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JOHNSON

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 471.

RECEIVED

AUG 27 1973

Department of Water Administration
Eastern District Office

THIS IS TO CERTIFY That Enoch Johnson and Thorger Johnson, of Bannock, County of Bannock, State of Idaho, have a right to the use of the waters of Soda Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the United States District Court for the District of Idaho, Eastern Division, in the case of Utah Power & Light Company, plaintiff, vs. The Last Chance Canal Company, Ltd., et al, defendants, F. S. Dietrich, United States District Judge, wherein 3.9 second feet of the waters of Soda Creek were decreed to the applicants for the irrigation of the following described lands:

Lots 1, 2, 3 and 4, Sec. 3; $S\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$ and Lot 4, Sec. 2, Twp. 9 S., R. 40 E., B.M.; $SE\frac{1}{4}$ Sec. 29; $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 33; $E\frac{1}{2}SW\frac{1}{4}$ and $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 34, Twp. 8 S., R. 40 E., B.M.

That said right bears date of priority of May 1, 1892, and that said Decree has been entered in the records of the Department of Reclamation of Idaho, at Boise, in Book 4 of Decrees, at page 502;

That, upon the application of the said Enoch Johnson and Thorger Johnson for a transfer of water right, made before the Commissioner of Reclamation of Idaho and the said application having been granted, the right to the use of 3.9 second feet of the waters of Soda Creek upon the lands above described is hereby abandoned and the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, are described as follows, said right 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:

3.9 second feet, with priority of May 1, 1892

Lots 3,4,5 and 6, $SE\frac{1}{4}NW\frac{1}{4}$ and $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 6, Twp. 9 S., R. 42 E., B. M.

That the water to be transferred has heretofore been diverted from Soda Creek at a point in the $NE\frac{1}{4}$ of Sec. 12, Twp. 9 S., R. 41 E., B.M. and carried through the Farmers Land & Irrigation Company Canal, but will hereafter, by virtue of this certificate, be diverted at a point in the $NE\frac{1}{4}SE\frac{1}{4}$ Sec. 36, Twp. 8 S., R. 41 E., B.M. and carried through the Kackley and Lau ditches:

That the right to the use of the waters 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.

WITNESS The seal and signature of the Commissioner of Reclamation of Idaho, affixed at Boise this 27th day of August, 1929.

(SEAL)

GEO. N. CARTER
Commissioner of Reclamation

By Myron Swendsen
Assistant.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 471.

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RECEIVED
AUG 27 1973
Department of Water Administration
Eastern District Office

THIS IS TO CERTIFY That Enoch Johnson and Thorger Johnson, of Bannock, County of Bannock, State of Idaho, have a right to the use of the waters of Soda Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the United States District Court for the District of Idaho, Eastern Division, in the case of Utah Power & Light Company, plaintiff, vs. The Last Chance Canal Company, Ltd., et al, defendants, F. S. Dietrich, United States District Judge, wherein 3.9 second feet of the waters of Soda Creek were decreed to the applicants for the irrigation of the following described lands:

Lots 1, 2, 3 and 4, Sec. 3; $S\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$ and Lot 4, Sec. 2, Twp. 9 S., R. 40 E., B.M.; $SE\frac{1}{4}$ Sec. 29; $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 33; $E\frac{1}{2}SW\frac{1}{4}$ and $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 34, Twp. 8 S., R. 40 E., B.M.

That said right bears date of priority of May 1, 1892, and that said Decree has been entered in the records of the Department of Reclamation of Idaho, at Boise, in Book 4 of Decrees, at page 502;

That, upon the application of the said Enoch Johnson and Thorger Johnson for a transfer of water right, made before the Commissioner of Reclamation of Idaho and the said application having been granted, the right to the use of 3.9 second feet of the waters of Soda Creek upon the lands above described is hereby abandoned and the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, are described as follows, said right 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:

3.9 second feet, with priority of May 1, 1892

Lots 3,4,5 and 6, $SE\frac{1}{4}NW\frac{1}{4}$ and $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 6, Twp. 9 S., R. 42 E., B. M.

That the water to be transferred has heretofore been diverted from Soda Creek at a point in the $NE\frac{1}{4}$ of Sec. 12, Twp. 9 S., R. 41 E., B.M. and carried through the Farmers Land & Irrigation Company Canal, but will hereafter, by virtue of this certificate, be diverted at a point in the $NE\frac{1}{4}SE\frac{1}{4}$ Sec. 36, Twp. 8 S., R. 41 E., B.M. and carried through the Kackley and Lau ditches:

That the right to the use of the waters 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.

WITNESS The seal and signature of the Commissioner of Reclamation of Idaho, affixed at Boise this 27th day of August, 1929.

(SEAL)

GEO. N. CARTER
Commissioner of Reclamation

By Myron Swendsen
Assistant.

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.

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 NE¹/₄ SE¹/₄ 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

MEMORANDUM

RECEIVED

JUN 1 1992

Department of Water Resources
Eastern District Office

TO: Water District 13-M
FROM: Gary Spackman *Gary*
DATE: June 1, 1992

On May 28, 1992, Glen Merrill, the current user of right no. 13-0885 and other water rights which have been transferred into Stockton Creek, provided me a copy of a decree titled Eldredge the Cleveland Irrigation Company, dated September 19, 1900. The decree clarifies the source of right no. 13-0884 described in the Dietrich decree. Right no. 13-0884 authorizes diversion from a spring located in Section 36, T12S, R40E, and Section 31, T12S, R41E, B.M. These sections are located downstream in the Cottonwood drainage from where the Cleveland Irrigation Company diverts its water.

I called Dean Burton (427-6384), the president of the Cleveland Irrigation Company, and ask him whether Cleveland Irrigation Company claims ownership of right no. 13-0884. Dean Burton stated that Cleveland Irrigation Company does not claim any ownership of the right.

Glen Merrill and Pete Peterson, the watermaster, have been disputing whether the 1.5 cfs authorized by right no. 13-0884 should be delivered downstream past the Merrill diversion. I told Pete today that right no. 13-0884 should not be delivered from Cottonwood Creek, and that Cleveland Irrigation Company was not entitled to the water. A present owner of the land where the spring is located is Rick Taylor, who lives in Mapleton, Utah.

Originally, Glen Merrill had questioned the validity of right no. 13-0882. Cleveland Irrigation Company claims ownership of the water right, and Glen Merrill agreed that Cleveland Irrigation should be entitled to divert the 0.6 cfs authorized by the right.