

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: 13-4203

Date Received: 12/13/24

Receipt No: P001648

Claim Fee: 53.00 By: mR

RECEIVED

DEC 10 2024

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR/Preston

Please type or print clearly

- Name of claimant(s) Sagebrush Steppe Regional Land Trust, Inc. Phone (208) 240-6045
Mailing address PO Box 1404 Pocatello ID Zip 83204
Street or Box City State
Email address (optional) eric@sagebrushlandtrust.org
- Date of priority: (Only one per claim) 4/10/1884 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (✓) (a) Kackley Springs
which is tributary to (b) Bear River
- a. Location of point of diversion is: Township 10S, Range 40E, Section 28,
NE 1/4 of NW 1/4, Govt. Lot _____, BM, County of CARIBOU
Parcel no. _____
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
- Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Springs flow into natural channels and are collected into a pond, owned by PacifiCorp. A control structure at the head of the Kackley Springs Channel (ditch) allows flow to be controlled. Water flows down the ditch and is diverted via a portable pump for flood irrigation of areas along the channel.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 4/15 to 10/31 amount 0.08 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.08 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) None

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	40E	28							1.5			1.1							2.6

Parcel no(s) 10S40E285400 Total number of acres irrigated 2.6

10. In which county(ies) are lands listed above as place of use located? Caribou

11. Do you own the property listed above as place of use? Yes (☒) No (☐)
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

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

Priority date is based upon the land patent of Edward Turner in 1884. The irrigation was once more extensive and may have covered the entire field. With the changes in purpose of the land, most of the irrigation is no longer occurring, except for the claimed portion. A member of the Turner family that once owned this property has provided an affidavit to support a 1968 priority date, which is the earliest of her personal recollection. Journal entries from Jay Turner support the use of the land for sheep grazing. Additional information is still being pursued and will be provided to IDWR if discovered. Historical photos (1953, 1964, 1976) are inconclusive to support irrigation. 1992 photos show flood irrigation occurring. The affidavit correlates to the historical use suggested in the statutory claim. The applicant purchased the property in 2006 and by 2017 resumed use of the water right within the claimed POU as they began restoring the native vegetation along the channel. The Kackley Springs complex that provides the source of water for this claim is also shared by PacifiCorp under one or more water rights in their name. The control structure on the pond that delivers the water to the claimed POU was installed and is controlled by PacifiCorp by agreement.

Name of claimant(s) Sagebrush Steppe Regional Land Trust, Inc. Claim ID _____



Claim Map Pg.1 for BRBA Claim 13-4203

Legend

- Claim POD
- Claim POU
- Kackley Springs Channel
- TR
- TRS
- QQ

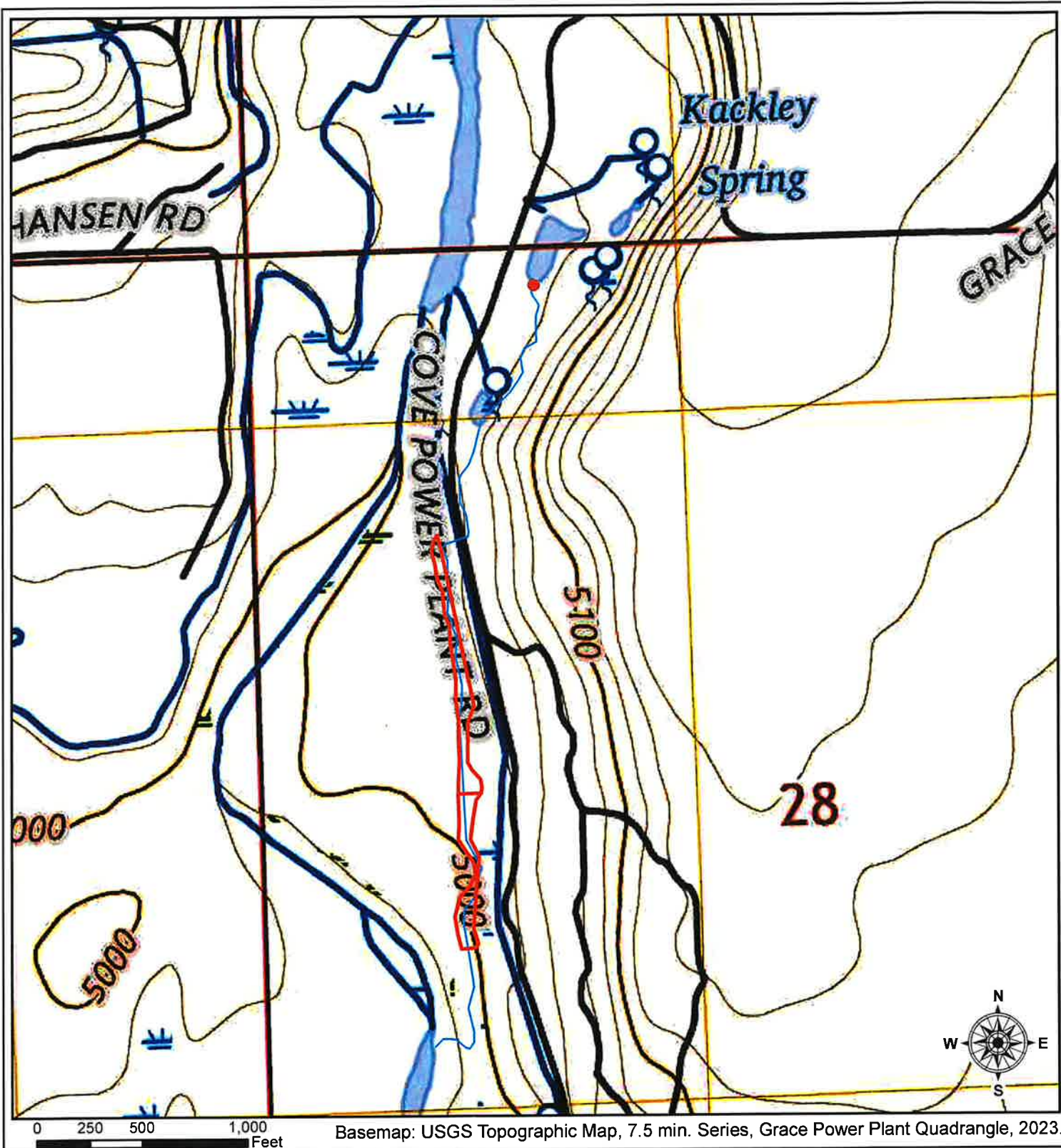
BRBA Claim No. 13-4203
Sagebrush Steppe Regional
Land Trust, Inc.
Kackley Springs Property
Grace, Idaho

Date: 11/26/2024

RMEA #: 24-0053

Drafted by: KM





Claim Map Pg. 2 for BRBA Claim 13-4203

Legend

- Claim POD
- Claim POU
- Kackley Springs Channel

BRBA Claim No. 13-4203
Sagebrush Steppe Regional
Land Trust, Inc.
Kackley Springs Property
Grace, Idaho

Date: 11/26/2024

RMEA #: 24-0053

Drafted by: KM



Name of claimant(s) Sagebrush Steppe Regional Land Trust, Inc. Claim ID

Attachment 1
Tracy Young Affidavit

AFFIDAVIT OF HISTORIC IRRIGATION USE

AFFIDAVIT OF Tracy Young

I, Tracy Young, being duly sworn, depose and say the following:

Personal Information

- a. I am Tracy Young, of legal age and a resident of _____.
- b. I am a member of the Turner family that leased and grazed livestock on the Kackley Springs property, currently owned by the Sagebrush Steppe Land Trust, and described as Caribou County parcel number - 10S40E28S400. Township/Range/Section: 10/40/28, hereinafter referred to as "the Property," which is situated within the Bear River Basin in Idaho, and shown in Exhibit A.

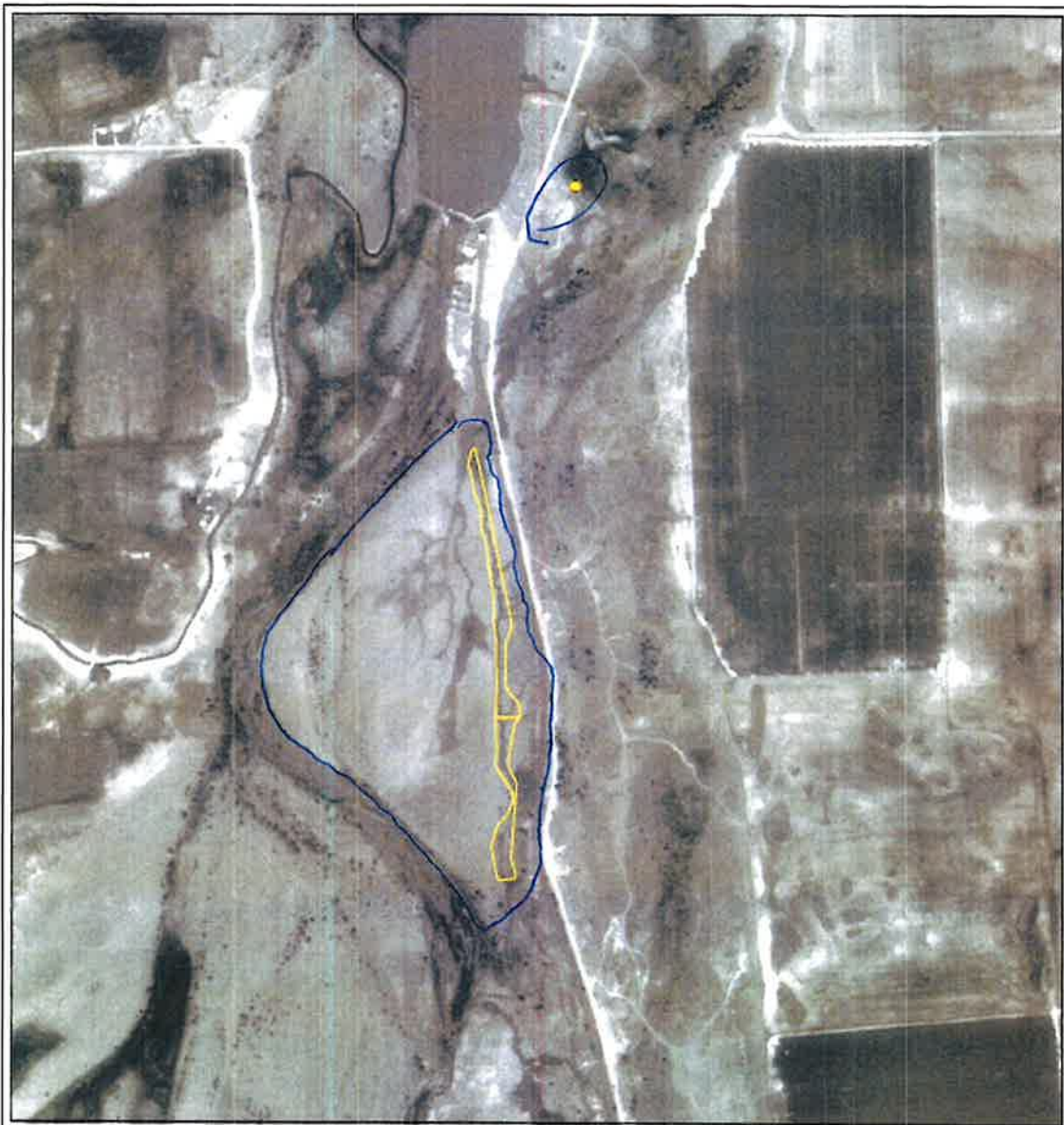
Purpose of Affidavit

This affidavit is submitted as evidence in the Bear River Basin water rights adjudication process to demonstrate the historic use of water for irrigation purposes on the Property.

History of Water Use on the Property

- a. I am personally familiar with the historic use of water on the Property, having watched my Dad (Jay Turner) the land from - 1968 till 1983 when I
water pastures moved from home.
- b. Based on my personal knowledge, water had been used for the purpose of irrigation on the Property from approximately 1968 till 83.
- c. The source of water for irrigation was from the Kackley Springs creek source.
- d. The water was diverted from the source by a irrigation ditch and applied to the Property for the irrigation of pasture for sheep feed.
- e. The irrigated area on the Property covers approximately 25 acres.
- f. The irrigation season typically began on or around April and ended on or around October each year. Water was applied during this season for the purpose of growing grass & hay for sheep feed.

Name Tracy Young
Date 10-24-24



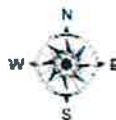
0 600 1,200 2,400 Feet

1992 DOQ

Exhibit A - Water use by Turner Family

Legend

- ClaimPOD_13-4203
- ClaimPOU_13-4203



1992 Aerial
Kackley Springs
Sagebrush Steppe

RMEA # 22-0107

by: KM

Date: 5/30/2024



Jay Turner Flood irrigated from pond to
pasture. marked in Blue

Name Tracy Young
Date 10-24-24

NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

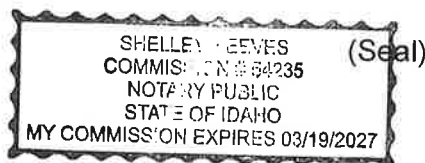
State of Idaho
County of Caribou

On October 24, 2024 before me, Shelley Reeves-Notary
(name and title of officer), personally appeared Tracy Young, who proved
to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that she/he/they
executed the same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Idaho
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Shelley Reeves
Print Name Shelley Reeves



Attachment 2

Jay Turner Journal Entries

70

NE 1 (213)

WEATHER RECORD	
MON.	
TUES.	
WED.	

WEATHER RECORD	
THUR.	
FRI.	
SAT.	
SUN.	

JUNE 1970

(155) THURSDAY, JUNE 4 (210)

JULY 1970						
S	M	T	W	T	F	S
..	..	1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	..
..	..	..	..	..	..	..

9	10	11	12	1
---	----	----	----	---

10 2

11 3

12 4

12 4

12 4

12 4

EVENING

NE 2 (212)

(156) FRIDAY, JUNE 5 (209)

1	9	1
---	---	---

2 2

3 3

4 4

4 4

4 4

4 4

4 4

4 4

4 4

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4 4

4 4

4 4

4 4

4 4

4 4

4 4

4 4

4 4

4 4

4 4

4 4

4 4

4 4

JUNE 3 (211)

(157) SATURDAY, JUNE 6 (208)

(158) SUNDAY, JUNE 7 (207)

1	9	9
---	---	---

2 10

3 11

4 12

4 12

4 12

4 12

4 12

4 12

4 12

4 12

4 12

4 12

4 12

EVENING

1970

MAY 11 (234)

WEATHER RECORD	
MON.	
TUES.	
WED.	

WEATHER RECORD	
THUR.	
FRI.	
SAT.	
SUN.	

MAY 1970

JUN						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

(134) THURSDAY, MAY 14 (231)

Jim & I went to the Kaskaskia
Sheared 1000 sheep
This morning

- 1
- 2
- 3
- 4

EVENING

MAY 12 (233)

(135) FRIDAY, MAY 15 (230)

Sheared sheep
400 lambs
414 ewes & wethers
Took Tracy to see Doc. her
ears are OK.

- 1
- 2
- 3
- 4

EVENING

MAY 13 (232)

(136) SATURDAY, MAY 16 (229)

(137) SUNDAY, MAY 17 (228)

Took Tracy to see Doc.
at Ridgeport
Jim, Tracy & Van
fixed fence.

Took Tracy to see Doc.
at Ridgeport
Jim, Tracy & Van
fixed fence.

- 1
- 2
- 3
- 4

EVENING

1970

APRIL 13 (262)

WEATHER RECORD	
MON.	
TUES.	
WED.	

WEATHER RECORD	
THUR.	
FRI.	
SAT.	
SUN.	

APRIL 1970

(106) THURSDAY, APRIL 16 (259)

MAY 1970						
S	M	T	W	T	F	S
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

1st time in lawn
mower.

to go down
from Sage to Rockledge

1

9

1

2

10

2

11

3

4

12

4

EVENING

APRIL 14 (261)

(107) FRIDAY, APRIL 17 (258)

to mow the yard

1

9

1

2

10

2

SEASON'S 5 HRS

3

11

3

ALAN CLEANED POOL w/ BACK HOE

4

12

4

EVENING

AY. APRIL 15 (260)

(108) SATURDAY, APRIL 18 (257)

(109) SUNDAY, APRIL 19 (256)

to mow the
yard

1

9

9

2

10

10

3

11

11

4

12

12

Jen Dried at 10:00
to 11:00
Fred cleaned backhoe
EVENING w/ BACK HOE

NE 1969

WEATHER RECORD	
MON.	
TUES.	
WED.	

WEATHER RECORD	
THUR.	
FRI.	
SAT.	
SUN.	

JUNE 1969

JULY 1969						
S	M	T	W	T	F	S
1	2	3	4	5		
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

DAY, JUNE 2 (212)

(156) THURSDAY, JUNE 5 (209)

SEE AT MEBCO

1

9 4 BOYS - JIM & ALAN TO MEBCO

1

2

10

2

3

11

3

4

12

4

EVENING

DAY, JUNE 3 (211)

(157) FRIDAY, JUNE 6 (208)

STILL OFF AT MEBCO ALL DAY

1

9 JAY, JUNE - CHARL & JIM MOVED SHEEP BACK TO KENTLEY RANCH

2

10 JIM & ALAN + 4 BOYS TO MEBCO

2

3

11 RICHARD + GEORGE NEWTON DID COME BACK

4

12

4

EVENING

PLANTS TOP BENCH 1 ON PASTURE 4 JACKS + 2 ALLOYD EID

SDAY, JUNE 4 (210)

(158) SATURDAY, JUNE 7 (207)

(159) SUNDAY, JUNE 8 (206)

1

9 MOVED DIZZEL FROM BOB HUBBARD'S (15-22) JUNE FINALLY PLANTED SOME MORE GARDEN

2

10 INSTALLED CULVERT FOR PETERSON CANNAL

10

3

11

11

4

12

12

ALAN WELD PIPE FOR PETERSON BY R.R. TRACKS.

IS PUMP GOING TO ALAN'S

APRIL 1969

WEDNESDAY, APRIL 14 (261)

WEATHER RECORD	
MON.	
TUES.	
WED.	

WEATHER RECORD	
THUR.	
FRI.	
SAT.	
SUN.	

APRIL 1969

(107) THURSDAY, APRIL 17 (258)

MAY 1969						
S	M	T	W	T	F	S
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

John off
9 CARL HAS HAULED CINDERS ALL DAY 15 LOADS TOTAL CARL 49 LOADS
DAG + ALAN

10 JAY MET W/ MARV N (UP+L) ABOUT SHEEP FENCE

EMENT TILE IN DRAIN
N LINE = 36 FT LONG
S = 12 MAN HRS
WANDA'S LETTER OFF
SALES = 480

11 JAY DISKED & HARROWED
12 DAD FINISHED PLOWING 80 ACRES
RIGBYS 45 BALES = 109
EVENING BOB 32 = 592 → 234

WEDNESDAY, APRIL 15 (260)

WIND LIGHT
FINES 3
ALL DAY
PRINTED

BOB CORBETT TRUCK
ALL DAY ALSO ALAN
GRADES GRASS HAY = 3530 55¢
LOADED 30 = 530.

(108) FRIDAY, APRIL 18 (257)

9 John OFF TRAIN
10 DAD PRESSED PIPE ALL DAY
ALAN WENT TO PORTABELLO
11 JIM BROUGHT A LOAD OF SEED
BARLEY DOWN TO KACRLEYS

12 LILA FINISHED PAINTING 50 1/2 HRS = 101.00
EVENING BALI 33 = 625
60.5

WEDNESDAY, APRIL 16 (259)

HAULED CINDERS 20
ED PASTURES WITH
MP 180
CARPET IN KITCHEN

SALES = 560

(109) SATURDAY, APRIL 19 (256)

John off
9 DAD HARROWED 80 ACRES
PATROL GRADED CINDERS
11
12 John Macks worked a
couple hours on Draining roof
EVENING BOB 35

(110) SUNDAY, APRIL 20 (255)

JAY USED DOZER
CLEARING BRUSH 3 HRS
BOB 30 = 690
60.5

OCTOBER 1968						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	...	...	...	...

OCTOBER 1968

WEATHER RECORD	
MON.	RAIN
TUES.	
WED.	

(288) MONDAY, OCTOBER 14 (78)

9 ALAN FIXED STACKYARD + GATES AT BENCH
GAVE EWES 2 MORE SACKS OF WORKER
JIM CLEAVED OUT SHOD

JAY STILL LOOKING AT SHEEP IN WYOMING

11 FRANCIS PEARSON HAS 231 AT 11.00 EA

CODE 362-3224 - WILL PHONE WED NIGHT

12 JOHN ERICKSON HAS 300 AT 11.00

RICHARD - IVAN BROOKS HAS 900 AT 9.00

EVENING JOHN HAYS 300 AT 12.00

CALDWELL 900 AT 10.00

(289) TUESDAY, OCTOBER 15 (77)

9 ALAN + JIM WORKED ON SHEEP BARN ALL DAY

10 JAY WENT TO POCAHELLO MET W/ P.C.A.
SET UP OPERATING MONEY + FOR SHEEP TO RUN
ON KACKLEY PLACE

12 GENE MORRIS AT MEBRO AFTER NOON
EVENING

(290) WEDNESDAY, OCTOBER 16 (76)

9 ADAM CAROL - GLENN USED JAY'S TWO TRACTORS
+ PLOWED MEADOW

10 ALAN - MEBRO, JIM - SHEEP BARN
JAY + JUNE WENT TO SOVA SIGNED KACKLEY LEASE
SIGNED MTG AT P.C.A. FOR SHEEP + 1969 OPERATING

12
EVENING

WEATHER RECORD	
THUR.	COLD
FRI.	
SAT.	

OCTOBER

THURSDAY

GLENN 1968
5.00 PER ACRE LESS
200 ACRES X 3
LESS 2000 LOAN + 10

10 JAY HAY X 17.00 = 360

12 JAY + JUNE WENT TO SOVA SIGNED KACKLEY LEASE

(291) FRIDAY

3.00 T.M. PLOWED
CRUISE HYDRAULIC LI

12 JAY + JUNE WENT TO SOVA SIGNED KACKLEY LEASE

12 JAY + JUNE WENT TO SOVA SIGNED KACKLEY LEASE

(292) SATURDAY, OCTOBER 19

9 P. WHITE BUCKS
TAKEN AT BENCH 16
10 CUE MAR 16

12 JAY + JUNE WENT TO SOVA SIGNED KACKLEY LEASE

12 JAY + JUNE WENT TO SOVA SIGNED KACKLEY LEASE

968

JULY 29 (155)

WEATHER RECORD	
MON.	
TUES.	
WED.	

WEATHER RECORD	
THUR.	
FRI.	
SAT.	
SUN.	

AUGUST 1968

SEPTEMBER 1968						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

(214) THURSDAY, AUGUST 1 (152)

1 2 LINES ON HAY ON BEACH 64 P
 2 LINE ON PERS ON BEACH 68 P
 103 LINES ON HAY AT LAGO 42 2
 GUN ON MICKELSON POTILE HAY 1
 11 KIRK CHANGING ALONE 180 P
 2 LINES PER DAY MOVED 197 3
 12 197 4
 EVENING 197 4

JULY 30 (154)

(215) FRIDAY, AUGUST 2 (151)

1 9 1
 2 10 2
 3 11 3
 4 12 4
 EVENING

JULY 31 (153)

(216) SATURDAY, AUGUST 3 (150)

(217) SUNDAY, AUGUST 4 (149)

1 9 RIGBY'S TURNED KACKLEY 9
 2 LEASE OVER TO JAY 10
 3 11 11
 4 12 HAROLD TOOK K JAY'S 165 12
 TRACTOR TO M.F. PRESTON
 EVENING FOR CLUTCH REPAIR



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DEC 10 2024
IDWR/Preston

December 10, 2024

RMEA 24-0053

Idaho Department of Water Resources
Preston Field Office
325 East 600 South, Ste 300
Preston, Idaho 83263-4921

Re: Bear River Basin Adjudication Claims – Sagebrush Steppe Regional Land Trust, Inc.

Dear Ms. Marion Beck,

This letter accompanies a check for one Adjudication claim for Sagebrush Steppe Regional Land Trust Inc. water right number 13-4203, which was transmitted electronically, along with GIS shapefiles to aid in review of the claim.

In addition to responses to be provided to the claimant, please copy Rocky Mountain Environmental Associates, Inc. (RMEA) at kristin.rmea@gmail.com with a copy of the receipt and copies of the first pages of each claim, showing the numbers assigned by IDWR.

Please contact our office with any questions regarding these applications.

Thank you,

A handwritten signature in blue ink that reads "Kristin Moore".

Kristin Moore
Senior Water Rights Analyst

Enclosures: Check