, Director

MICROFILMED
NOV 27 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RECEIVED

January 25, 1994

JAN 27 1994

Department of Water Resources
Southern Region Office

RE: In the matter of permit no. 37-07775 in the name of Dennis P. O'Brien

Dear Interested Party:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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NOV 27 1996

37-07775

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district

court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
EXTENSION OF TIME TO AVOID)
FORFEITURE OF A WATER RIGHT IN)
THE NAME OF DENNIS P. O'BRIEN)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On June 20, 1979, the department issued Permit No. 37-07775 authorizing the diversion of 3.2 cfs of ground water for the irrigation of 160 acres in parts of Section 2, T1N, R18E, BM, in Blaine County, Idaho. The permit holder has filed the proof of beneficial use of water but the department has not yet issued a license.
2. On April 19, 1992, the department conducted a field examination and found that 137 acres of the 160 filed upon has been irrigated.
3. On August 31, 1992, Rod Kegley (Kegley) filed an application for extension of time to avoid forfeiture of a water right for the diversion of 2.74 cfs of water upon the 137 acres found to be irrigated during the department's field examination. On February 19, 1993, the department approved the application of Kegley extending the time for resumption of use to October 15, 1997.
4. On May 24, 1993, Dennis P. O'Brien (applicant) filed an application for an extension of time to avoid forfeiture for 0.40 cfs of water right no. 37-07775. The O'Brien application is identified as 37-07775B and was filed at the request of the department. Further review of the matter shows that the filing of a separate application by O'Brien was not proper, since the O'Brien part of the water right is included within the 2.74 cfs and is protected from forfeiture through October 15, 1997 by the extension approved for Kegley.
5. On October 22, 1993, the department corresponded with O'Brien, advised of the "duplicate" filing problem, asked for a withdrawal of the application and offered to refund the filing fee to the applicant.

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NOV 27 1996

6. The applicant did not respond to the department's October 22, 1993 letter.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

Upon proper showing before the director of the department of water resources of good and sufficient reason for non application to beneficial use of such water for such term of five (5) years, the director of the department of water resources is hereby authorized to grant an extension of time extending the time for forfeiture of title for nonuse thereof, to such waters for a period of not to exceed five (5) years. Application for extension of time (to avoid forfeiture of a water right) shall be made before the end of the five (5) year period ...

2. The application was not filed within the five (5) year period provided in Section 42-222, Idaho Code and included acreage which is included within the approved extension request in the name of Rod Kegley.

3. The department should deny the request for extension of time to avoid forfeiture of a water right in the name of Dennis P. O'Brien.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the request for an extension of time to avoid forfeiture of a water right submitted in the name of Dennis P. O'Brien is DENIED.

Dated this 22ND day of JANUARY, 1994.


R. KEITH HIGGINSON
Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 25TH day of January, 1994,
I mailed a true and correct copy of the foregoing Preliminary
Order, postage prepaid, to the following:

Dennis P. O'Brien
P.O. Box 1263
Ketchum, ID 83340

IDWR - S. Region
222 Shoshone St. East
Twin Falls, ID 83301


JULIE L. YARBROUGH
Senior Secretary

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NOV 27 1996

MAY 24 1993

RECEIVED

MAY 19 1993

STATE OF IDAHO
Department of Water Resources

DEPARTMENT OF WATER RESOURCES

Application for Extension of Time to Avoid Forfeiture
of a Water Right

Water Right No. _____

RECEIVED

MAY 27 1993

Department of Water Resources
Southern Region Office

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee.

1. Name of water right holder Dennis P. O'Erion
Post office address P.O. Box 1263, Ketchum, Idaho, 83340

2. The right was obtained or is evidenced by:

a. Decree to _____ in Case of _____
(Name)

vs. _____ Dated _____ in _____
(Name of Court)

Court, County of _____ Fully describe decree _____

b. License No. Permit 37-07775 Issued by the Department of Water Resources.

c. Claim No. _____ on file with the Department of Water Resources.

3. Source of water groundwater tributary to _____
(Name of stream or source)

4. Date of priority of right 8/2/1988

_____ by _____ // Denial // Approval // Recommended for
Hearing held by _____
Date _____

_____ Protests filed by: _____
_____ Protests in _____
_____ Issued in _____
_____ Application approved by _____

_____ Dates _____
_____ Publication prepared by _____
_____ Date _____
_____ Received by _____
_____ Date _____
_____ Time _____
_____ Preliminary check by _____

For Department Use Only

MICROFILM
NOV 27 1993

JUL 14 1993

MAY 24 1993

Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

Application for Extension of Time to Avoid Forfeiture
of a Water Right

MAY 27 1993

Department of Water Resources
Southern Region Office

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee.

1. Name of water right holder Dennis F. O'Brien
Post office address P.O. Box 1263, Ketchum, Idaho, 83340
2. The right was obtained or is evidenced by:
 - a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____. Fully describe decree _____
 - b. License No. Permit 37-07775 Issued by the Department of Water Resources.
 - c. Claim No. _____ on file with the Department of Water Resources.
3. Source of water groundwater tributary to _____
(Name of stream or source)
4. Date of priority of right 8/2/1988
5. Amount of water a. .40 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from 4/15 to 11/1

from _____ to _____

from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is SE 1/4 NE 1/4 of Section 22
Township 1N, Range 18E, B.M., in Blaine County;
Additional points of diversion, if any _____
8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	18E	22															20		20

Total number of acres irrigated

20 NOV 27 1996

MICROFILMED

37-07775



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 22, 1993

RECEIVED

OCT 26 1993

Department of Water Resources

Dennis P. O'Brien
P.O. Box 1263
Ketchum, ID 83340

RE: APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF WATER
RIGHT NO. 37-07775 (Part B)

Dear Mr. O'Brien:

I have completed review of the above referenced application which you filed at the suggestion of the department. During my most recent review of the application for final action, it appears the filing of the application was not necessary for the reasons described below even though the department advised you to file the application.

The original permit was issued for the diversion of 3.2 cfs of ground water for the irrigation of 160 acres located in the S1/2NE1/4 and N1/2SE1/4 Section 2, T1N, R18E, B.M. During the field examination of the property on April 19, 1992, the department found that 137 acres of the 160 filed upon had been irrigated in the past.

On August 31, 1992, Rod Kegley filed an Application for Extension of Time to Avoid Forfeiture of a Water Right with the department. His application included all of the 137 acres found to be irrigated during the department's exam. On February 19, 1993, the department approved the application extending the date of required resumption of use to October 15, 1997.

If you are entitled to a portion of permit no. 37-07775, your portion has already been protected from forfeiture by the approved extension request of Rod Kegley.

Hence, the department will refund your \$50 filing fee if you advise the department in writing you wish to withdraw the application you filed from further consideration. Please send your letter to my attention. Feel free to contact the department if you have questions.

Sincerely,

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

MICROFILMED
NOV 27 1996

37-07775 (B)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

GEGIL D. ANDRUS
Governor PHIL BATT

R. KEITH HIGGINSON
Director

January 25, 1995

DENNIS O BRIEN
PO BOX 1263
KETCHUM ID 83340

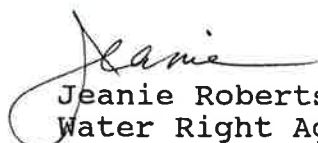
Re: Ownership Change for Adjudication Claim #A37-07775

Dear Claimant(s):

In 1988, Rod Kegley filed a claim in the SRBA appurtenant to lands of which you now own a portion. The Department issued a License on these lands on September 8, 1994 and at that time the right was split into parts B through G. To correspond with the license we have split Mr. Kegley's SRBA claim into parts B through G. I have enclosed a copy of your claim A37-07775B. Please review the record and if you have any corrections or questions, feel free to call this office.

Please be aware that should you decide to drill a new well to isolate your portion of the right, you will need to file a transfer with the department.

Sincerely,


Jeanie Robertson
Water Right Agent

/jr
Enclosures

MICROFILMED
NOV 27 1996

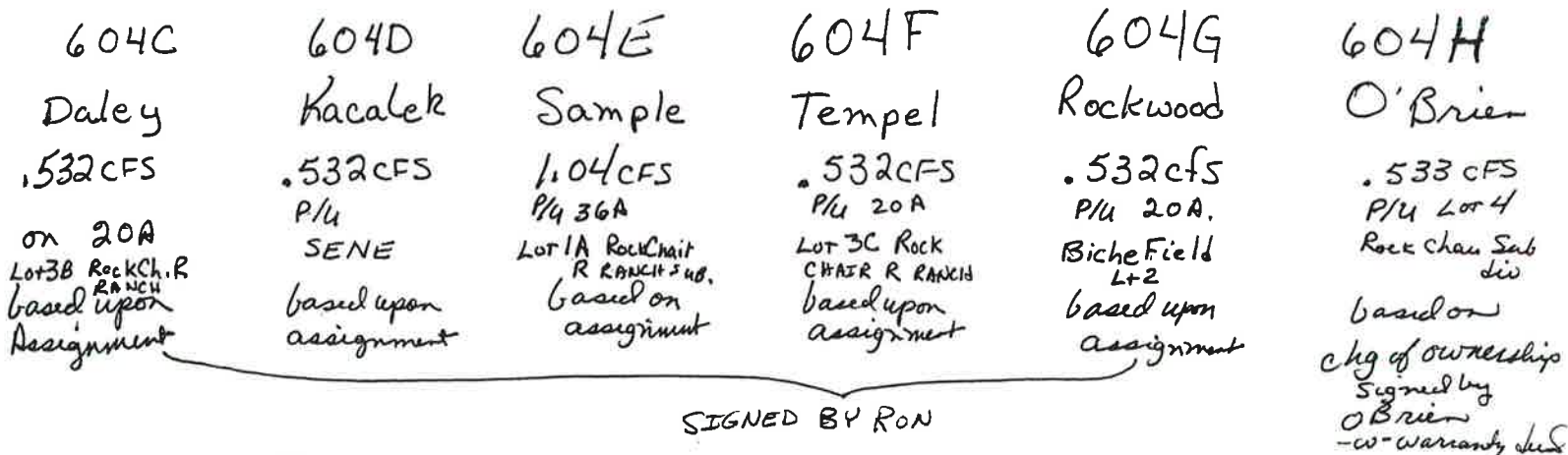
KKC
5-1-95

37-00604 Decead for 4.00CFS
CLAIMED AS

A37-00604A
Rod Kegley
4.00CFS on 145A

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

Pending split



Split Totals

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

MICROFILME
NOV 27 1996

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

WK 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 Rockwood

.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.

MICROFILMED
NOV 27 1996

Water Right Number - 37-07775B

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
O BRIEN

DENNIS

1 - BOX 1263

2 -

3 -

City- KETCHUM

Phone - 208-788-4217

State- ID Zip- 83340

*** O - ORIGINAL OWNER ***
RATTO

ROBERT W

1 -

2 -

3 -

City-

Phone - 208-000-0000

State- ID Zip-

RATTO

ARNETTA

1 -

2 -

3 -

City-

Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - +
08/02/1988+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

+ - - Point of Diversion - - - - - +									
TwN	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
01N	18E	22	SE NE			(13) BLAINE			

+ - - Water Use - - - - - +					
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	10/15	0.400	70.00

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +
0.400	70.00	2.780

+ - - Place of Use - - - - - +								
TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
01N	18E	22	NW SE		20.0	01	IRRIGATION	(13) BLAINE

Total Acres: 20.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

MICROFILMED
NOV 27 1995

Water right number - 37-07775B Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +

The following rights are also diverted through the point of diversion described above: 37-07775C, 37-07775D, 37-07775E, 37-07775F, and 37-07775G.
The place of use is located within Lot 4, Rocking Chair R Ranch Subdivision.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - 10/16/92 JOHNSON 10/19/92 MILLER 12/12/92 POST-STD 12/14/92 APSTRPHE 04/05/94 CHAPMAN
06/22/94 BCHAPMAN

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 06/01/1984	Field Exam Made - 03/19/1992	Field Exam Fee - R
Approved/Denied - 06/20/1979	Protested Date - 00/00/0000	Swan Falls - E
Proof Made Date - 08/02/1988	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 04/15/1992	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 09/08/1994	Appl Received - 05/02/1979	Transfer/Amended -
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag-
Presumption Flag -		

MICROFILMED
NOV 27 1996

Water Right Number - R37-07775B

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

O BRIEN

DENNIS

1 - BOX 1263

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-788-4217

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/02/1988 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

01N 18E 22 SE NE (13) BLAINE

| Code | Description | Period From | Period To | Water Use | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|-----------|----------------|------------------|
| 01 - IRRIGATION | | 04/15 | 10/15 | | 0.400 | 70.00 |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.400 70.00 0.0

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|-------------|
| 01N | 18E | 22 | NW SE | | 20.0 | 01 | IRRIGATION | (13) BLAINE |

Total Acres: 20.0

+ - - Diversion Means - 200' WELL, 14" CASING.

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - A37-00604

+ - - - - - - - - - - - - - Remarks - - - - - +

The following rights are also diverted through the point of
diversion described above: 37-07775C, 37-07775D, 37-07775E,
37-07775F, and 37-07775G.
The place of use is located within Lot 4, Rocking Chair R
Ranch Subdivision.

+ - - - - - - - - - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

MICROFILMED
NOV 27 1995

Water right number - R37-07775B

Prefix Translation: RESEARCH

+ - - - - Conditions of Approval - - - - - +

R30 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for the
- lands above.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +

Date: 01/25/1995 User Id: JROBERTS Subject: SPLIT/LICENSE

This is a portion of A37-07775 which was split at time License was issued. This claim is based on that License. jr

+ - - Audit Fields - - +

01/25/95 JROBERTS

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 10/26/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - X777777 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

MICROFILMED
NOV 27 1996

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 Chair | Lot 3C Rock | Biche Field | Rock Chair Sub |
| based upon | based upon | based on | based upon | L+2 | div |
| Assignment | assignment | assignment | assignment | based upon | based on |
| | | | | 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 |
| <hr/> | |
| | 3.93 CFS |

MICROFILME
NOV 27 1996

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 KACALEK

.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 Rockwood

.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.

MICROFILMED
NOV 27 1996

Water Right Number - 37-07775

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
RATTO

ROBERT W.

1 -
2 -
3 -

City-
Phone -

State- Zip-

RATTO

ARNETTA

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - +
00/00/0000

+ - - Region - - - +
17

+ - - Stage - - - +

+ - - Status - - - +
L - LAPSED

+ - - Source - - - - - +

+ - - Tributary - - - - - +

+ - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

+ - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

+ - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +
No Remarks found.

+ - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - Decree Plaintiff - - - + + - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - Microfilm Rolls -

FEB 24 1993

Water right number - 37-07775 Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 06/18/85 05/28/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

| | | | | | |
|------------------|--------------|-----------------|--------------|------------------|-----|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Start Work Date | - 00/00/0000 | Verified Date | - 06/18/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 00/00/0000 | | | | |

FEB 24 1993

UNRECORDED

KEGLEY

