

T788

KACKLEY

Application for Transfer of Water Right

STATE OF IDAHO,

County of ADA

ss.

Dr. Evan M. Kackley

, being first duly sworn, deposes and says:

That his name is Dr. Evan M. Kackley : that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Boise Idaho

That he is the owner and using a certain water right, bearing date of priority of May 1 1910
0.2
for 0.1 cubic feet per second of the waters of Soda Creek
W.M. Chester
County of Caribou, State of Idaho, decreed to Landi C. Eastman

by decree of Judge, Detrich of the U.S. Dist. Court, Judicial District of the State of Idaho, in and for the County of , in the case of Utah Power and Light Co. vs. Last Chance Canal Co.; said decree bearing date of July 14 1920 (or obtained by virtue of License No. , issued by the State Engineer or the Commissioner of Reclamation of the State of Idaho, dated , 19 , bearing date of priority of , 19) for the purpose of irrigating the following described lands situate, lying and being in water District No. 5-E in the County of Caribou and State of Idaho, to-wit:

13 ac * { Wm. Chester 0.2 c.f.s. 8 ac. in S.E. 1/4, Sec. 6 T. 9 S.R. 42 E.B.M. ...
Landi C. Eastman 0.1 c.f.s. 5 Ac. in Lots 4-5-6-7 Blk 52 City of Soda Springs and 9.2% of 8.8 c.f.s. Storage right in S.W. Meadow (undeterminate amount of water)

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner: i. e.

By purchase

as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream in the N.E. 1/4 S.E. 1/4 of Section 36, Township 8, Range 42 E., B. M., and conducted to the above described lands through Lau (or Town) Ditch as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 0.3 more or less cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Caribou and State of Idaho, to-wit:

Lots 3-4-5-6 and S.E. 1/4 of N.W. 1/4 and N.E. 1/4 of S.W. 1/4
Sec. 6 T. 9 S.R. 42 E.B.M.

That his reasons for desiring to make such transfer are as follows:

Insufficient water at times due to late priority of water right.

This is real good!
Having insufficient water
for irrigation of 13 acres *
but being able to
irrigate 200 acres **

That he intends to divert and convey said 1120.3 more or less second feet of water to the tract of land last above described in the following manner, to-wit:

Through the Town(or Lau) Ditch

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Id-ho Compiled Statutes.

Subscribed and sworn to before me this

A. D. 19 52

Dr. Eben M. Kaelen
Applicant
14 day of January
Ralph C. Kender
Notary Public,
residing at Boise, Idaho.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water now diverted? Soda Creek

Where is the diversion point now located? N.E. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ Sec. 36 T.8 S.R. 41 E.B.M.

Through what ditch is it now conducted? Town (or Lau) Ditch

How much land is now irrigated by the water sought to be transferred? Approx 200 Ac.

Give the description: Part of Lots 3-4-5-6-, S.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ and
N.E. $\frac{1}{4}$, S.W. $\frac{1}{4}$ Sec. 6 T.9 S.R. 42 E.B.M.

What is the total amount of water in inches, or second feet, dedicated to said land? 0.3 c.f.s. 1909
1.6 c.f.s. 1910

What kind of crops are being raised? Alfalfa and grain

How much water per acre is now required to irrigate said land?

What will be the effect on the land now irrigated, if the use of water on it is discontinued?

Give location of new point of diversion, if change is to be made

Through what ditch will it be conducted after transfer? Town (or Lau) Ditch

How much water will be required per acre to irrigate the land to which this water is transferred?

Do you claim any other water right for the land from which you seek to abandon the use of this water?

NO.

If so, give amount, date and source

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source 0.3 c.f.s. 1909 Soda Creek, 1.6 c.f.s. 1910 Soda Creek
95 shares Farmers Land and Irr. Co.

Signed

Dr. Eben M. Kaelen
Applicant.

STATE OF IDAHO,

County of Caribou

ss.

T. E. Thompson

and

A. K. Lachtenberg

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at
that he is a user of water from Soda Creek in Water District No. 5-E County of Caribou, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Dr. Evan M. Kackley and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned,

T. E. Thompson
A. K. Lachtenberg

Subscribed and sworn to before me this 7th day of December

A. D. 19 51

J. D. Andrews

Notary Public

Soda Springs, Idaho

My Commission Expires: July 28, 1952

STATE OF IDAHO,

County of Caribou

ss.

I, T. E. Thompson

Watermaster of Soda Creek

Water District No. 5-E, County of Caribou, State of Idaho, whose postoffice address is Soda Springs Idaho, have read or heard read the foregoing affidavit and petition of Dr. Evan M. Kackley, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:

T. E. Thompson

Watermaster Dist. No. 5-E

Dated at Soda Springs, Idaho, this 7th day of December, 19 51

RECEIVED

AUG 27 1973

Department of Water Administration
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 788.

THIS IS TO CERTIFY That DR. EVAN M. KACKLEY, of Boise, Idaho, is the owner of and using a certain water right in the amount of Two-tenths (0.2) cubic foot per second of the waters of Soda Creek with priority of May 1, 1910, and One-tenth (0.1) cubic foot per second of the waters of Soda Creek with priority of February 10, 1881, decreed to W. M. Chester and Landi C. Eastman, respectively, by Judge Frank S. Dietrich of the District Court of the United States for the District of Idaho, Eastern Division, in the case of

UTAH POWER & LIGHT COMPANY, et al

Plaintiffs,

vs.

LAST CHANCE CANAL COMPANY, et al

Defendants.

said decree bearing date of July 14, 1920, and being appurtenant to the following described lands to-wit:

Fr. SE $\frac{1}{4}$ Section 6, Township 9 South,
Range 42 East, B.M., and Lots 4, 5, 6,
& 7, of Block 52, City of Soda Springs, Idaho.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 502 thereof.

That said Dr. Evan M. Kackley has become the owner of said water right through purchase.

And that now, upon the application of Dr. Evan M. Kackley of Boise, Idaho, for the transfer of Three-tenths (0.3) cubic foot per second of the waters of Soda Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of Three-tenths (0.3) cubic foot per second of the waters of Soda Creek upon the above described lands is hereby abandoned, and the lands to be irrigated under such right, and to which the water right hereby confirmed shall become appurtenant, by this certificate, for irrigation and domestic purposes, are described as follows, to-wit:

Lots 3, 4, 5, and 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 6, Township 9 South, Range 42 E.B.M.

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

11-0449 - 0.2 cubic foot per second with priority of
May 1, 1910.
~~11-0450~~ - 0.1 cubic foot per second with priority of
February 10, 1881.
11-00457

That the water right hereby transferred has heretofore been conducted from Soda Creek to the first above described lands through the Town (or Lau) Ditch, with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 8 South, Range 41 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the same ditch and with the same point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 28th day of March, 1952.

MARK R. KULP
State Reclamation Engineer

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Department of Water Administration
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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That the water right hereby transferred will hereafter be conducted to the last above described lands through the same ditch and with the same point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 28th day of March, 1932.

MARK R. KULP
State Reclamation Engineer