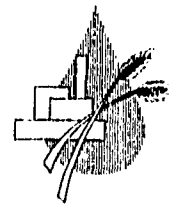


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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, attorney (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) April 10, 1884

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 springs 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>4 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>May 15</u>	To <u>Oct. 1</u>
Quantity	<u>0.26 cfs</u>	Use <u>Stock</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 4.26 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

(2) NW ¼ SE ¼, Sec. 33 Twp. 10 S. Rge. 40 E.B.M., County of Caribou

Additional points of diversion: SW ¼ SE ¼; SE ¼ SW ¼; (2) SW ¼ NE ¼ of Sec. 33; and SE ¼ SW ¼, Sec. 28, T. 10 S., R. 40 E.B.M.

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. SEE ATTACHED LIST

- (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.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			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	
10S	40E	33								20	40			40	20	40	40		200 irrig.
10S	40E	33				Stock watered				x	x			x	x	x	x		
						as noted													

No. of acres 200

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

Both irrigation & stock: 1,000 head range cattle; 1,200 head sheep;
300 head chickens, ducks, geese

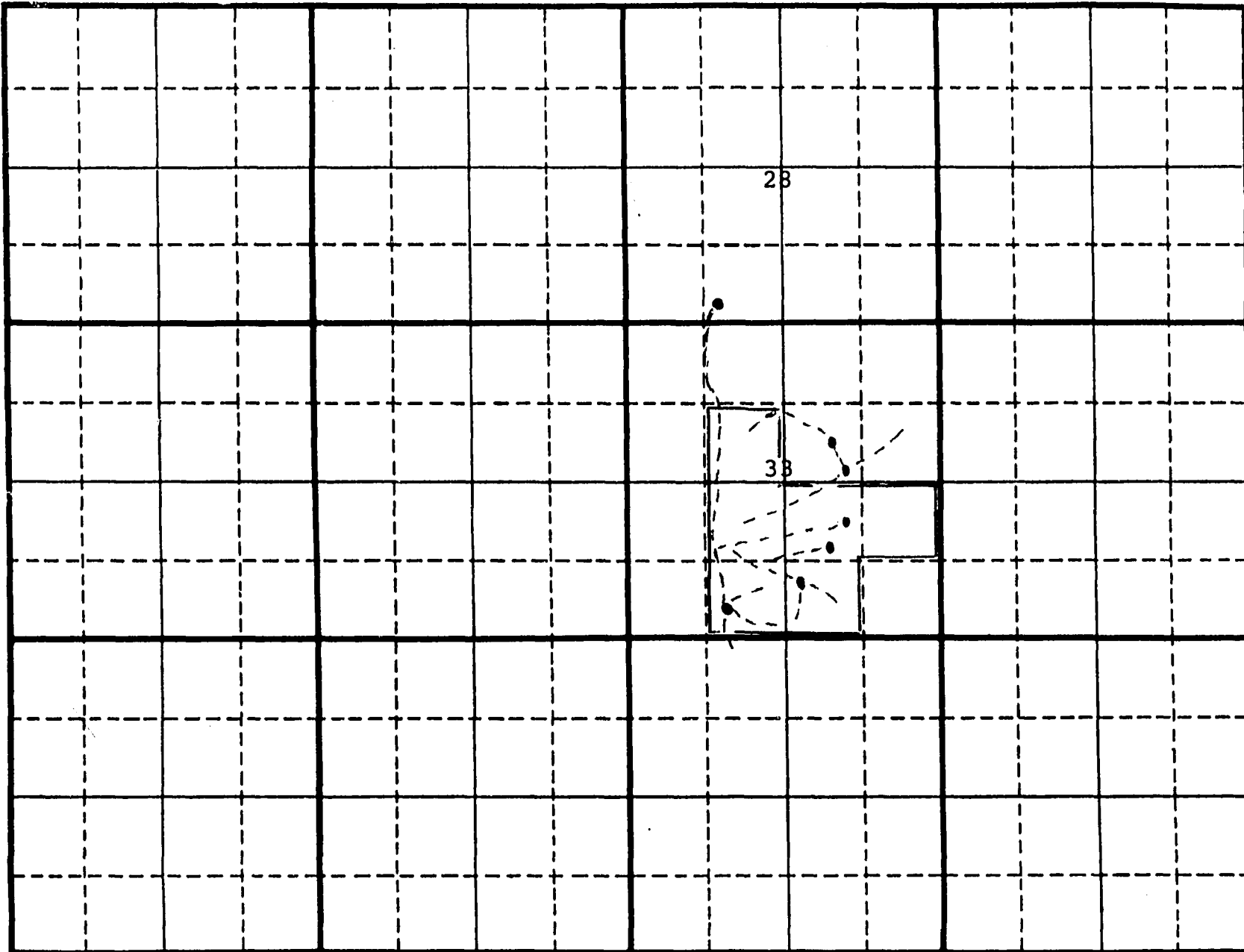
The stock is located on the premises year around in different amounts.

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

(8) Remarks _____

TOWNSHIP 10 SOUTH, RANGE 40 EAST, BOISE MERIDIAN



Scale: 2 inches equal 1 mile. • = points of diversion
--- = ditches

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.

State of Idaho)
County of Minidoka) 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 affiant's knowledge.

Ben W. Kury
(Claimant)

Lois Hackley
(Claimant)

Sworn to before me this 20 day of January, 19 81.

William D. Gordon
Notary Public
Residing at Rupert, Idaho

My commission expires Life.

FOR DEPARTMENT USE ONLY

Received by BS Date 1-21-81 Exception filed by: _____ Date _____
Prelim. check by EMC Date 1-22-81 Forwarded to claimant by: _____
\$30.00 fee received by BS Date 1-21-81 / 23/81 # 16194
Published in Caribou County Sun
Dates 1/5 & 1/12/81

RECEIVED

Affidavit of Publication

MAR 12 1981

Department of Water Resources
Eastern District Office

County of Caribou
State of Idaho } ss.

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
STOCKWATER (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: STOCKWATER (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.

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

Subscribed and sworn to be-
fore me this 13th day

of February, 1981

Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

1984

ATTACHMENT TO EVAN M. & LOIS KACKLEY CLAIM TO WATER RIGHT

(5) (B) Describe means of diversion of water:

1. (2) springs in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 10 South, Range 40 E.B.M., Caribou County
 - a. First spring, .25 cfs collected into irrigation ditch, running SW from diversion to NW $\frac{1}{4}$ SW $\frac{1}{4}$ about 5/8 mile.
 - b. Second spring, 8.81 cfs collected into irrigation ditch running westerly from diversion to SW $\frac{1}{4}$ about 1 mile.
2. SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 10 South, Range 40 E.B.M., spring is .34 cfs collected into a ditch running northwesterly, southerly and southeasterly, a total length of about 3/4 mile.
3. SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 10 South, Range 40 E.B.M., spring is 1.39 cfs collected into ditches running all directions, ditches total about 1 mile.
4. Group springs in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 10 South, Range 40 E.B.M., springs are 2.43 cfs collected into ditches at two points running northwesterly, southerly and southwesterly ditches about 2 miles.
5. SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 10 South, Range 40 E.B.M., Spring of over 10 inches (.20 cfs) collected into pipeline and ditch running southerly into Section 33 a total distance of about 1 1/4 miles.

WILLIAM T. GOODMAN
LARRY R. DUFF
DONALD J. CHISHOLM

LAW OFFICE
Goodman, Duff and Chisholm
CHARTERED
717 7TH STREET
BOX 61
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE NO.
436-4774

January 20, 1981

Idaho Department of Water Resources
Eastern Region
150 Shoup Ave.
Idaho Falls, Idaho 83401

Re: Evan M. and Lois Kackley

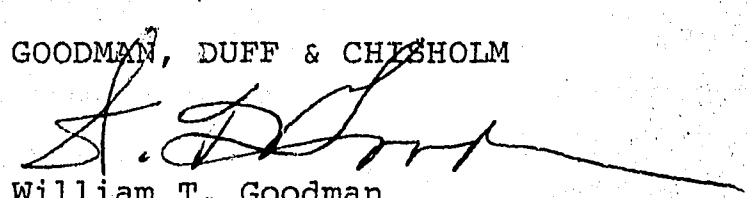
Gentlemen:

We enclose two Claims to Water Right for the above named clients on property located in Caribou County, Idaho. Will you kindly file the claims and make the appropriate publication of the filing of these claims.

A check in the sum of \$60.00 payable to your Department is enclosed.

Very truly yours,

GOODMAN, DUFF & CHISHOLM


William T. Goodman

WTG:mb
Enclosure
cc: Evan M. Kackley

RECEIVED
JAN 21 1981

Department of Water Resources
Eastern District Office

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
STOCKWATER	(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.

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 30, 1981

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 23, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

February 3, 1981

RE: Claims to Water Rights Nos. 13-4135 and 13-4136

GOODMAN, DUFF & CHISHOLM
Attn: William T. Goodman
Box 61
Rupert, ID 83350

Dear Mr. Goodman:

Attached herewith is Departmental Receipt No. 16194 in the amount of \$60.00 for the above referenced claims your office submitted for Evan M. & Lois Kackley.

Sincerely,

KAY WALKER
Secretary

KW:k
Attachment

62/03/H1

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

FEB 28 1981

PAGE 1

INDICATES TOTAL

Department of Water Resources

RIGHT NUMBER

NAME & Eastern District Office: PROPERTY ADDRESS DATE

USE PERIOD FROM TO

MAX AMOUNT MAX RATE

DIVERSION POINT

PLACE OF USE A/D ACREAGE

ANALYSIS FOR RIGHT

01-4038

PROGRESSIVE IRRIGATION DISTRICT
P.O. BOX 2093
IDAHO FALLS

ID 83401

10-01-1980 STOCKWATER 11-01-11-31

200.00 CFS

SESE S05
T103 R41E
S33 S31
T103 R41E

STAIRY CLM

SOURCE: SWANE RIVER, SOUTH FORK

TRIBUTARY: COLUMBIA RIVER

OTHER USES: S/5000 CATTLE, SHEEP & HOGS.

REMARKS: P/D IN SESE, S31, T40, P41E IN DEFESSION COUNTY.

11-1221

BARTSCH, IRENE E.
ALBEMAR, IRE
PT. 2 BOX 387
IDAHO FALLS

01-23-1981 PUDER 01-01-12-31

16.00 CFS

NRSE S18
T115 R43E

APPLICATION

SOURCE: SKINNER CREEK

TRIBUTARY: BEAR RIVER

13-4135

KACHLEY, EVAN M.
KACHLEY, LOIS
C/O JULIAN GOODMAN, ALBUQUERQUE
P.O. BOX 61
KUPEKI

04-10-1984 IRRIGATION 05-10-10-01

4.00 CFS

NRSE S33 SESE(20) NESM(40) STAIRY CLM
T105 R40E SESE(40) NESM(20)
SESE S26 NRSE(40) SESE(50)
T105 R40E S33 T105 R40E
SESE S33
T105 R40E
SESE S33
T105 R40E

SOURCE: SPRINGS

TRIBUTARY: BEAR RIVER

OTHER USES: S/1000 RANGE, 1200 SHEEP, 300 POULTRY.

STOCKWATER 01-01-12-31

20 CFS

SAME AS OTHER USE

3-4136

KACHLEY, EVAN M.
KACHLEY, LOIS
C/O JULIAN GOODMAN, ALBUQUERQUE
P.O. BOX 61
KUPEKI

10-08-1982 DOMESTIC 01-01-12-31

4.26 CFS

NRSE S33 NRSE
T105 R40E S33 T105 R40E

STAIRY CLM

SOURCE: SPRING

TRIBUTARY: BEAR RIVER

15-1067

UREIDA SCHULZ DISTRICT NO. 351
250 WEST 400 NORTH
MALAD

01-21-1981 HEATING 09-01-05-31

33 CFS

SESE S27
T145 R36E

APPLICATION

SOURCE: GRUNDWATER

TRIBUTARY:

contact over
background - may
lead to w. permit

February 25, 1981

RE: Claim to a Water Right No. 13-4135 KACKLEY
No. 13-4136
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

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. 13-4135

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
Eastern Region Supervisor

Enclosure

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernst

Right Number 13 4135 Applicant Kackley

NOTE: 13-4135 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 Hansen Date 3/19/81