

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Evan M. and Lois Kackley
c/o William T. Goodman (Name of Claimant)
P.O. Box 61, Rupert, Idaho 83350 Telephone No. 436-4774
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) October 8, 1892

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) unnamed spring tributary to Bear River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	(Mo., Day)
Quantity <u>0.04 cfs</u>	Use <u>Domestic - lawn &</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity _____	Use <u>garden</u>	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 0.04 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SE ¼, Sec. 33 Twp. 10S Rge. 40 E, B.M., County of Caribou
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Pipeline - 250 feet - 2 inch - from covered spring. Total spring capacity is 2.43 cfs

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	40E	33														X			1.75 acres

No. of acres 1.75

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Household - culinary
Lawn
Gardening

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: N/A

1. *What is the main purpose of the study?*
 2. *What are the research objectives?*
 3. *What is the research methodology?*
 4. *What are the findings of the study?*
 5. *What are the conclusions of the study?*
 6. *What are the limitations of the study?*
 7. *What are the implications of the study?*
 8. *What are the future research directions?*
 9. *What are the contributions of the study?*
 10. *What are the key words of the study?*

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 9. *What are the contributions of the study?*
 10. *What are the key words of the study?*

[illegible]

• = Point of diversion
□ = Use area

• = Point of diversion
□ = Use area

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

SS (

(

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the

attendant's knowledge.

day of

18 61

Rupert, Idaho

My commission expires

Date _____

Exception filed by:

18-12-1

18-22-1

148-12-1

2

Dates

PUBLIC NOTICE

First Time
Published

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

13-4135

KACKLEY, EVAN M. &
or LOIS
C/O WILLIAM GOODMAN,
ATTORNEY, P.O. BOX 61,
RUPERT, ID 83350

Source: SPRINGS tributary to
BEAR RIVER

Priority Date: 04-10-1884

Amount: 4.26 CFS

Diversion Point: NWSE SWSE
SESW SWNE Sec 33 T 10S R
40E SESW Sec 28 T 10S R 40E,
CARIBOU Co.

Use: IRRIGATION (4.00
CFS) from 05-15 to 10-01
STOCK WATER (0.26 CFS)
from 01-01 to 12-31

Place of Use: SENW NESW
SESW NESE NWSE SWSE Sec
33 T 10S R 40E FOR 200
ACRES

Diversion Means: PIPELINE
& DITCHES

13-4136

KACKLEY, EVAN M. &
or LOIS
C/O WILLIAM GOODMAN,
ATTORNEY, P.O. BOX 61,
RUPERT, ID 83350

Source: SPRING tributary to
BEAR RIVER

Priority Date: 10-08-1892

Amount: 0.04 CFS

Diversion Point: NWSE Sec 33
T 10S R 40E, CARIBOU Co.

Use: DOMESTIC (0.04 CFS)
from 01-01 to 12-31

Place of Use: NWSE Sec 33 T
10S R 40E

Diversion Means: PIPELINE

25-4082

KACKLEY, EVAN M. &
or LOIS
C/O WILLIAM GOODMAN,
ATTORNEY, P.O. Box 61,
RUPERT, ID 83350

Source: GROUNDWATER

Priority Date: 08-10-1932

Amount: 0.10 CFS

Diversion Point: SWNE Sec 04
T 05S R 43E, CARIBOU Co.

Use: STOCK WATER (0.10
CFS) from 06-01 to 12-15

Place of Use: NESW NWSW
SWSW SESW SWSE SESE Sec
03 T 05S R 43E NWNE SWNE
SENE NESE NWSE SESE Sec
04 T 05S R 43E

Diversion Means: WELL,
PUMP & TROUGH

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department
of Water Resources, 150 Shoup
Ave., Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Published Feb. 5 and 12, 1981
in the Caribou County Sun.

RECEIVED

MAR 12

Department of Water Resources
Eastern District Office County of Caribou
State of Idaho

Affidavit of Publication

ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

5th day of
February, 1981

The date of the last publication
being the 12th day of
February, 1981

[Signature]

Subscribed and sworn to be-
fore me this 13th day
of February, 1981

[Signature]
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of March
1984

RECEIVED

3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

B
Hans [unclear]
Cory
Cayley

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

FEBRUARY 25, 1981

EVAN M. KACKLEY
LOIS KACKLEY
C/O WILLIAM GOODMAN, ATTORNEY
P.O. BOX 61
RUPERT ID 83350

RE: Claim No. 13-4135

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Ronald D. Carlson
RONALD D. CARLSON by kw
Eastern Region Supervisor

Enclosure

HIGHWAYS
MUNICIPAL
CONSTRUCTION

SURVEYING

IRRIGATION WATER
MEASUREMENT

DAMS

R. D. STOKER AND ASSOCIATES

CONSULTING ENGINEERS

279 East Third North - P. O. Box 726

SODA SPRINGS, IDAHO 83276



TELEPHONE 547-3463
(Area Code 208)

April 21, 1972

Dr. Evan M. Kackley
2323 Ellis Avenue
Boise, Idaho 83702

Dear Dr. Kackley:

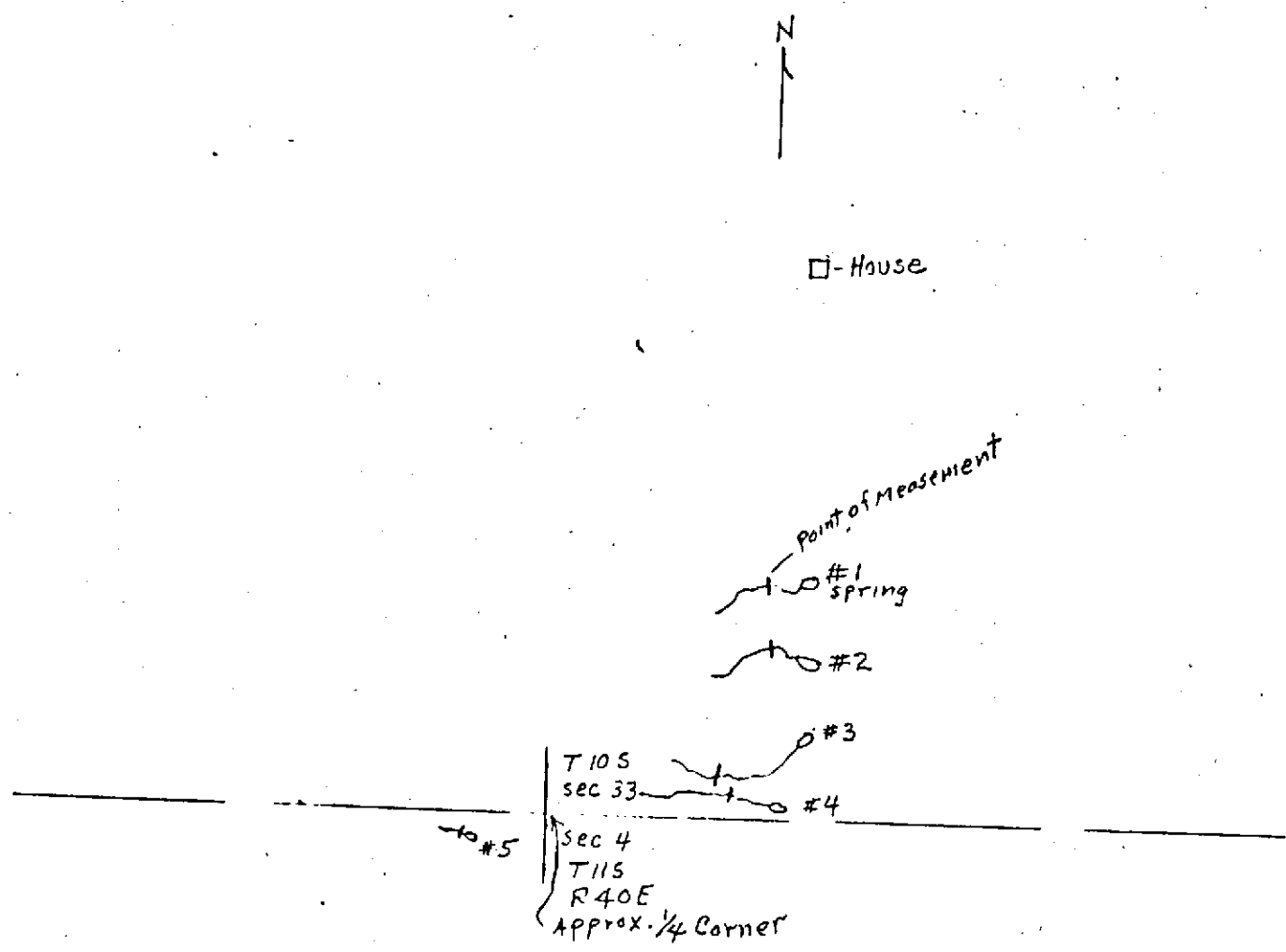
Following are the results of the measurements of the flow of the springs on your ranch southwest of Grace, Idaho which I made on April 21, 1972:

House area Springs	2.43 C.F.S.
Spring #1	0.25 C.F.S.
Spring #2	8.81 C.F.S.
Spring #3	0.12 C.F.S.
Spring #4	0.34 C.F.S.
Spring #5	1.39 C.F.S.
Total	13.34 C.F.S.

Yours truly,

R. D. Stoker





Approx. Location of Springs
& Points of Measurement
Dr. Evan Rockley Kinich
SW of Grace, Idaho

THE UNITED STATES OF AMERICA.

Certificate No. 157

To all to whom These Presents shall Come—Greeting

WHEREAS,

Edward J. Turner, of Oneida County, Idaho Territory
has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at *Idaho Territory* whereby it appears that full payment has been made by the said *Edward J. Turner*

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provisions for the Sale of the Public Lands," and the acts supplemental thereto, for the *purchase of the north-west quarter of the east half of the south-west quarter of the north-west quarter of the South-east quarter of Section 18, Township 10 North, Range 4 East, 3rd Meridian, Idaho Territory, containing one hundred and thirty acres.*

according to the Official Plat of the Survey of the said Lands returned to the General Land Office by Surveyor General, which said Tract has been purchased by the said

Edward J. Turner
NOW, KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have Given and Granted, and by these presents do Give and Grant, unto the said *Edward J. Turner* and to his heirs, the said Tract above described.

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature, thereunto belonging, unto the said

Edward J. Turner and to his heirs and assigns, forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

IN TESTIMONY WHEREOF, I,

Chester A. Arthur President of the United States of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the *tenth* day of *April* in the year of our Lord one thousand *eight* hundred and *eighty four* and of the Independence of the United States one hundred and *eighty four*

BY THE PRESIDENT:

By

Recorded Vol. 1 Page 111

Secretary.

Recorder of the General Land Office.

Filed for Record at

10 o'clock P. M.

Dec 27

A. D. 1903, and recorded at the request of

By

Deputy.

Recorder.

Fee, \$

13-4136
13-4137
SODA SPRINGS
IDAHO 83276

KACKLEY
OLD WILLIAMSBURG
WAYAN, IDAHO 83285

2323 Ellis Avenue
Boise, Idaho 83702

December 8, 1981

RECEIVED
DEC 16 1981
DEC 14 1981

Department of Water Resources

2323 ELLIS AVENUE
BOISE, IDAHO 83702

Department of Water Resources
Eastern District Office

Eastern Region Supervisor
Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

VIA CERTIFIED MAIL # 559-265
Boise. Dec. 9 - 1981

Re: Submission, per your covering letters, of
"additional information or supporting evidence
you would like to have included with the claim."

Dear Sir:

I wish to submit the following supporting evidence on two
claims:

Claim 9 13-4136 issued to Evan M. and Lois Kackley per your
covering letter of February 25, 1981. The following support-
ive material is submitted for attachment to the claim:

1. A statement of April 21, 1972 from Russell Stoker showing
water measurement of certain springs, and on the second
page thereof the location of said springs. Mr. Stoker
is a registered engineer and Watermaster of Bear River.
2. Certificate No. 177 from the United States of America issued
to Edward J. Turner of Oneida County, Idaho Territory as a
patent on certain lands on April 10, 1884 and recorded in
Vol. 1, page 111 of Recorder of the General Land Office.

Claim 13 4135 to a water right issued to Evan M. and Lois Kackley
and your covering letter of February 25, 1981:

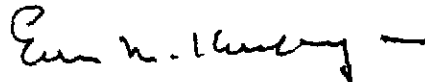
1. An April 21, 1972 statement of R. D. Stoker on measurement of
certain flows of certain springs, and location of the same.
Mr. Stoker is a certified engineer and Watermaster of Bear
River.
2. Certificate No. 177 from the United States of America issued
to Edward J. Turner of Oneida County, Idaho Territory on
April 10, 1884 for a patent to certain lands and recorded in
Vol. 1, page 111 of the Recorder of the General Land Office.

3. Certificate No. 273 from the United States of America issued to Edward J. Turner of Oneida County, Idaho Territory on April 10, 1884 for a patent of certain lands and recorded in Vol. 1, page 117 of the Records of the General Land Office.
4. Certificate No. 1115 from the United States of America to Edward J. Turner of Bingham County, Idaho issued on December 9, 1892 and recorded in Vol. 8, page 284 of Records of the General Land Office.
5. Instrument #72414 Caribou County, Idaho between Utah Power & Light and Ellis Kackley, dated October 11, 1919 and filed in records of Caribou County, Idaho November 1, 1919.

Would you kindly file these in the proper relationship to the issuance of the claim to the water right.

I thank you, and remain

Very truly yours,



Evan M. Kackley

EMK:pm

cc: Mr. William T. Goodman
Goodman, Duff & Chisholm, Attorneys
Rupert, Idaho

Encl: As noted.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernst

Right Number 13 4136 Applicant Rackley

NOTE: 13-4136 IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
 - ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
 - ☒ Source.
 - ☒ Quantity, use, period.
 - ☒ Point(s) of diversion.
 - ☒ Location of use.
 - ☒ Signature/notarization/fee.
- 2/23

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernst Carlson Date March 17, 1981

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By W. Hansen Date 3/19/81

MICROFILMED

3/79

IDENT. NO.

13 4136

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

FEBRUARY 25, 1981

EVAN M. KACKLEY
LOIS KACKLEY
C/O WILLIAM GOODMAN, ATTORNEY
P.O. BOX 61
RUPERT ID 83350

RE: Claim No. 13-4136

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MICROFILMED

February 25, 1981

RE: Claim to a Water Right No. 13-4135
No. 13-4136 KACHLEY
No. 25-4082

Caribou County Sun
P.O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on January 5 and 12, 1981.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

CW:kw

MICROFILMED

02/04/81

RECEIVED

FEB 23 1981

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RIVER WATER RIGHT FILINGS

PAGE 1

INDICATES TOTAL

Department of Water Resources

RIGHT NUMBER NAME ADDRESS DATE USE PERIOD MAX AMOUNT DIVERSION POINT PLACE OF USE BASIS FOR RIGHT

01-4038 PROGRESSIVE IRRIGATION DISTRICT P.O. BOX 2093 IDAHO FALLS 10 83401 06-01-1980 STOCKWATER 11-01-11-31 200,00 CFS SWS# S05 T103# R40E SWS# S31 T04# R41E STAIRY CLM

SOURCE: SNAKE RIVER, SOUTH FORK
OTHER USES: 375000 CATTLE, SHEEP & HOGS.
REMARKS: P/D IN SWS# S31, T04, R41E IN DEPRESSION COUNTRY.
P/D WITHIN DISTRICT BOUNDARIES OF PROGRESSIVE IRR. DIST.

11-7221 BARTSCH, TERRILL E. ALLEMAN, LEE RT. 2 BOX 387 IDAHO FALLS 10 83401 01-23-1981 POWER 01-01-12-31 100,00 CFS RWS# S18 SWS# T11S R43E SUB T11S R43E APPLICATION

13-4135 KACKLEY, EVAN M. KACKLEY, LOIS C/O WILLIAM GOODMAN, MURKIN P.O. BOX 61 IDAHO FALLS 10 83350 04-10-1984 IRRIGATION 05-15-10-01 4,00 CFS NWS# S33 SWS# S28 NWS# S28 NWS# S28 T10S R40E SWS# S33 T10S R40E SWS# S33 T10S R40E STAIRY CLM

SOURCE: SPRINGS
OTHER USES: 5/1000 RANGE, 1200 SHEEP, 300 POULTRY.
TRIBUTARY: BEAR RIVER
STOCKWATER 01-01-12-31 26 CFS

STOCKWATER 01-01-12-31

200 ACRES*
SAME AS OTHER USE

15-7067 ONEIDA SCHOOL DISTRICT NO. 351 01-21-1981 HEATING 09-01-05-31 250 WGS# 400 NORTH IDAHO FALLS 10 83452 10 83350 10 83350 01-01-12-31 4,26 CFS NWS# S33 NWS# S33 T10S R40E S33 T10S R40E STAIRY CLM

SOURCE: SPRING
TRIBUTARY: BEAR RIVER
ONEIDA SCHOOL DISTRICT NO. 351 01-21-1981 HEATING 09-01-05-31 250 WGS# 400 NORTH IDAHO FALLS 10 83452 10 83350 10 83350 01-01-12-31 4,26 CFS NWS# S33 NWS# S33 T10S R40E S33 T10S R40E STAIRY CLM

TRIBUTARY:

33 CFS T11S R36E

APPLICATION

MICROFILMED

Control over
Sinking - may
lead to ground

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401 .

C. STEPHEN ALLRED

Director

Published 2/5 & 2/12/81.

MICROFILMED

KACKLEY, EVAN M. &/or LOIS

C/O WILLIAM GOODMAN, ATTORNEY, P.O. BOX 61, RUPERT, ID 83350

Source: SPRING tributary to BEAR RIVER

Priority Date: 10/08/1892

Amount: 0.04 CFS

Diversion Point: NWSE Sec 33 T 10S R 40E, CARIBOU Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: NWSE Sec 33 T 10S R 40E

Diversion Means: PIPELINE.

MICROFILMED