

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

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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

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:
10" CASING, PUMP.

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	SE	NE		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:

PURSUANT TO APPROVED TRANSFER NO. 4461:

1. RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.
2. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.
3. 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.
4. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF HIS SURFACE WATER RIGHT, TO THE EXTENT IT IS AVAILABLE, IN CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.
5. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
6. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
7. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
8. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL INSTALL A SUITABLE MEASURING DEVICE OR SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE INFORMATION TO THE DEPARTMENT.
9. THE POINT OF DIVERSION AND PLACE OF USE ARE LOCATED WITHIN LOT 1, BLOCK 1, BICHE FIELD 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: _____

11/15/2006

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

RIGHT NUMBER: 37-7775D

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

SOURCE: GROUND WATER

TRIBUTARY:

This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.

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 ground 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.

QUANTITY: 0.400 CFS
70.000 AFY

PRIORITY DATE: 08/02/1988

POINT OF DIVERSION:

T01N R18E S22 SENE 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 right 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	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 - License

11/15/2006

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

The point of diversion and place of use are located within Lot 1, Block 1, Biche Field Subdivision.

After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.



Idaho Department of Water Resources

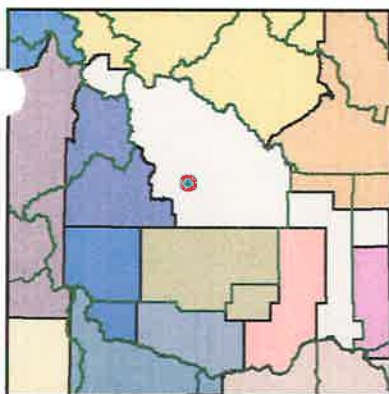
SRBA Recommendation:

37-7775D

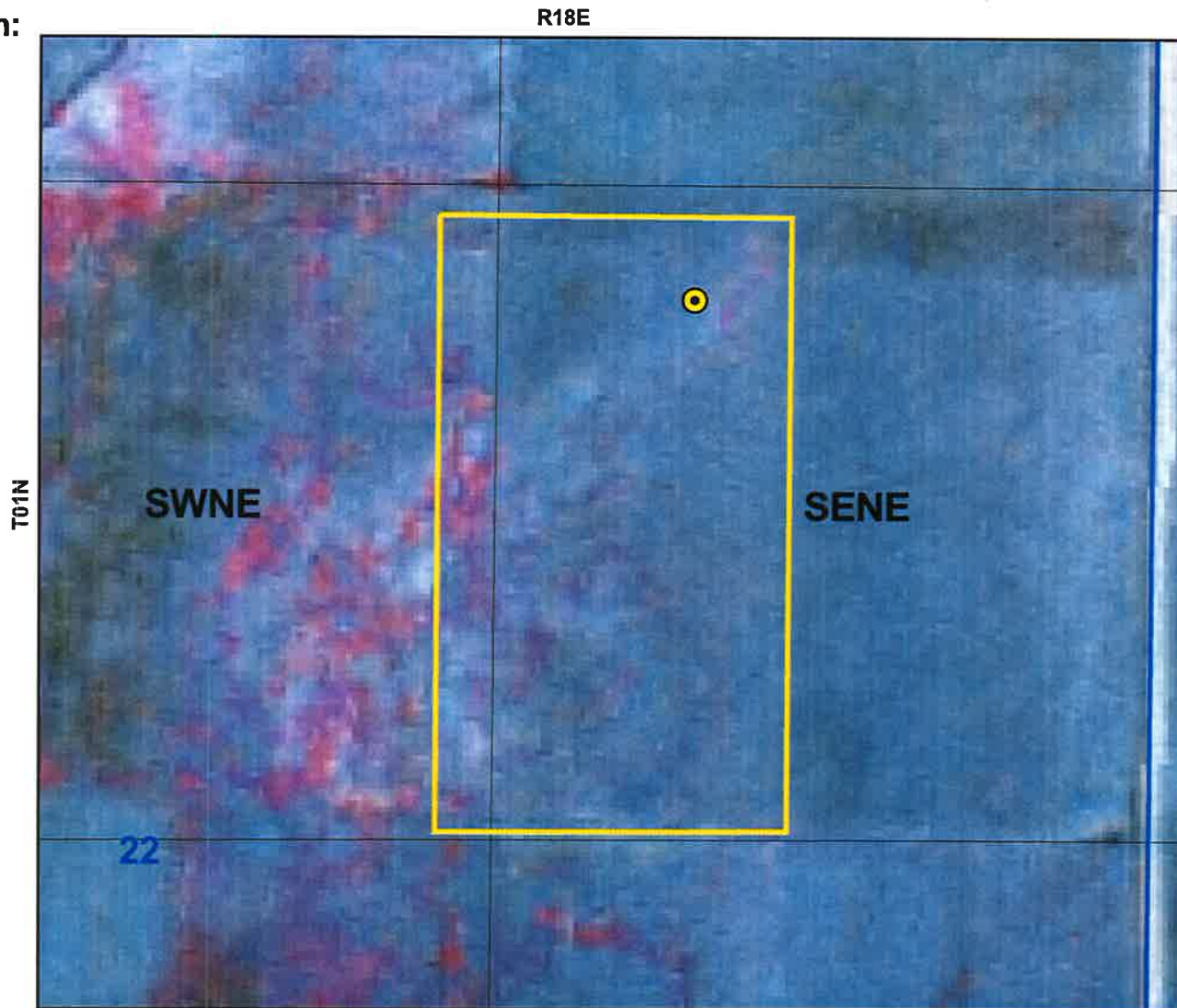
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



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

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07775D

Priority: August 2, 1988

Maximum Diversion Rate: 0.40 CFS
Maximum Diversion Volume: 70.0 AF

This is to certify, that MARGARET E KACALEK
PO BOX 562

BELLEVUE ID 83313

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	SENE	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: 37-07775B, 37-07775C, 37-07775E, 37-07775F, and 37-07775G.
7. The place of use is located within Lot 1, Block 1, Biche Field Subdivision.

SEP 09 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07775D

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



SEP 09 1994

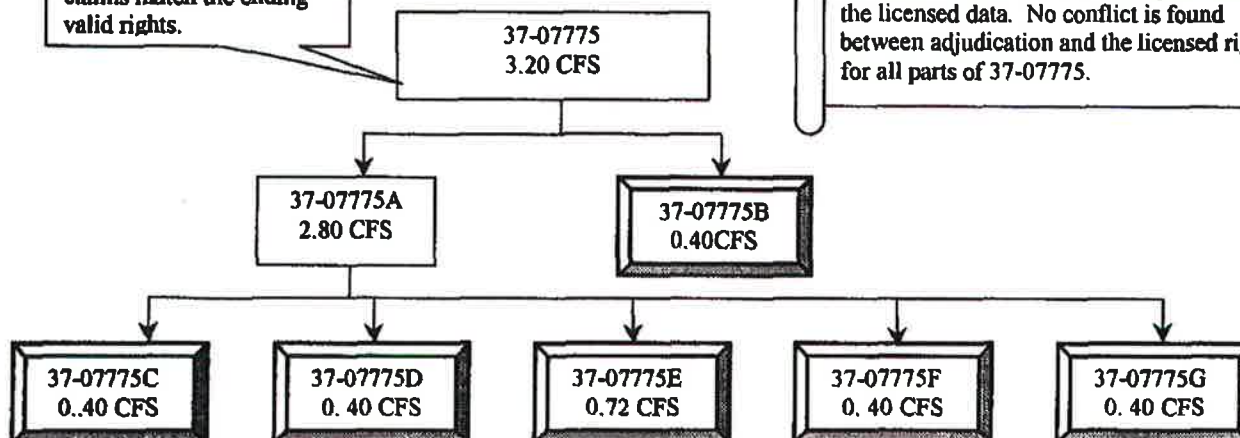
SPLIT ANALYSIS FOR 37-07775
GENERATED March 26, 1999
BY Kelly K Christensen

SD-0611-2 Basin: 37 Starting Water Right: 07775

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S V S
	37-07775	KEGLEY, RBD	C	00/00/0000	/Z			WR
	37-07775A			00/00/0000	/Z			WR
	37-07775B	O BRIEN, DENNIS	C	08/02/1988	L/	GROUNDWATER	IRR	WR
	37-07775C	DALEY, JOHN W	C	08/02/1988	L/	GROUNDWATER	IRR	WR
		ARONSON-DALEY, CONST	C					
	37-07775D	KACALEK, MARGARET E	C	08/02/1988	L/	GROUNDWATER	IRR	WR
	37-07775E	SAMPLE, W K	C	08/02/1988	L/	GROUNDWATER	IRR	WR
		REED, LINDA K	C					
	37-07775F	TEMPEL, BRIAN W	C	08/02/1988	L/	GROUNDWATER	IRR	WR
		MARTIN, ROXANNE L	C					
	37-07775G	ROCKWOOD, KELLY M	C	08/02/1988	L/	GROUNDWATER	IRR	WR
		DILWORTH, BRYAN K	C					
	T37-07775E	SAMPLE, W K	C	08/02/1988	L/	BIG WOOD RIVER	IRR	WR
		REED, LINDA K	C			GROUNDWATER		
	A37-07775			05/02/1979	/Z	SPLIT RIGHT		AJ
	A37-07775B	O BRIEN, DENNIS	C	08/02/1988	L/	GROUNDWATER	IRR	AJ
	A37-07775C	DALEY, JOHN W	C	08/02/1988	L/	GROUNDWATER	IRR	AJ
		ARONSON-DALEY, CONST	C					
	A37-07775D	KACALEK, MARGARET E	C	08/02/1988	L/	GROUNDWATER	IRR	AJ
	A37-07775E	SAMPLE, W K	C	08/02/1988	L/	GROUNDWATER	IRR	AJ
		REED, LINDA K	C					
	A37-07775F	MARTIN, ROXANNE L	C	08/02/1988	L/	GROUNDWATER	IRR	AJ
		TEMPEL, BRIAN W	C					
	A37-07775G	DILWORTH, BRYAN K	C	08/02/1988	L/	GROUNDWATER	IRR	AJ
		ROCKWOOD, KELLY M	C					
	R37-07775	SPLIT RIGHT	C	05/02/1979	/Z	GROUNDWATER	IRR	AJ
						SPLIT RIGHT		
	R37-07775B	O BRIEN, DENNIS	C	08/02/1988	L/	GROUNDWATER	IRR	AJ
	R37-07775C	DALEY, JOHN W	C	08/02/1988	L/	GROUNDWATER	IRR	AJ
		ARONSON-DALEY, CONST	C					
	R37-07775D	KACALEK, MARGARET E	C	08/02/1988	L/	GROUNDWATER	IRR	AJ
	R37-07775E	SAMPLE, W K	C	08/02/1988	L/	GROUNDWATER	IRR	AJ
		REED, LINDA K	C					
	R37-07775F	TEMPEL, BRIAN W	C	08/02/1988	L/	GROUNDWATER	IRR	AJ
		MARTIN, ROXANNE L	C					
	R37-07775G	DILWORTH, BRYAN K	C	08/02/1988	L/	GROUNDWATER	IRR	AJ
		ROCKWOOD, KELLY M	C					

Allocations split tree. Adj claims match the ending valid rights.

The adjudication claim recommendations corresponding to the licensed rights match the licensed data. No conflict is found between adjudication and the licensed rights for all parts of 37-07775.



MICROFILMED

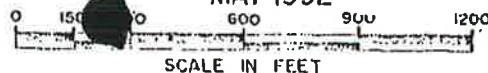
APR 1 3 1999

SEP 09 1994

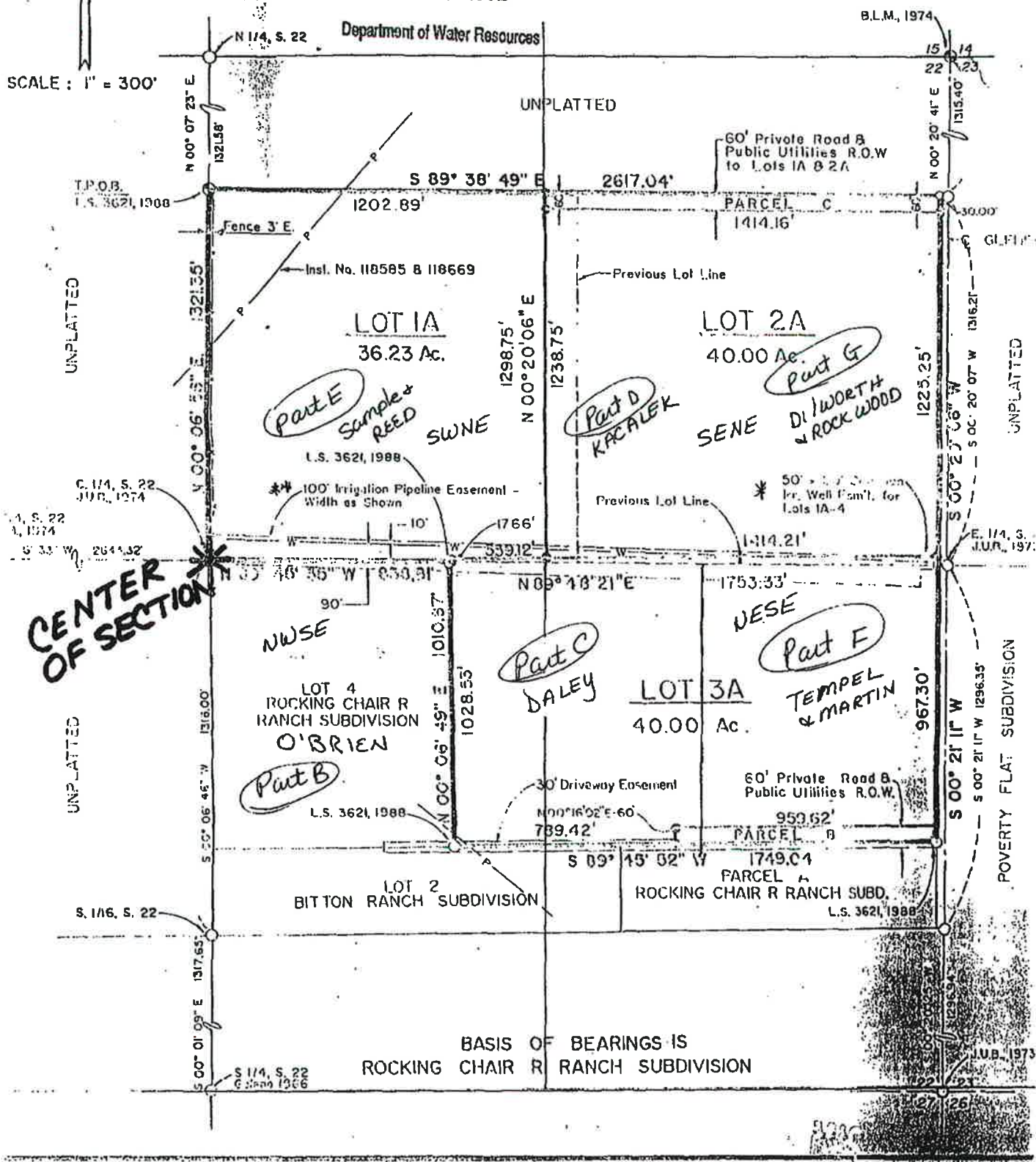
MAY 1992

RECEIVED

OCT 07 1992



SCALE : 1" = 300'



37-07775 Current Division 6/22/94 SEP 09 1994
Parts B thru G

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 12/02/94
PAGE: 1

WATER RIGHT NUMBER	NAME	CFS
37-07775	KEGLEY , ROD	
37-07775A	THIS RIGHT SPLIT INTO PARTS C THRU G BY ASSIGNMENT.	
37-07775B	O BRIEN , DENNIS	0.40
37-07775C	DALEY , JOHN W ARONSON-DALEY , CONSTANCE	0.40
37-07775D	KACALEK , MARGARET E	0.40
37-07775E	SAMPLE , W K REED , LINDA K	0.72
37-07775F	TEMPEL , BRIAN W MARTIN , ROXANNE L	0.40
37-07775G	ROCKWOOD , KELLY M DILWORTH , BRYAN K	0.40

RIGHT NO. 37-07775A

SPLIT INTO

PARTS C thru G

AT THE TIME OF

LICENSING

RECEIVED SEP

SEP 09 1994

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 appplication...

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4461
WATER RIGHT NO. 37-07775D

RECEIVED

JAN 20 1995

Department of Water Resources
Southern Region

This is to certify that: **MARGARET E KACALEK**
PO BOX 562
BELLEVUE ID 83313

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

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

SOURCE

GROUNDWATER

Priority: 08/02/1988

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N 18E 22	SENE 20			20
Total number of acres irrigated:				20

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. 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.
4. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

MICROFILMED
NOV 27 1996

TRANSFER NO. 4461
WATER RIGHT NO. 37-07775D

CONDITIONS/REMARKS:

8. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
9. The point of diversion and place of use are located within Lot 1, Block 1, Biche Field Subdivision.

Dated this 13th day of January, 1995.


Chief, Water Alloc. Bureau



MICROFILMED
NOV 27 1996

INTER-DEPARTMENT MEMO

TO: Kacalek App. for Transfer

SUBJECT: Pre-Transfer Exam

FROM: Jim Stanton

DATE: 7-7-94

I am familiar with this property, having done the licensing exam on this system. The land has been subdivided, and it is not practical to rejuvenate the original diesel motor and pump. Each lot owner will therefore be putting in their own well (I think). Due to non-use by previous owner (before Mr. Kegley) and delays in licensing, the well has not been used in 6 years or so. IDWR is willing to issue the license, however, so I assume this is a valid right. This is therefore a routine P/D change. I do not plan to visit the property again as part of this transfer.

☒ For your information

☐ Response required


signature

MICROFILMED
NOV 27 1995

37-07775 D, T # 4461

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4461

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

MAY 02 1994

PART 1

Department of Water Resources

Name of applicant

Margaret E. Kacalek

Phone

788-4152

Post Office address

P O Box 562, Bellevue, ID 83313

A. PURPOSE OF TRANSFER

- 1.
- ☒
- Change point of diversion
- ☒
- Add diversion point(s)
- ☐
- Change place of use

☐ Change nature of use☐ Change period of use☒ OtherSplit right

2. Describe the reason for the proposed changes
- We want to drill our own well to irrigate our 20 acres and split our portion of the right into our ownership.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 37-07775D Priority 8-2-1988 Amount (cfs/ac-ft) .40 Nature of Use Irrigation Period of Use 4-15 to 10-15
2. Total amount of water being transferred .40 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	NE	22	1N	18E	Blaine	New well

5. Lands irrigated or place of use:
- No Change

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

MICROFILMED

NOV 27 1998

Total acres

20

PART 1

6. General Information:

a. Description of diversion system

^{10"}
12" well with two pumps - one pump for domestic use and second pump for irrigation

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

The lot is now known as Lot 1, Block 1, Biche Field Subdivision.
It was previously the W $\frac{1}{2}$ Lot 2A, Rocking Chair R. Ranch Subdivision.**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

MICROFILMED
NOV 27 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 37-07775D issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 8-2-1988

5. Water is used for the following purpose:

amount 0.40 cfs for Irrig. purposes from 4-15 to 10-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.40 cubic feet per second and/or 70 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	22	1N	18E	B/qine	

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

9. Describe any other water rights used for the same purpose as described above

MICROFILM 20
Total acres

37-00604V 2 7 1996

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes If yes, describe See license file**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

MICROFILMED

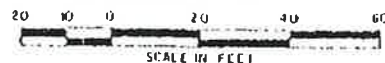
NOV 27 1989

Total acres _____

A PLAY SHOWING

LOCATED WITHIN THE

SERFER, 1992



946 #1

LEGEND

- EASEMENT, WIDTH AS SHOWN
 IRRIGATION PIPELINE EASEMENT
 BRASS CAP
 6/8" REBAR, FOUND
 1/2" REBAR, FOUND
 1/2" REBAR, SET BILLS 582

NOTES

11. All new utilities shall be underground.
12. The owner and/or his successors in interest at their own expense agrees to control noxious and noxious weeds using a combination of ditching, reseeding of riparian areas and chemical control. It is recognized that failure to comply with Idaho State Law regarding said weed control may result in liability as specified under this law.
13. The purchaser and/or owner of this parcel understands and agrees that private road construction, maintenance and snow removal shall be the responsibility of the owner, his successors in interest, or homeowner's association, and that Blaine County is in no way obligated in, except, maintain, or remove these roads, and that each owner shall notify in writing an successor in interest of these facts.
14. A five foot canal and utility easement exists along the North and East Subdivision boundaries.
15. A power line easement of unidentified location exists across the N 1/2 of the E 1/4 of Section 22, T18N, R10E, S22E40.
16. Structures shall be well back a minimum of the 100 foot property line; however, residences larger than 4000 square feet shall provide adequate fire protection per Blaine County standards in effect at that time.
17. Idaho Dept. of Fish and Game requires that residence fence height shall be 42" to allow migration of large game dogs shall be leashed or leashed at all times and no other livestock and small or stored and no adult is not available to his game while in damage to commercial trees and shrubs may occur. Actions taken shall be the responsibility of the homeowners, and in accordance with DFG regulations.
18. The existing well and easement located on portions of lot 2 of Birch Fields Subdivision and east 1/4 of "Remain of lots 1, 283 Ranching Chair W Ranch Subdivision" is for the common use of both of said Subdivisions. The well is in the licensing process and no attempt of surface water is possible until the well is drilled and licensed. After such time Birch Fields Subdivision will be allocated 2/3 of the license and 2/3 of the well maintenance and distribution agreement will be formed.
19. Birch Fields Subdivision owns 2/3 of the rights to 607,110 cfs surface water. This yields 15 cfs per acre

▲ 17. A1 71020704
D1C116 1414 01, 5003

1.2.3.1. $\mathcal{P}(A) = \{ \emptyset, A \}$ and $\mathcal{P}(B) = \{ \emptyset, B \}$ are the power sets of A and B respectively.

WPHIC
LG TH
THE SURVEYOR'S
SUMES NO
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MICROFILM
404 27 1996

References

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 21 day of April, 19 94

Margaret E. Kacalik
(Signature of Applicant)

Janet Key
(Notary Public)

My commission expires 10-6-94

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by drt Date 5-2-94 Protest filed by None

Prelim. check by drt Fee 50.00 ⁵⁰¹ 6843

Receipted by drt Date 05-02-1994

Published in Wood River Journal Copies of protest forwarded by

Pub. dates 11/9 & 11/16/94 Hearing held by Date

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

rec'd. by ADM

Copy of transfer sent to lien holder

MICROFILME
NOV 27 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07775D

SEP 13 1994
Department of Water Resources
Southern Region Office

Priority: August 2, 1988

Maximum Diversion Rate: 0.40 CFS
Maximum Diversion Volume: 70.0 AF

This is to certify, that MARGARET E KACALEK

PO BOX 562

BELLEVUE ID 83313

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	SENE	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: 37-07775B, 37-07775C, 37-07775E, 37-07775F, and 37-07775G.
7. The place of use is located within Lot 1, Block 1, Biche Field Subdivision.

MICROFILMED
NOV 27 1996

37-07775-D

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07775D

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

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

~~LEGISLATIVE~~
Governor PHIL BATT

R. KEITH HIGGINSON
Director

January 25, 1995

MARGARET E KACALEK
PO BOX 562
BELLEVUE ID 83313

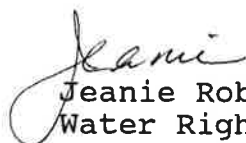
Re: Ownership Change for Adjudication Claim #A37-07775

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. In addition, your claim was then amended pursuant to approved Transfer No. 4461. I have enclosed a copy of your amended claim A37-07775D.

Please review the record and if you have any corrections or questions, feel free to call this office.

Sincerely,


Jeanie Robertson
Water Right Agent

/jr
Enclosures

MICROFILMED
NOV 27 1996

Water Right Number - 37-07775D

Prefix Translation: WATER RIGHT

Old (D) Number -

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

+ - First Name - - +

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

*** C - CURRENT OWNER ***
KACALEK

MARGARET E

1 - PO BOX 562

2 -

3 -

City- BELLEVUE

State- ID Zip- 83313

Phone - 208-788-4152

*** O - ORIGINAL OWNER ***
RATTO

ARNETTA

1 -

2 -

3 -

City-

State- ID Zip-

Phone - 208-000-0000

RATTO

ROBERT W

1 -

2 -

3 -

City-

State- ID Zip-

Phone - 208-000-0000

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

01N

18E

22

SE NE

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 - 37-07775D

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +
The point of diversion and place of use are located within Lot 1,
Block 1, Biche Field Subdivision.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 37.
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.
803 - The right holder shall use the full allotment of his surface
- water right, to the extent it is available, in conjunction with
- groundwater diverted pursuant to this right.
T07 - The change authorized by this transfer shall be accomplished
- within one (1) year of the date of this approval.
T08 - Failure to comply with the conditions of this transfer is cause
- for the director to issue an order to show cause why the approval
- of the transfer should not be rescinded.
T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

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

+ - - - - Comments - - - - - +
Date: 06/22/1994 User Id: BCHAPMAN Subject: SPLIT RIGHT
This right was split from 37-07775A at the time of licensing.
Date: 10/27/1994 User Id: MBALDWIN Subject: TRANSFER NO. 4461
T# 4461 filed on 5/2/94 proposes to add a point of diversion. The lot is now known as Lot 1, Block 1, Biche Field Subdivision.
It was previously the W1/2, Lot 2A, Rocking Chair R. Ranch Subd.

+ - - Audit Fields - 06/22/94 BCHAPMAN 06/22/94 BCHAPMAN 10/27/94 MBALDWIN 12/02/94 PSKAGGS 12/05/94 PSKAGGS

+ - - - - 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 - S016843 Water District - 37
Licensed Date - 09/08/1994 Appl Received - 05/02/1994 Transfer/Amended - B
Decree Date - 00/00/0000 Name Connector - POU Ownership Flag- Y
Presumption Flag -

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NOV 27 1995

Water Right Number - R37-07775D

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
KACALEK

MARGARET E

1 - PO BOX 562

2 -

3 -

City- BELLEVUE

State- ID Zip- 83313

Phone - 208-788-4152

+ - - 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	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	SE NE		20.0	01	IRRIGATION	(13) BLAINE

Total Acres: 20.0

+ - - Diversion Means - 10" CASING, PUMP.

+ - - Non-Irrigation Use - NONE

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

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

PURSUANT TO APPROVED TRANSFER NO. 4461:
1. RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.
2. USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.
3. 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.

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NOV 27 1995

Water right number - R37-07775D

Prefix Translation: RESEARCH

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

4. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF HIS SURFACE WATER RIGHT, TO THE EXTENT IT IS AVAILABLE, IN CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.
5. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
6. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
7. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
8. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL INSTALL A SUITABLE MEASURING DEVICE OR SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE INFORMATION TO THE DEPARTMENT.
9. THE POINT OF DIVERSION AND PLACE OF USE ARE LOCATED WITHIN LOT 1, BLOCK 1, BICHE FIELD SUBDIVISION.

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

No Old Water Right Numbers Found

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

No Conditions of Approval found.

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

00/00/0000

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

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

This is a portion of A37-07775 which was split at time License was issued. This claim is based on that License. The claim was then amended pursuant to approved Transfer No. 4461. 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	- 01/25/1995	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 37
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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NOV 27 1995