

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 SNAKE RIVER BASIN WATER SYSTEM.

RECEIVED

MAY 24 1989

CIVIL CASE NUMBER: 39576

Ident. Number: A45-00320B

Date Received: 5/10/1989

Receipt No: 5007312

Received By: (W)

Department of Water Resources

Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JIMMY D. KEMPTON 208-673-6261
Address: ~~STAR RT. BOX 28~~ 1158 E 1000 E
ALBION, ID 83311

2. Date of Priority: MAY 01, 1877

3. Source: HOWELL CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	25E	18		SE	SE		CASSIA
		29		NE	NE		CASSIA

5. Description of diverting works:
HEADGATE, BRIM DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	25E	8	NW	NW		IRR	20.0
			SW	NW		IRR	40.0
			NW	SW		IRR	40.0

A45-00320B

Page 1

Date: 05/10/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	25E	8	SW	SW		IRR	40.0
Section Acres							140.0
Total Acres							140.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A45-02731, 02732, 00329, 10496, 10497, ~~10498~~

14. Remarks:

50 INCHES OF 45-00320 DECREE.
EFFICIENCY IN WATER DISTRIBUTION ACHIEVED THROUGH SPRINKLER
IRRIGATION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/21/1892

WM. STOKES, ET AL

Decree Plaintiff

vs

R.L. WOOD, ET AL

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

March 12, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JIMMY D KEMPTON
1158 E 1000 S
ALBION ID 83311

RE: Water Right 45-7385, 45-10489, 45-10490
SRBA Claims 45-320B, 45-329C, 45-2731, 45-2732, 45-10496
Change of Address Notification

Dear Mr. Kempton:

Thank you for notifying us of your change in address on the water
right referenced above. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

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FEB 21 2002

Department of Water Resources
Southern Region

CHANGE IN ADDRESS

- ☐ Water Right Number(s): Claims 45-32083274 2731, 2732, 10496, ~~10497~~
Rights 45-7385, 10487, 10490
- ☐ Old Mailing Address: Jimmy D Kempton
Star Rt Box 28, Albion, ID 83311
- ☐ New Mailing Address: 1158 E 1000 S
Albion, ID
83311
- ☐ New Telephone Number: () No Change
- ☐ Signature of Claimant(s): Jimmy D. Kempton
- Date: 2/16/02

FOR IDWR USE ONLY	
Initial Review and Data Entry	
Date:	By:
Further Action Needed:	
Further Action Taken	
Date:	By:
Final Review and Data Entry	
Date:	By:
<u>3/12/02</u> <u>[Signature]</u>	

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 SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A45-003208

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 9 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) NIMMY D. KEMPTON Phone (208) 673-6261Mailing Address STAR ROUTE Box 28, ALBION, ID. Zip 833112. Date of Priority (Only one (1) per claim) MAY 1, 18773. Source of water supply (a) HOWELL CREEK
which is tributary to (b) SNAKE RIVER (MARSH CR.)4. a. Location of existing point of diversion is: Township 12S Range 25E Section 29,1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of CASSIAAdditional points of diversion if any: TWP 12S, RGE 25E, SEC 18 SE 1/4 SE 1/4

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

1/4, Govt. Lot _____ B.M., County of _____5. 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. HOWELL CREEK HEADGATETO THE BRUM DITCH.

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HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

03V1393R

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

CONFIRMED

Information Sheet No. 42-1400 a 2/88

standard: 03/19 - 11 5 (LW)
[Signature]

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)
APPROX.

For IRRIGATION purposes from April to 15 July amount 1.0 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 150 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
<u>12S</u>	<u>25E</u>	<u>8</u>						<u>20</u>	<u>40</u>			<u>40</u>	<u>40</u>						<u>140</u>

Total number of acres irrigated 140

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

12. Do you own the property listed above as place of use? Yes X No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
WELL WATER AND LIMITED WASTE WATER or None ()

14. Remarks: EFFICIENCY IN WATER DISTRIBUTION ACHIEVED THROUGH SPRINKLER IRRIGATION.

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Last Name KEMPTON Ident No. _____

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

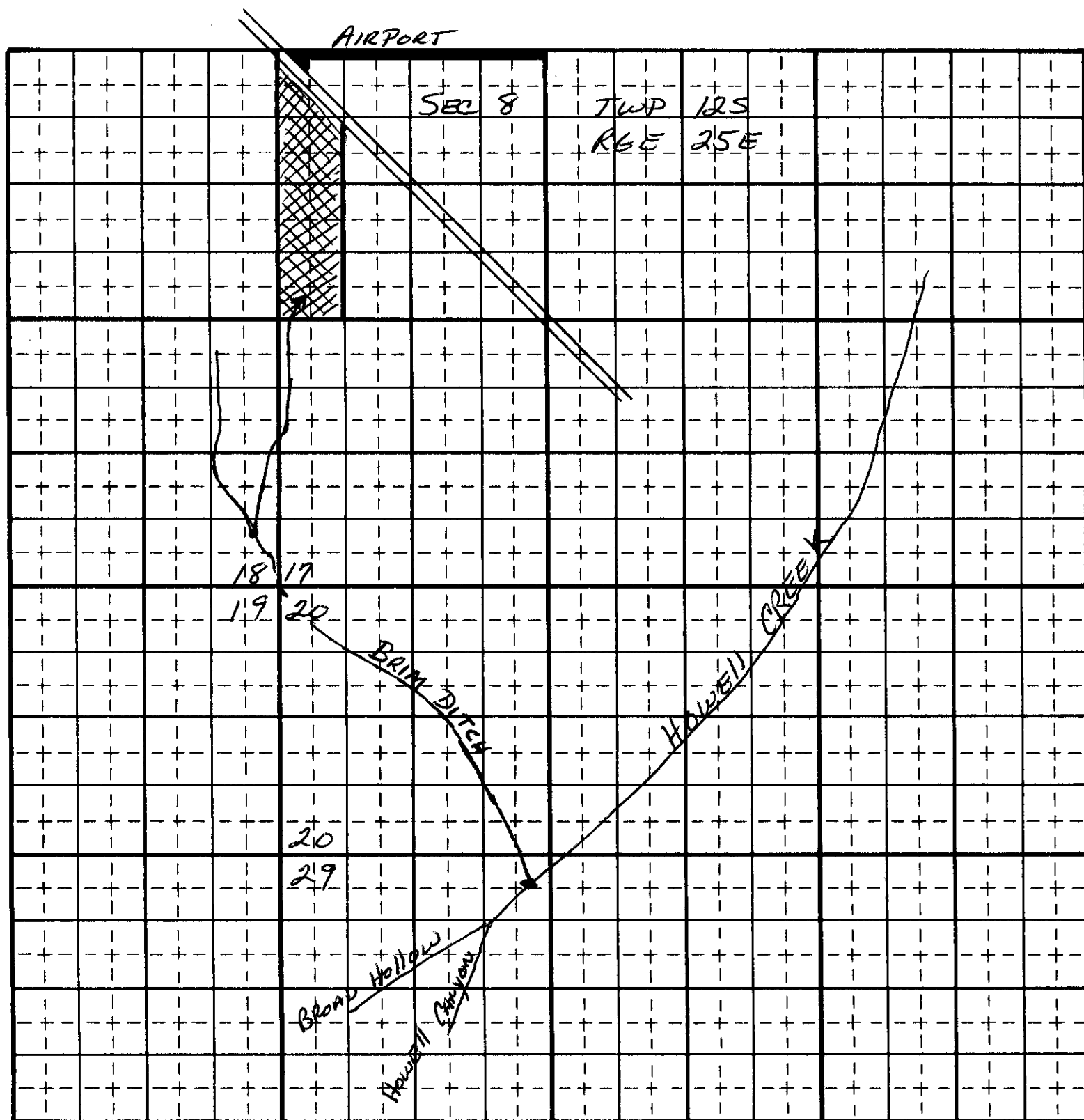
The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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Last Name

KEMPTON

Ident No.

MAR 07 1993

Copies: White-Side, Yellow-Clay

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ~~not~~ ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Jimmy D. Kempton Date 4/26/89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Boise) SS.

Subscribed and sworn (or affirmed) before me this 26th day of April 19 89

SEAL

Notary Public Sue Ellen Keller

Residing at Albion, Idaho

My Commission Expires 4/9/93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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MAR 07 1993

Last Name Kempton Ident. Number _____

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

5/10/1989 *m*

JIMMY D. KEMPTON
STAR RT. BOX 28
ALBION, ID 83311

DEAR MR. KEMPTON:

ENCLOSED, PLEASE FIND 2 SETS OF YOUR ADJUDICATION CLAIMS, ONE SET OF COPIES FOR YOUR RECORDS AND A 2ND SET FOR YOU TO REVIEW AND RETURN.

WE NEED TO HAVE YOU SIGN AND NOTARIZE THE TWO DEEP WELL CLAIMS, A45-02731 & A45-02732, BECAUSE WE CHANGED THE ACRES YOU CLAIMED BACK TO THE ORIGINAL ACRES LICENSED. WE ALSO NEED YOU TO SIGN AND HAVE NOTARIZED THE EXPANDED USE CLAIM A45-10497, WHICH COVERS THE ADDITIONAL ACRES. THE OTHER CLAIMS HAVE NO MAJOR CHANGES EXCEPT FOR THE SUGGESTED IRRIGATION SEASON ON #6, WHICH IS 3/15 TO 11/15 FOR YOUR AREA (SEE ENCLOSED APPENDIX II). PLEASE INITIAL THE CHANGE ON THE ORIGINALS WHICH ARE ATTACHED TO THE COMPUTER CLAIMS.

THE FEE BREAKDOWN IS:

	FEE	ACRES	TOTAL	
IRRIGATION				
A45-02731	\$50	64	\$114	WELL
A45-02732	50	137	187	WELL
A45-10497	50	159	209	EXPANSION
A45-00329	50	---	50	BRIM CR.
A45-00320B	50	---	50	HOWELL CR.
A45-10496	50	---	50	WASTEWATER
DOMESTICS				
A45-10489	25	---	25	
A45-10490	25	---	25	
A43-10156	25	---	25	
A43-10154	25	---	25	
A43-10155	25	---	25	

BALANCE DUE

\$785

IF YOU HAVE ANY QUESTIONS MR. KEMPTON, PLEASE CONTACT ME AT 734-3578, DEPARTMENT OF WATER RESOURCES.

SINCERELY,

Lori White
LORI WHITE
WATER AGENT

DEC 03 1996

12/22/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-320B

NAME AND ADDRESS: JIMMY D KEMPTON
1158 E 1000 S
ALBION ID 83311

WARRANT NO. KKC

SOURCE: HOWELL CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 1.000 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN
.02 CFS PER ACRE. COMBINED RIGHT NOS. 45-320B, 45-329C, 45-2732 and
45-13638.

PRIORITY DATE: 05/01/1877

POINT OF DIVERSION:

T12S R25E S29 SENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.000 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R25E S08	NWNW	15.0	T12S R25E S08	SWNW	22.0
T12S R25E S08	NWSW	39.0	T12S R25E S08	SWSW	31.0

107 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 107 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-320B, 45-329C, 45-2732 and 45-13638.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

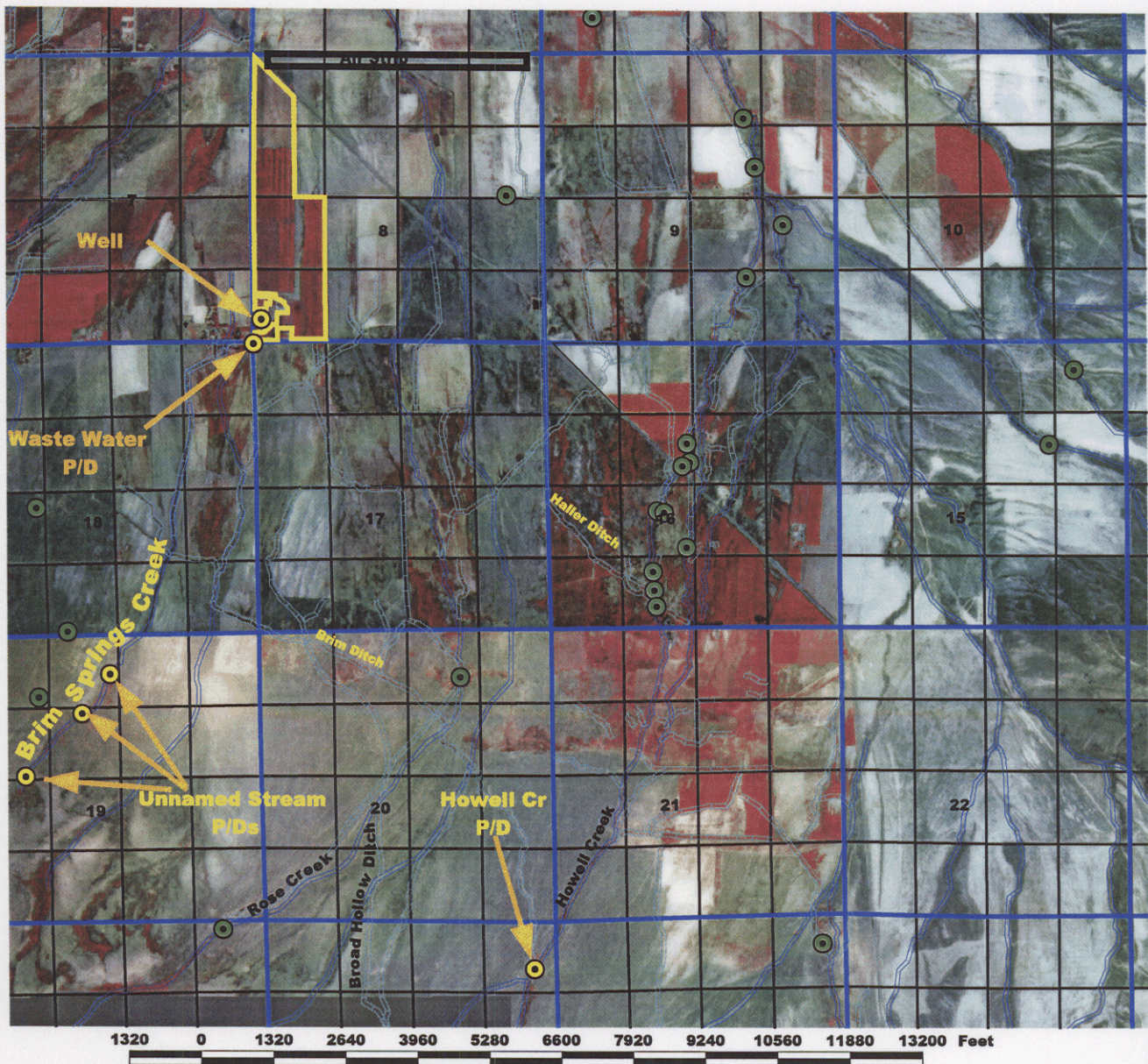
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

RECOMMENDED PLACE OF USE FOR 45-320B, 45-329C, 45-2732, and 45-13638



PLACE OF USE
TWP 12S, RNG 25E, SEC 8
Data entry on December 22, 2003

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



Idaho Dept of Water Resources
Claims review notes and narrative

Kempton

Date: 10-1-2001

File: 45-320 decree split analysis

Prepared by Kelly K Christensen

over claimed

ANALYSIS OF 45-320
5-1-1877 source = Howell Creek
2.00 cfs on four 40 acre tracts

This right is claimed as follows;

45-320A	Hagar ^{Bell}	1.00 cfs	claimed p/u includes two of the 4 decreed 40 acre tracts
45-320B	Kempton	1.00 cfs	claimed p/u includes two of the 4 decreed 40 acre tracts
45-320C	Droz	0.25 cfs	claimed p/u is not part of decreed p/u

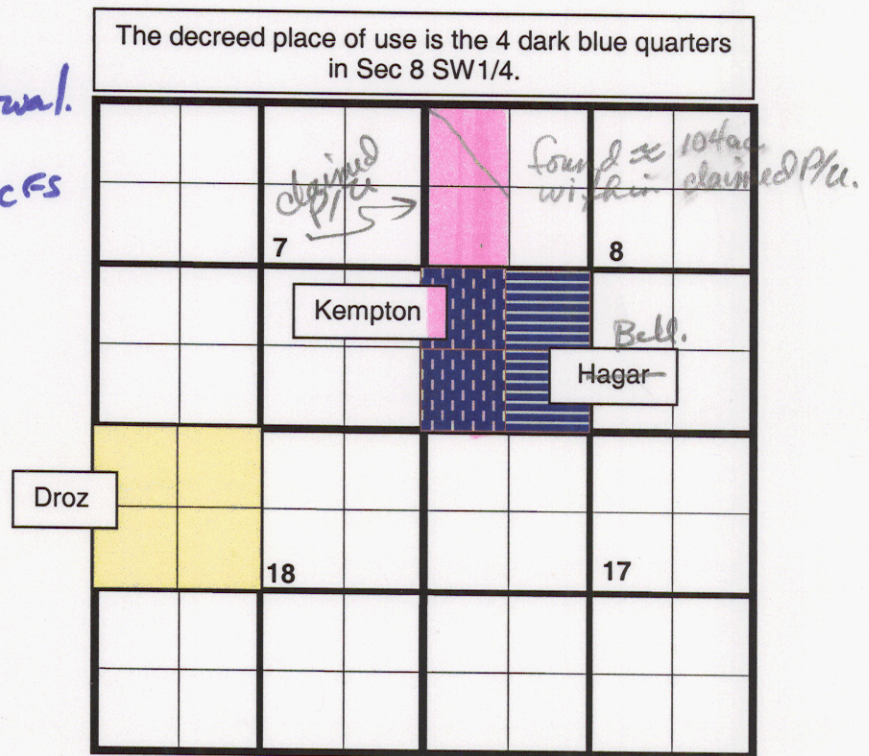
Split analysis based upon a proportion of owned 40 acre tracts vs decreed 40 acre tracts.

Hagar	2/4 * 2.00 cfs = 1.00 cfs
Kempton	2/4 * 2.00 cfs = 1.00 cfs
Droz	0/4 * 2.00 cfs = 0.00 cfs
Total	4/4 2.00 cfs

*Bell recommended @ 1.00 cfs
12-12-03*

Droz recommended for disallow.

Kempton recommended @ 1.00 cfs



GIS ACRE TOTAL

45-10496 was^oewater system.

Jimmy Kempton

Pg 1/

45-2732 this right was licensed for 137 ac ^{1.49 CFS}. Jimmy submitted a letter dated 4-21-2002 indicating that a portion of the right had been forfeited. The letter indicates that there are currently 22 in acres and that the system capacity is 425 cfs (SAFE/A) at 1.07 CFS (this represents the original rate per acre ($1.49 \text{ CFS} / 137 \text{ ac} \approx 0.0109 \text{ CFS/ac}$) times the 22 ac

Using an view and the 1987 map photograph I am finding a slightly greater P/A ($\approx 101 \text{ ac}$) ground has not been confirmed especially for Sec 8 SWSW.

Additional issues, assuming a reduction in the P/A does not necessarily require a reduction in diversion rate as the original rate was approx 1/2" per acre. The dept could recognize an unrecorded transfer consolidating the overlapping 1987 and 1988 licenses.

This would suggest that the overlapping portion of 45-10497 would NOT be valid.

45-2731 This right was licensed on 64 ac @ 1.09 CFS. No portion of this right appears to have been forfeited (Recom as claimed)
Licensed right 45-7385 (NOT Part of AS) is from the same P/D and increased the diversion rate. When Combined they are limited to 1.68 CFS on ¹⁷⁸ ac

Jimmy Kempton (see P)

Pg 2/

45-10497

split

13633

13634

ground originally licensed under 45-2732 (see #B2732).
The balance of the licensed P/U NE of Highway 77
was originally licensed under 45-2731. Permit 45-7385
was filed to add acres as rate to the 45-2731 system.

In 1982 Jimmy submitted a document relating to
the development of ground relating to Permit 45-7385. In
that document (Pg 52) he indicates that no
new acres beyond the licensed P/U were developed
prior to 1985 or after.

This would indicate that there was no expansion
on this side of Hwy 77 either.

Therefore based upon currently available information
I am recommending 45-10497 for disallowance.

45-3208

Source = Howell source deeded to 160 ac of which 80 ac
within the Kempton District. Kempton has
claimed 1,000 ac which is 50% of the deeded acre.

The diversion and delivery system is not
clear. Possibly deliver through the Brinditch
sketch. Limit maximum P/U = 80 acres, maybe less.

45-329C

Source = Basin Creek deeded to 320 ac @ 0.10 ac. Deeded
P/U is currently owned by 3 different individuals (more if looking
at home & small lots) Bell indicated he does not receive any
water from this system. I am not sure of right of way. Right
is split 50/50 between Embury & the system (0.05 acs each)

Jimmy Kempton (cont.)

45-3296
(cont.)

The actual physical PB is not clear but it
shows charge in several directions. It is
15 ft. See field map for details. See also.

45-10496.

The actual PB is not clear but it is somewhat
in conflict. Does system still exist? NO EVIDENCE
OF PROXIMITY shown. 15 ft.

The reason mentioned in the claim is not visible
in the available photos.

Log for claim A45-00320B

Spatial Dynamics MWY

4/18/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s25e	8	NWNW	20	20	POD S18 SESE IS A REDIVERSION
12s25e	8	SWNW	40	39	
12s25e	8	NWSW	40	40	
12s25e	8	SWSW	40	34	
Totals:			140	133	

Township , 12S25E

