

DISTRICT COURT - IDAHO
TWIN FALLS CO., IDAHO
FILED _____

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DEPARTMENT OF
WATER RESOURCES

2007 NOV 2 PM 11 48

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

October 26, 2007

Hon. John Melanson
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 29-170 (Van Kampen)

Dear Judge Melanson:

A Partial Decree was issued for the above-referenced water right on March 22, 2004. While investigating a late claim for water right no. 29-13726, which is owned by the same claimant, an error was discovered in the point of diversion element for water right 29-170. The Director's Report for water right 29-170 erroneously described the point of diversion as T10S R38E S04 SENWSW. The proper description for the point of diversion is T10S R38 S04 NESWSW. Water right numbers 29-170, 29-171 and 29-12064 share combined use limits and have the same point of diversion. Water right numbers 29-171 and 29-12064 were also partially decreed on March 22, 2004, but with the proper point of diversion identified. It appears by reviewing the attached Notice of Claim, that the clerical error occurred when the legal description was transposed on the claim form. I am also attaching a revised recommendation containing the proper point of diversion description for this water right.

I am also sending a copy of this correspondence to claimant's counsel so that he is aware of this issue.

If you should have any questions, please feel free to contact me at 287-4809.

Sincerely,

Chris Bromley
Deputy Attorney General, IDWR

Enclosures

cc: Rob Harris
Cindy Bird

Natural Resources Division - Water Resources Section
P.O. Box 83720 Boise, Idaho 83720-0098
Telephone: (208) 287-4801; Legal FAX: (208) 287-6700

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DISTRICT COUNCIL 10/26/2007
THIRD FALLS COUNCIL IDAHO
FILED
2007 NOV 2 07 11 48

RIGHT NUMBER: 29-170

NAME AND ADDRESS: NANCY VAN KAMPEN
166 E 350 S
LOGAN UT 84321

JEDD R VAN KAMPEN
166 E 350 S
LOGAN UT 84321

SOURCE: DEMPSEY CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.400 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-170, 29-171, 29-12064
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.62 CFS. COMBINED RIGHT NOS.: 29-170,
29-171, 29-12064.

PRIORITY DATE: 07/01/1881

POINT OF
DIVERSION: T10S R38E S4 NESWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.400 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE
EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in BANNOCK County

T09S R38E S29	SESE	2.20	T09S R38E S32	NENE	14.00
T09S R38E S32	SENE	23.00	T09S R38E S33	NENW	11.00
T09S R38E S33	NWNW	31.00			

81 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 81.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-170, 29-171, 29-12064.

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.

10/26/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

WATER IS DELIVERED THROUGH WEST DEMPSEY DITCH.

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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 A29-00171

Date Received

Receipt Number E014613

RECEIVED

MAY - 2 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

A2900171



Please type or print clearly

1. Name of Claimant (s) Copper State Thrift & Loan/
Thunder Canyon Golf Course Phone (801) 487-487
Mailing Address P.O. Box 6166, 1025 E. 2100 S.
Salt Lake City, Utah Zip 84106

2. Date of Priority (Only one (1) per claim) April 1, 1882

3. Source of water supply (a) Dempsey Creek
which is tributary to (b) Portneuf River

4. a. Location of existing point of diversion is: Township 10 S. Range 38 E. Section 4,
S.E. 1/4 of N.W. 1/4 of S.W. 1/4, Govt. Lot, - B.M., County of Bannock

Additional points of diversion if any: _____

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. At approximately 12700 S. Dempsey creek Rd.

a diversion dam of rocks and wood, impedes stream flow and diverts it through a 2 foot
diameter steel headgate and culvert into the west Dempsey Ditch. This is the same point
of diversion for water currently used by Ronnie Tillotson, Rex Baker and others. The ditch
flows in a northerly direction parrallel to Dempsey Creek Road approximately 1.4 miles
where the water is diverted by headgate into a small storage reservoir located at the

S.E. 1/4 S.E. 1/4 N.E. 1/4 Sec. 32 R. 9 S. TWP 38 EBM. It is then piped underground for

irrigation of the golf course and surrounding property by gravity and electric powered
sprinkler irrigation system. In the past this land was irrigated from ditch by gravity flow.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Nov. 1 amount .3 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .3 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 350 acre feet per annum. (combined between all three water right priority date

Claims) SEE REMARKS

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	
9 S.	38	29				20													20
9 S.	38	32	60																60
9 S.	38	33	60																60

Total number of acres irrigated 140

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

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.

SEE REMARKS

or None ()

14. Remarks:

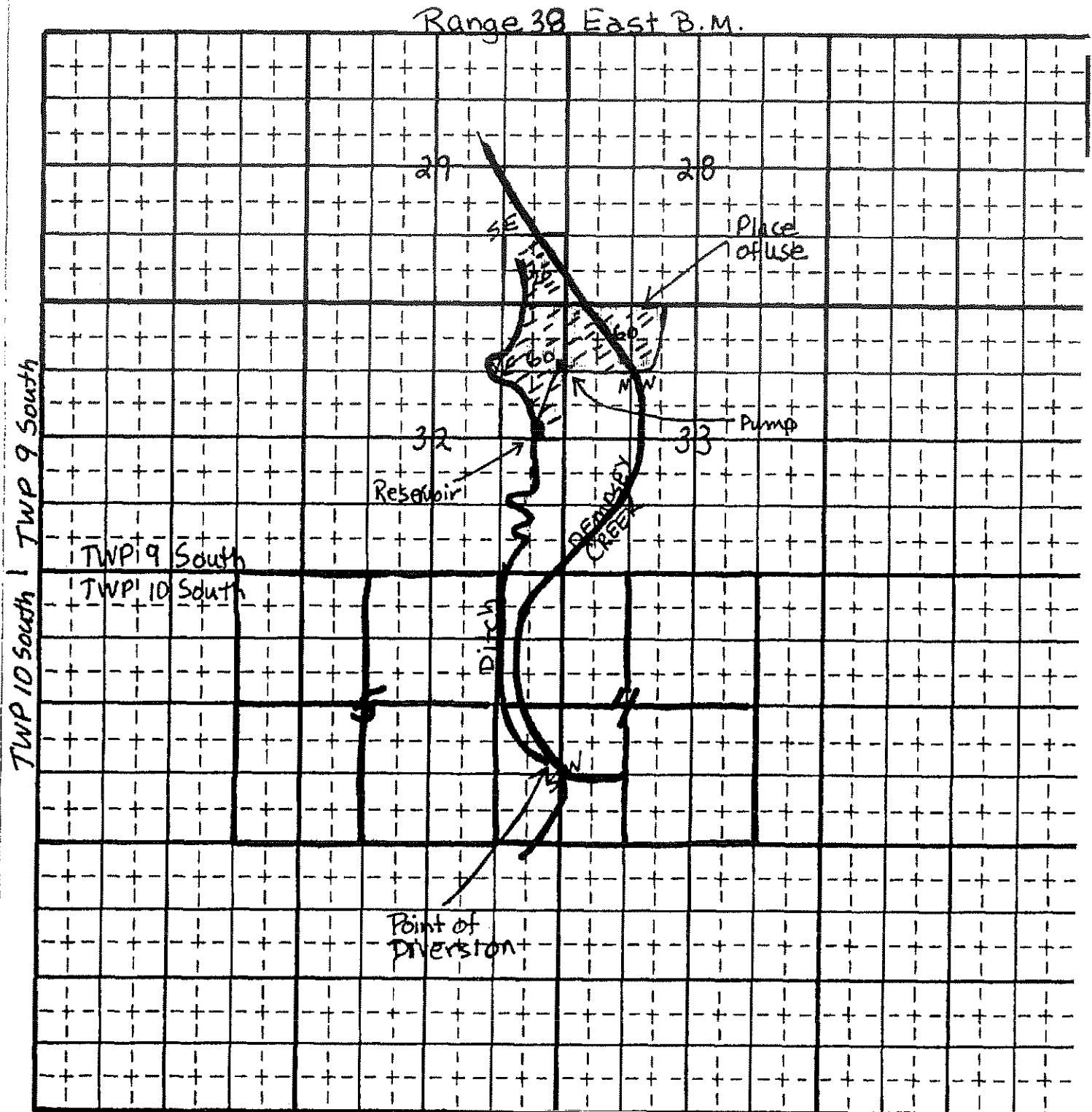
A domestic - Commercial well at the Golf Course club house is used for some irrigation around club house. There are also two additional priority dates for additional irrigation water from the same diversion point and ditch. (29-0162, 29-0169 and 29-0170). All water is now combined for use on the entire property. Claims for these additional water rights accompany this claim.

Last Name Copper State Thrift & Loan Ident No. _____

Copies: White -State, Yellow-Claimant

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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NOV 13 1992

Last Name Copper State Thrift & Loan Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 29-0171
Court Bannock County Case Number 2202 Decree Date August 6, 1932
Plaintiff vs Defendant Union Grain & Elevator co. v. McCammon Ditch Co.
Original Claimant: & Number: Lee Merrick, No. 127

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am an Idaho Attorney

Title

of Copper State Thrift & Loan, that I have signed the foregoing

Organization

document in the space below as Attorney & Agent of Copper State Thrift & Loan

Title

Organization

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

Signature of Authorized Agent DaLon Esplin

Title and Organization Attorney for Copper State Thrift & Loan Date May 1, 1990

State of Idaho/or _____ }
County of Bingham } SS.

Subscribed and sworn (or affirmed) before me this 1st day of May 1990

SEAL

Notary Public Julene Williams

Residing at Blackfoot, Id.

My Commission Expires 12/19/94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, DaLon Esplin 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 DaLon Esplin

Address P.O. Box 1100, Blackfoot, Idaho 83221

Date May 1, 1990

MICROFILMED

NOV 13 1992

Last Name Copper State Thrift & Ident. Number
Loan

Copies White-State, Yellow-Claimant