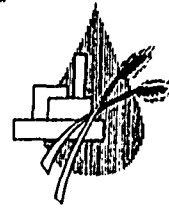


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 (Mailing Address) Telephone No. 436-4774
(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:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.3 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>May 15</u>	To <u>Oct. 1</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) TOTAL QUANTITY USED.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NW 1/4, Sec. 28 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. Springs and ditch

- (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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	40E	28							7			8							15 Irrig.

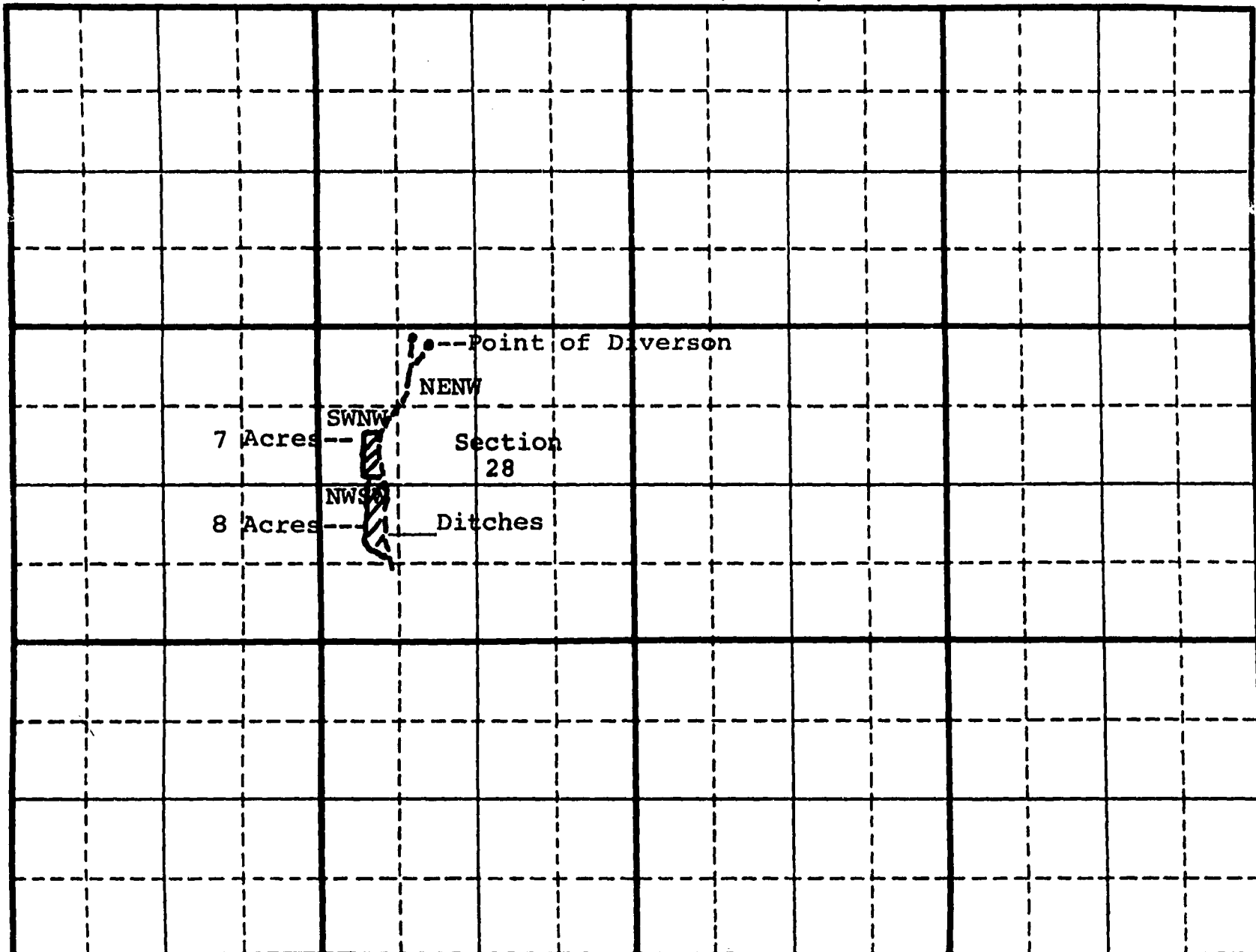
No. of acres 15

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

- 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 Certificate No. 273 (Patent) issued to Edward J. Turner
of Oneida County, Idaho Territory April 10, 1884, for properties
involved attached.

TOWNSHIP 10 SOUTH, RANGE 40 EAST, BOISE MERIDIAN



Scale: 2 inches equal 1 mile.

• = Point of diversion
----- = Ditches

▧ = Place of Use

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.

Don M. Kasey
(Claimant)

Louis Kackley
(Claimant)

Sworn to before me this 15th day of April, 1982.

William P. Anderson
Notary Public
Residing at Payson, Idaho

My commission expires life

Received by CU Date 7-14-82 FOR DEPARTMENT USE ONLY
Prelim. check by HWT Date 6-22-82
\$30.00 fee received by CU Date 7-15-82 # 22392
Published in Caribou County Sun
Dates 7-29 & 8-5-82

Forwarded to
claimant by:

Date

Affidavit of Publication

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

29th day of
July, 19 82

The date of the last publication

being the 5th day of
August, 19 82

Mark Steele

Subscribed and sworn to be-

fore me this 6th day
of August, 19 82

Wendy S. Sule
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

19 84

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 bene-
ficial use:

13-4203

KACKLEY, EVAN M. & or
LOIS

P.O. BOX 61, RUPERT, ID
83350

Source: SPRINGS tributary to
BEAR RIVER

Priority Date: 04-10-1884

Amount: 0.30 CFS

Diversion Point: NENW Sec
28 T 10S R 40E, CARIBOU Co.

Use: IRRIGATION (0.30
CFS) from 05-15 to 10-01

Place of Use: SWNW NWSW
Sec 28 T 10S R 40E FOR 15
ACRES

Diversion Means: SPRINGS
AND DITCH

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 83402.

A. KENNETH DUNN

Director

Published July 29 and Aug. 5,
1982 in the Caribou County Sun.

RECEIVED

AUG 16 1982

Department of Water Resources
Eastern District Office

Certificate No. 773

To all to whom These Presents shall Come—Greeting:

WHEREAS,

Edward J. Turner, of Canada County, Dakota Territory

has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Cheyenne, Dakota 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 North-west quarter of the South-west quarter, and the west half of the North-west quarter of section twenty-eight, and the South-west quarter of the North-west quarter of section twenty-eight, Township ten South, Range thirty East of the Black Hills Indian, in Dakota Territory, containing one hundred and six acres

according to the Official Plat of the Survey of the said Lands returned to the General Land Office by the 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 or 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 twelfth day of April in the year of our Lord one thousand eight hundred and eighty-four, and of the Independence of the United States the one hundred and eighth

BY THE PRESIDENT:

Chester A. Arthur

By

W. S. Case

Secretary.

Recorded Vol.

Page 117

W. S. Case Recorder of the General Land Office.

Filed for Record at

11 o'clock A.M.

Dec 23 A. D. 1903

and recorded at the request of

Samuel A. Bell

E. J. Galt

Recorder.

By

A. M. Campbell

Deputy.

Fee, \$ 1.00

LAW OFFICE
Goodman, Duff and Chisholm

CHARTERED
717 7TH STREET
BOX 61
RUPERT, IDAHO 83350
TELEPHONE (208) 436-4774

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

June 21, 1982

BURLEY OFFICE
1325 ALBION AVE.
P.O. BOX 1118
BURLEY, IDAHO 83318
TELEPHONE (208) 678-9181

RECEIVED

JUN 22 1982

Department of Water Resources
Eastern District Office

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

Re: Claim to Water Right, Evan M. and Lois Kackley

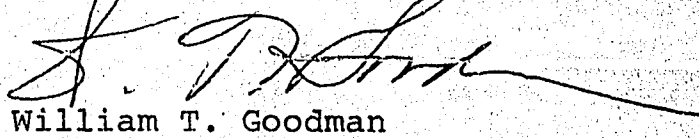
Gentlemen:

We are enclosing with this letter a Claim to Water Right for lands situated in Caribou County, Idaho, together with a check for the \$30.00 filing fee.

Will you kindly make this filing and the required publication. Thank you.

Very truly yours,

GOODMAN, DUFF & CHISHOLM



William T. Goodman

WTG:KH
Encl.

cc: Dr. Evan M. Kackley

June 25, 1982

Goodman Duff & Chisolm
Box 61
Rupert, Idaho 83350

Dear Mr. Goodman:

Enclosed is a claim to a water right and check #92-321 for \$30.00 that was submitted to this office for Evan M. and Lois Kackley.

Due to the nature of a claim, the claim must be returned to the claimant if there are any corrections needed. The corrections are noted in red on the copy of the claim.

Upon receipt of a completed claim, processing will begin.

Please feel free to contact this office for any additional assistance that may be needed.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:bp

Enclosures

13-4203

KACKLEY, EVAN M. &/or LOIS

P.O. BOX 61, RUPERT, ID 83350

Source: SPRINGS tributary to BEAR RIVER

Priority Date: 04/10/1884

Amount: 0.30 CFS

Diversion Point: NENW Sec 28 T 105 R 40E, CARIBOU Co.

Use: IRRIGATION (0.30 CFS) from 05/15 to 10/01

Place of Use: SWNW NWSW Sec 28 T 105 R 40E FOR 15 ACRES

Diversion Means: SPRINGS AND DITCH

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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83402
(208) 525-7161

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 AUGUST 16, 1982.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

HWS

Right Number

13 4203

Applicant

Kackley

NOTE: 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.

☒ *Send to WD # 11*

FINAL REGIONAL PROCESSING REVIEW:

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

By

Ernest Collier

Date

Aug 16, 1982
Aug 20, 1982

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

KW

Date

8/25/82



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

July 28, 1982

RE: Claim to a Water Right No. 13-4203 KACKLEY

Russell Stoker, Watermaster
Water District No. 11
379 East 3rd North
Soda Springs, ID 83276

Dear Mr. Stoker:

We are enclosing a copy of the above referenced claim filed within your district. This claim is being forwarded for informational purposes only.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:CW

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 16, 1982

EVAN M. KACKLEY
LOIS KACKLEY
P.O. BOX 61
RUPERT

ID 83350

RE: Claim No. 13-4203

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

RECEIVED

AUG 24 1982

Department of Water Resources