

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER 79576

Claim ID: 13-7787

Date Rcd: 4-28-25

Receipt No: P002003

Claim Fee: 10.00 **By:** MB

RECEIVED

APR 28 2025

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

IDWR/Preston

1: Name of Claimant(s): PacifiCorp
Phone: 801-220-7803
Mailing Address: 1407 W North Temple Suite 110, Salt Lake City, UT 84116
E-mail Address: Buffi.Morris@PacifiCorp.com

2: Date of Priority (mm/dd/yyyy): 1/01/1918

**3: Source of water: Ground Water () or Other (x) (a) Kackley Springs
which is tributary to (b) Bear River**

4a: Location of Point of Diversion

T	R	S	QQ	Lot	County	Div. Name or Parcel
10 S	40 E	21	SESW		Caribou	
10 S	40 E	21	SESW		Caribou	
10 S	40 E	21	SESW		Caribou	
10 S	40 E	21	SESW		Caribou	
10 S	40 E	21	SESW		Caribou	
10 S	40 E	21	SESW		Caribou	
10 S	40 E	21	SESW		Caribou	
10 S	40 E	28	NENW		Caribou	
10 S	40 E	28	NENW		Caribou	
10 S	40 E	28	NWNW		Caribou	

5. Description of existing diversion works. The Kackley Spring Complex flows from the hillside into an established ditch which collects the water into two ponds totaling 2.1 acres and a longer channel that ultimately flows into the Bear River. The spring flow is typically all directed from the pond through a control structure and down the Kackley Springs channel to the river. A second control structure on the northwest side of the pond allows flows to be released directly to the river as needed. There are two consecutive ponds with a small land strip separating them.

6. Water is claimed for the following purposes:

Purpose	From (date)	To (date)	cfs	(or) acre feet
Fish Habitat	1/01	12/31	12	
Fish Habitat Storage	1/01	12/31		5.4

7. Total quantity claimed (a) 12 **(cfs) and/or (b)** 5.4 **(acre feet)**

8. Non-irrigation uses; describe fully: Water is used to provide habitat for smaller fish until they are large enough to survive the Bear River. Primarily, this water right is non-consumptive. However, due to the size of the pond, a storage component is included for the consumption of water through evaporation of a 2.1 acre pond, per ET Idaho of Open Water – Shallow Systems.

9: Description of Place of Use

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
10S	40E	21												FHS					
		28					FHS	FHS											

FHS = Fish Habitat and Fish Habitat Storage

Parcel no(s): _____

Total Acres: _____

10. In which counties are lands listed above as the place of use located? Caribou

11. Do you own the property listed above as place of use? Yes (X) No ()

If "no" explain in Remarks

12: Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

13. Remarks (include an explanation of the priority date selected):

Remarks to aid in claims review:

1. Priority date: Per Statutory Claim 13-7787. It is understood from history within PacifiCorp that the ponds were enhanced at about the time of the Cove hydroplant construction in 1917-1918. Copies of historical photographs are included in Attachment 1. Additional evidence of the beneficial use of this right has been documented in two affidavits by Elwood G. Wilker and Virgil Roholt, already within the water right backfile and originally submitted with the statutory claim in 2011.

2. The ponds that are fed by Kackley Springs have changed very little over the history of their existence. These are natural ponds that have been enhanced by Utah Power & Light for fish habitat. High water years result in a larger pond and low water years result in a

smaller pond. An increase in natural flow from the springs has almost merged the two ponds into a single pond, separated only by a small strip of land. Attachment 2 includes historical photos of pond configurations.

3. Kackley Spring flows vary from 7 cfs up to 12 cfs. This claim represents the maximum flow that has been measured at the point where the Kackley Springs channel crosses the road in NWNW Section 28.
4. Other relevant information regarding this claim can be found in the Statutory Claim 13-7787 submitted to IDWR in 2011.
5. Attachments include the following:
 - a. Attachment 1 – Historical Photographs
 - b. Attachment 2 – Historical Aerial Photos of Pond Configuration
 - c. Attachment 3 – ET Idaho Excerpt for ET of Open Water – Shallow Systems

Conditions necessary to the definition and administration of the right.

(none)

14. Basis of Claim (Check one)

Beneficial Use	(X)
Posted Notice	()
License	()
Permit	()
Decree	()

Court	N/A
-------	-----

Plaintiff v. Defendant N/A

Decree Date N/A

IDWR WR number if applicable 13-7787

15: Signatures

(a) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b) I/We do (X) do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Water Rights Administrator _____ of PacifiCorp
(Agent's Title) (Name of Organization)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Buffi Morris Date 4/25/2025

Printed Name of Authorized Agent Buffi Morris

Attachment 1



- POD - Springs
- Control Structures
- POU
- Twp & Rng
- PLSS Sec
- PLSS QQ

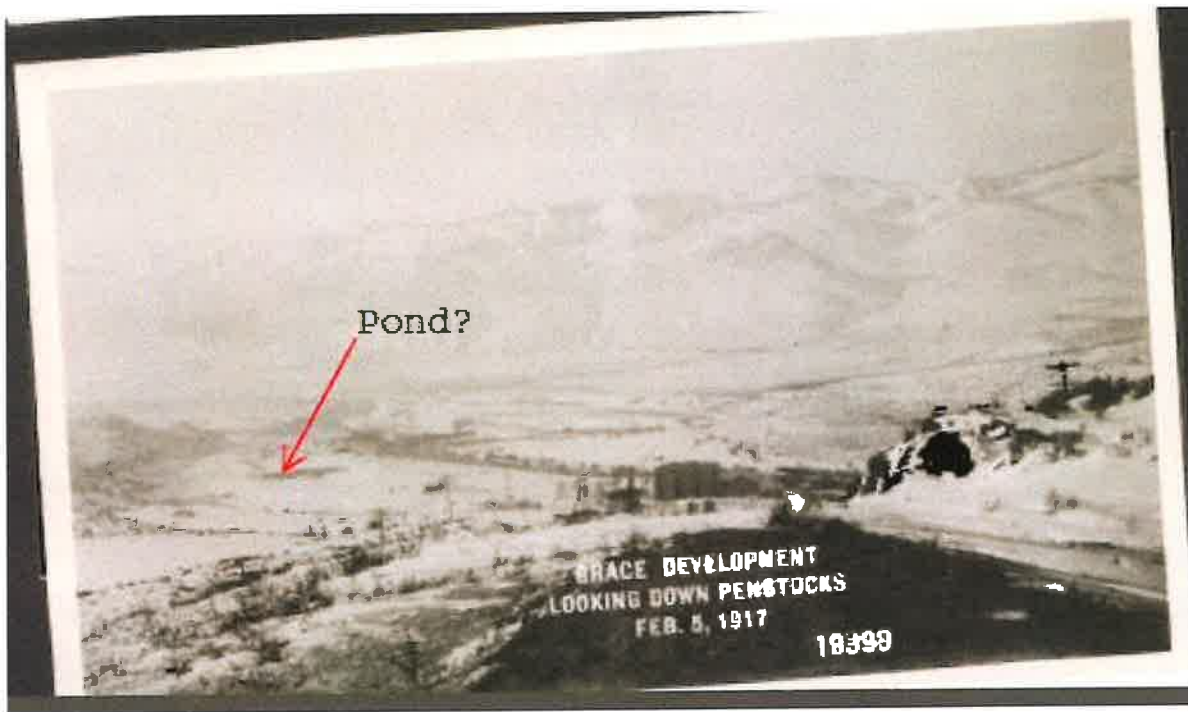
PacifiCorp - Grace Ponds Claim Map

Water Right Claim Number: 13-7787

0 200 400 800 Feet



Source Data:
Base Maps
USGS NAIP 2021
IDWR Cadastral Survey 2017
POU and POD User Generated





GRACE DEVELOPMENT
5th UNIT.
PENSTOCK NO. 5.
BACKFILL, PIT AND LOADING PLATFORM
MAR. 15, 1923

32922

Attachment 2



● Springs - POD
Pond Boundary

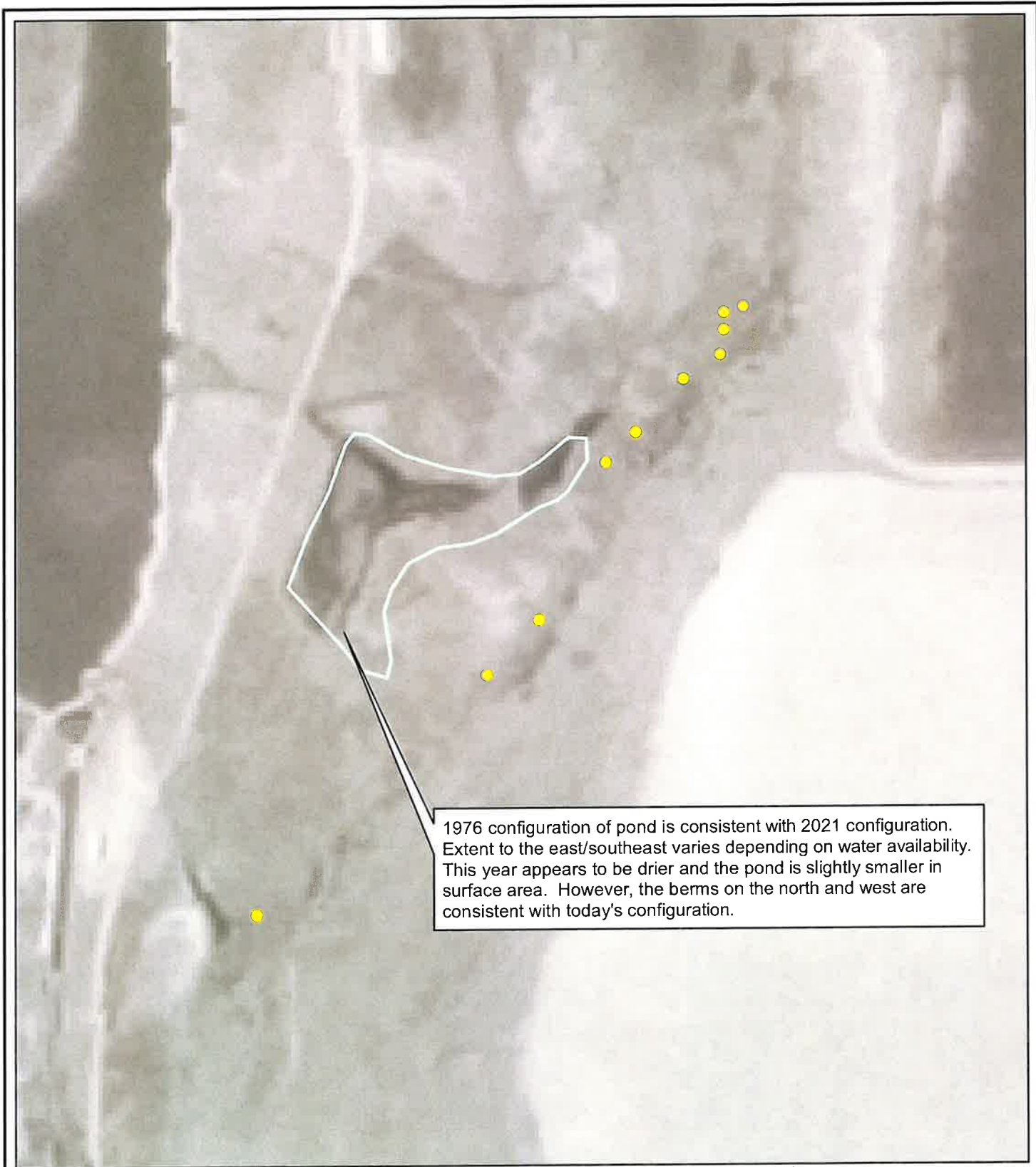
1992 Pond Configuration

Water Right Claim Number: 13-7787

0 130 260 520 Feet



Source Data:
Base Maps
USGS 1992 DOQ
IDWR Cadastral Survey 2017
POU and POD User Generated

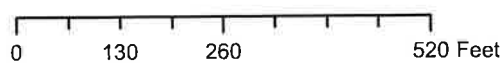


1976 configuration of pond is consistent with 2021 configuration. Extent to the east/southeast varies depending on water availability. This year appears to be drier and the pond is slightly smaller in surface area. However, the berms on the north and west are consistent with today's configuration.

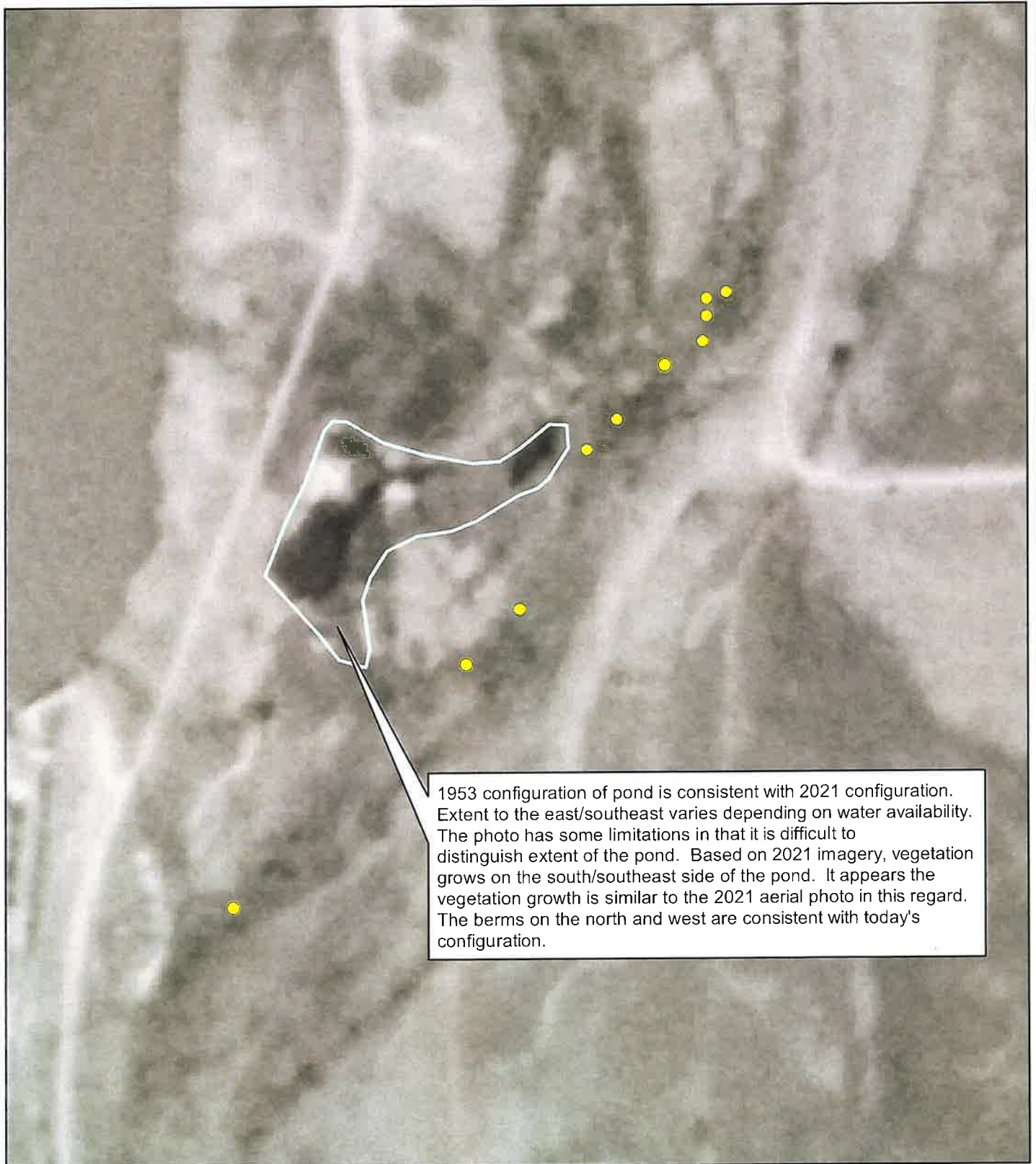
● Springs - POD
Pond Boundary

1976 Pond Configuration

Water Right Claim Number: 13-7787



Source Data:
Base Maps
USGS Single Frame Aerial
Photo 1976
IDWR Cadastral Survey 2017
POU and POD User Generated



1953 configuration of pond is consistent with 2021 configuration. Extent to the east/southeast varies depending on water availability. The photo has some limitations in that it is difficult to distinguish extent of the pond. Based on 2021 imagery, vegetation grows on the south/southeast side of the pond. It appears the vegetation growth is similar to the 2021 aerial photo in this regard. The berms on the north and west are consistent with today's configuration.

● Springs - POD
Pond Boundary

1953 Pond Configuration

Water Right Claim Number: 13-7787

0 130 260 520 Feet



Source Data:
Base Maps
USGS Single Frame Aerial
Photo 1953
IDWR Cadastral Survey 2017
POU and POD User Generated

Attachment 3



IDAHO DEPARTMENT OF
WATER RESOURCES

ET-IDWR

**Evapotranspiration and Consumptive
Irrigation Water Requirements
for Idaho**

[Grace \(NWS -- USC00103732\)](#)

Statistics based on thirty year normal spans 1992 to 2021 years

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Open water - shallow systems (ponds/streams) Actual Evapotranspiration (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ^j	mm/day												mm		
Monthly ^c	0.37	0.64	1.30	2.28	3.19	3.92	4.40	3.93	2.79	1.61	0.72	0.33	779	0	779
15-Day Moving Average ^d	0.37	0.64	1.32	2.28	3.23	3.86	4.43	3.96	2.75	1.62	0.71	0.33			
7-Day Moving Average ^e	0.37	0.64	1.31	2.28	3.20	3.88	4.42	3.95	2.76	1.61	0.72	0.33			
3-Day Moving Average ^f	0.37	0.64	1.30	2.28	3.19	3.90	4.41	3.94	2.78	1.61	0.72	0.33			
Standard Deviation ^k	mm/day												mm		
Monthly ^c	0.06	0.09	0.19	0.26	0.36	0.35	0.33	0.27	0.27	0.19	0.12	0.05	43	0	43
15-Day Moving Average ^d	0.06	0.10	0.21	0.26	0.41	0.36	0.34	0.29	0.30	0.21	0.13	0.05			
7-Day Moving Average ^e	0.06	0.10	0.20	0.26	0.38	0.35	0.34	0.29	0.28	0.21	0.13	0.05			

3-Day Moving Average ^f	0.06	0.10	0.19	0.26	0.36	0.35	0.33	0.28	0.28	0.19	0.12	0.05			
20% Exceedance^l	mm/day												mm		
Monthly ^c	0.40	0.72	1.45	2.51	3.50	4.21	4.62	4.14	3.02	1.77	0.79	0.37	815	0	815
15-Day Moving Average ^d	0.43	0.73	1.47	2.55	3.61	4.21	4.70	4.23	3.03	1.85	0.82	0.36			
7-Day Moving Average ^e	0.42	0.74	1.48	2.53	3.58	4.21	4.62	4.21	3.03	1.81	0.80	0.37			
3-Day Moving Average ^f	0.41	0.72	1.46	2.51	3.53	4.20	4.62	4.16	3.04	1.78	0.81	0.37			
80% Exceedance^m	mm/day												mm		
Monthly ^c	0.34	0.55	1.12	2.07	2.85	3.58	4.12	3.71	2.63	1.47	0.64	0.29	742	0	742
15-Day Moving Average ^d	0.32	0.56	1.10	2.11	2.84	3.54	4.14	3.73	2.44	1.45	0.61	0.29			
7-Day Moving Average ^e	0.33	0.54	1.11	2.14	2.85	3.55	4.11	3.67	2.53	1.45	0.61	0.29			
3-Day Moving Average ^f	0.34	0.54	1.12	2.09	2.88	3.57	4.11	3.68	2.60	1.45	0.62	0.29			
Ave Highest ET_{act}	mm/day												--		
15-Day Moving Average ^g	0.43	0.72	1.50	2.61	3.60	4.28	4.62	4.21	3.10	1.88	0.88	0.38			
7-Day Moving Average ^h	0.49	0.82	1.72	2.98	4.01	4.62	4.82	4.39	3.38	2.16	1.05	0.46			
3-Day Moving Average ⁱ	0.58	0.96	1.98	3.38	4.33	4.86	5.04	4.62	3.67	2.44	1.22	0.55			
Ave Lowest ET_{act}	mm/day												--		
15-Day Moving Average ^g	0.31	0.56	1.11	1.94	2.82	3.51	4.20	3.67	2.46	1.35	0.56	0.28			
7-Day Moving Average ^h	0.27	0.47	0.93	1.66	2.40	3.10	3.93	3.40	2.17	1.09	0.45	0.23			
3-Day Moving Average ⁱ	0.20	0.38	0.77	1.39	1.89	2.62	3.49	3.02	1.73	0.87	0.36	0.16			
Special normal distribution parameters for monthly, seasonal, and annual intervals															
Skew ^m	0.47	-0.37	0.44	0.16	0.02	-0.29	-0.34	-0.54	-0.26	0.11	0.90	0.47	0.12	0.00	0.12
Kurtosis ^o	1.01	-0.75	-0.84	-0.47	-0.81	-0.79	0.03	-0.30	-0.34	-0.34	0.44	-0.49	-0.60	-3.00	-0.60

^a Growing Season: This is usually the time from green up or planting in the spring to a killing frost or harvest in the fall. It is not applicable for entries without a growing season and will be blank.

^b Nongrowing Season: This is usually the time from a killing frost or harvest in the fall to the of green up in the spring. It is not applicable for entries without a growing season.

^c Mean of the average daily value for month

^d Mean of the fourteen 15-day period averages contained in the month

^e Mean of the twenty three 7-day period averages contained in the month

^f Mean of the twenty seven 3-day period averages contained in the month

^g Mean of the highest/lowest 15-day period average in month

^h Mean of the highest/lowest 7-day period average in month

ⁱ Mean of the highest/lowest 3-day period average in month

^j This value represents the *mean value* for the parameter for the month over the 'normal' period of record. Generally, the 'normal' period is the last thirty years with data.

^k This value represents the *standard deviation* for the parameter for the month over the 'normal' period.

^l This value represents the *value* for the parameter that has a 20% chance of being exceeded that month during any particular year. Conversely, there is an 80% chance that the parameter value will be less than the *value* shown.

^m This value represents the *value* for the parameter that has a 80% chance of being exceeded that month during any particular year. Conversely, there is an 20% chance that the parameter value will be less than the *value* shown.

ⁿ This value represents the *skewness (asymmetry) of the distribution of the parameter values* for the month (year) over the 'normal' period. A value near zero indicates that the distribution approximates a normal (Gaussian) and symmetrical distribution. A negative skew indicates that the parameter distribution has relatively few low values compared to high values. A positive skew indicates that the distribution has relatively few high values compared to the number of low values. A skew value near 1 indicates that the underlying distribution approximates a lognormal distribution.

^o This value represents the *kurtosis* of the parameter value distribution for the month (year) over the 'normal' period. Kurtosis is a measurement of the height to width ratio of the probability distribution, or the *peakedness (slenderness)*. A normal (Gaussian) distribution has a kurtosis of 3. A high kurtosis distribution has a sharper peak and longer tails, while a low kurtosis distribution has a more rounded peak and shorter tails.

Use Constraints: *The Idaho Department of Water Resources is making this data available as a public service. The Idaho Department of Water Resources strives to ensure that all technical data and other information made available to the public is accurate, complete and in conformance with the Idaho Public Records Act. Neither the Department of Water Resources nor the State of Idaho, however, assumes any legal responsibility for the accuracy or completeness of the information contained on this site. Persons using information from this site for official purposes, or other purposes, for which accuracy and completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which the information was obtained.*

Questions regarding the data should be addressed to [the IDWR Geospatial Technology Section](#) Idaho Department of Water Resources, Idaho Water Center, 322 E Front Street STE 648, Boise, ID 83702-7371. Telephone (208)-287-4800

Claimant:

PacifiCorp

Claim ID:

13-7787

Grace

	Rate/Unit	Unit	# Units	\$ Amount
De Minimis	\$25	Claim		
De Minimis Stock (> 4th claim)	\$0	Claim		
Non-De Minimis	\$50	Claim	1	\$50.00
Irrigation	\$1	Acre		
Power Generation	\$3.50	KW of Capacity		
Aquaculture	\$10	cfs	12	\$120.00
Dom. & Stock (>13k gpd),	\$100	cfs		
Municipal, industrial, commercial, mining, heating, cooling				
Public instream flow, public lake level maintenance, wildlife	\$100	cfs		
Fire protection	\$0	cfs		
Groundwater recharge	\$0	cfs or afa		
Total				\$170.00

Duplicate this worksheet once for each claim.

Note:
12 cfs for fish habitat

FILING FEES

Each claim submitted must include the filing fee. The filing fee for domestic and/or stockwater use claims diverting less than 13,000 gallons of water per day is \$25.00. However, if you are filing more than four (4) claims in which the only purpose of use listed is stockwater, only the first four (4) claims require the \$25.00 filing fee. All additional stockwater claims are fee exempt once the \$100.00 in filing fees has been paid for the first four (4) stockwater only claims filed after July 1, 2017.

The flat fee for filing all other claims filed is \$50.00 per claim. An additional variable filing fee based upon acreage, power generating nameplate capacity, cubic feet per second (cfs) amount, or an equivalent volume of storage water is required for claims for water uses other than domestic and/or stockwater uses diverting less than 13,000 gallons of water per day. Use Table 3 to calculate the variable fee. Add the calculated variable fee to the \$50.00 flat fee to determine the total fee for the claim. The exceptions are fire protection or ground water recharge which have a \$50.00 flat fee, and no variable fee.

Examples for a single claim to a water right with single source and same priority date:

- Single family domestic and stockwater use, less than 13,000 gallons per day in total: \$25.00
- 100 acres irrigation, domestic and stockwater as above: \$150.00
- Fish propagation, 4.2 cfs: \$92.00
- Multiple family domestic, 1.6 cfs: \$224.00
- Irrigation of yards and gardens, 14 acres: \$224.00

TABLE 3. VARIABLE FEE SCHEDULE			
Irrigation	\$1.00 per acre	Each acre is charged only once.	
Power generation	\$3.50 per kilowatt of capacity	Manufacturer's nameplate rating, or \$250,000.00, whichever is less	
Aquaculture	\$10.00 per cfs		
Domestic, stockwater use in excess of 13,000 gallons per day	\$100.00 per cfs		
Municipal, industrial, commercial, mining, heating, cooling	\$100.00 per cfs		
Public instream flow, public lake level maintenance, wildlife	\$100.00 per cfs		
Exceptions: No variable fee is charged for fire protection or ground water recharge.			

RECEIVED
APR 28 2025
IDWR/Preston

RECEIVED

APR 28 2025

IDWR/Preston

BRBA Claim Fee Summary for Non-Power Claims

Claimant: Pacificorp

Claim #	Claim ID	\$ for Claim	Notes
1	New Claim - N. Lifton	\$98.00	Single family home, office, shop, and cooling water in plant
2	Paris Domestic	\$25.00	de minimis domestic
3	New Domestic - Hubbard's	\$25.00	2 houses - in-house use only
4	13-4336	\$52.00	2 irrigated acres
5	13-7934	\$74.00	Industrial 0.24 cfs
6	13-4333	\$25.00	de minimis domestic
7	13-4334	\$52.00	1.5 irrigated acres
8	13-7787	\$170.00	12 cfs for fish habitat
9	13-4335	\$57.00	6.2 irrigated acres
10	13-7701	\$56.00	6 irrigated acres
11	13-7702	\$60.00	10 irrigated acres
12	13-7998	\$60.00	1 cfs for Aquaculture
13	13-7996	\$60.00	1 cfs for Aquaculture
14	13-7700	\$54.00	4 irrigated acres
15	13-4338 Split for Day Use	\$52.00	1.3 irrigated acres
16	13-4338 Split for Lawns by	\$51.00	1 irrigated acre
17	13-893	\$52.00	0.02 cfs for Wildlife Storage
18	New Claim - BLM Spring	\$52.00	0.02 cfs for Wildlife Storage
19	Stockwater Claims	\$100.00	26 Stockwater Claims
	Total	\$1,175.00	