

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:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.04 cfs</u>		Use <u>Domestic - lawn & garden</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 _____
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 1/4 SE 1/4, Sec. 33 Twp. 10 S 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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10S	40E	33														X			1.75 acres

No. of acres 1.75

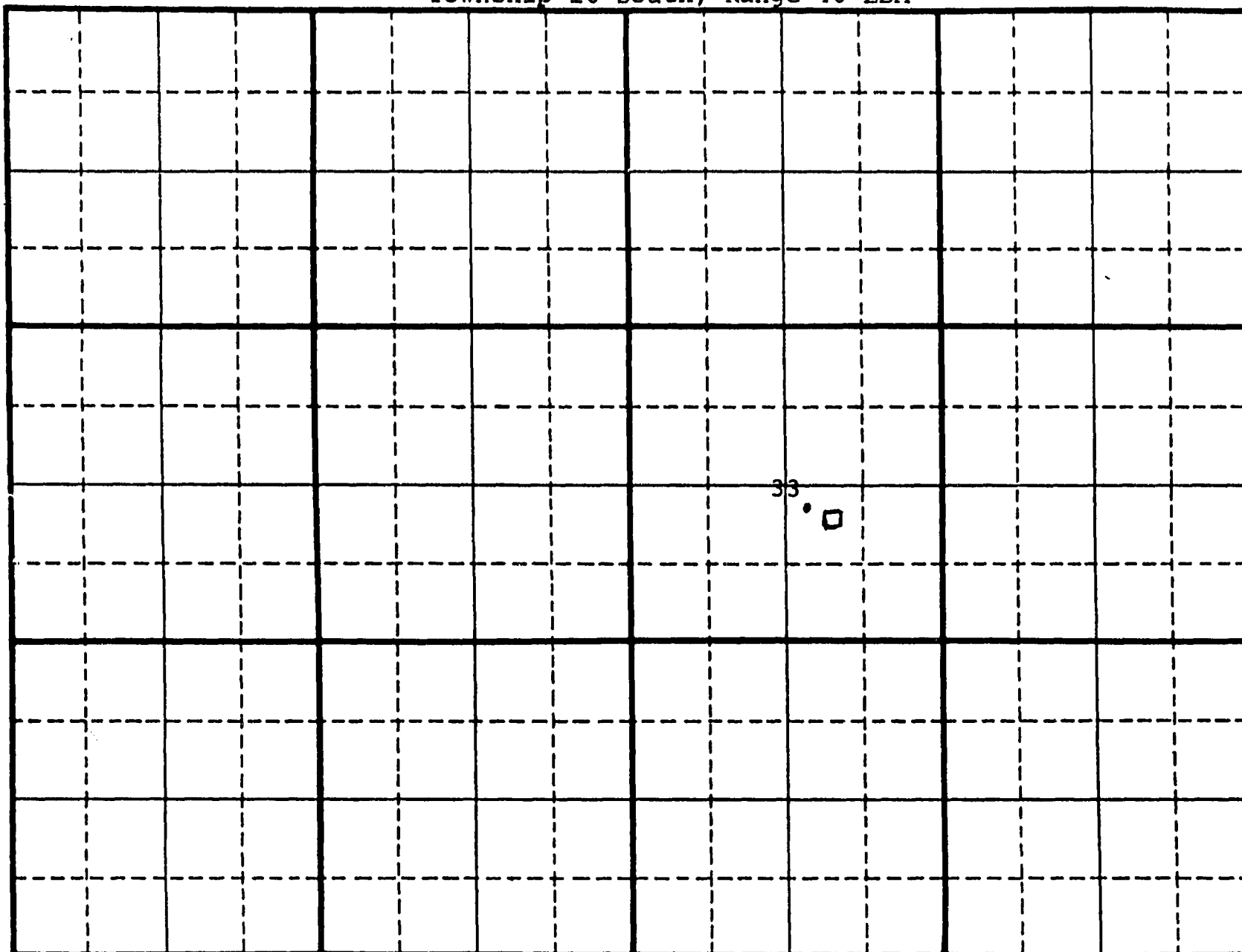
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Household - culinary
Lawn
Gardening

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

(8) Remarks _____

Township 10 South, Range 40 EBM



Scale: 2 inches equal 1 mile.

• = 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.

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.

Tim M. Kasey
Claimant

Lois Hackley
(Claimant)

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

William Gordon
Notary Public
Residing at Rupert, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

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

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.

Affidavit of Publication

MAR 12

Department of Water Resources
Eastern District Office

County of Caribou
State of Idaho

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

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.

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.

02/04/81

FEB 23 1981

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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 AND ACREAGE

BASIS FOR RIGHT

01-403H

PROGRESSIVE IRRIGATION DISTRICT
P.O. BOX 2093
IDAHO FALLS

10 83401

09-01-1960 STOCKWATER 11-01-11-31

200.00 CFS

SESE S05
T037 R41E
S-24 S31
T049 R41E

STATISTICAL

Water meter

SOURCE: SNAKE RIVER, SOUTH FORK
OTHER USES: S/5000 CATTLE, SHEEP & HOGS.
REMARKS: P/O IN S&S, S31, T49, R41E IN DEPENDENT COUNTY.
P/O WITHIN DISTRICT BOUNDARIES OF PROGRESSIVE IRR. DIST.

TRIBUTARY: COLUMBIA RIVER

11-7221

BARTSCH, JERRELL E.
ALLERMAN, LEE
KT. 2 BOX 387
IDAHO FALLS

10 83401

01-23-1981 POWER 01-01-12-31

4.00 CFS

WATER S18 SWS
T115 R43E S08 T115 R43E

APPLICATION

13-9135

KACHUB, EVAN M.
KACHUB, LUIS
C/O WILLIAM GOODMAN, ATTORNEY
P.O. BOX 61
RUPELT

10 83350

04-10-1984 IRRIGATION 05-15-10-01

4.00 CFS

WATER S33 SESE(20) RES(40) STATISTICAL
T105 R40E SFS(40) RES(20)
SFS S26 WSE(40) S-26(40)
T105 R40E S33 T105 R40E
SESE S33
T105 R40E
WSE S33
T105 R40E

STATISTICAL

SOURCE: SPRINGS

TRIBUTARY: BEAR RIVER

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

STOCKWATER 01-01-12-31

26 CFS

200 ACRES
SAME AS OTHER USE

13-9136

KACHUB, EVAN M.
KACHUB, LUIS
C/O WILLIAM GOODMAN, ATTORNEY
P.O. BOX 61
RUPELT

10 83350

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

4.26 CFS

WATER S33 WSE
T105 R40E S33 T105 R40E

STATISTICAL

SOURCE: SPRING

TRIBUTARY: BEAR RIVER

15-7067

WELDA SCHULZ DISTRICT NO. 351
250 WEST 400 NORTH
MALAD

10 83452

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

33 CFS

WATER S21
T145 R36E

APPLICATION

Contact over
Buckley - may
hold W.O. 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. 13-4136

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

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernest

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 Ernest Carlson Date March 17, 1981

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Maureen Date 3/19/81