

12/20/2005

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

RIGHT NUMBER: 77-7083B

NAME AND ADDRESS: MARY M KEMP
1900 LAKE HERON LN
BOISE ID 83706

SOURCE: SPRING
UNNAMED STREAM

TRIBUTARY: JUMBO CANYON CREEK
TRIBUTARY: JUMBO CANYON CREEK

QUANTITY: 0.040 CFS
1.200 AFY

PRIORITY DATE: 01/10/1980

POINT OF DIVERSION:

T26N R06E S23 SWSW Within IDAHO County

T26N R06E S23 NESWSW Within IDAHO County

the The issuance of this right does not grant any right-of-way or easement across
land of another.

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land of another.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY
The irrigation occurring under this domestic use shall not exceed 1/2 acre.		
Domestic use is for 1 home.		

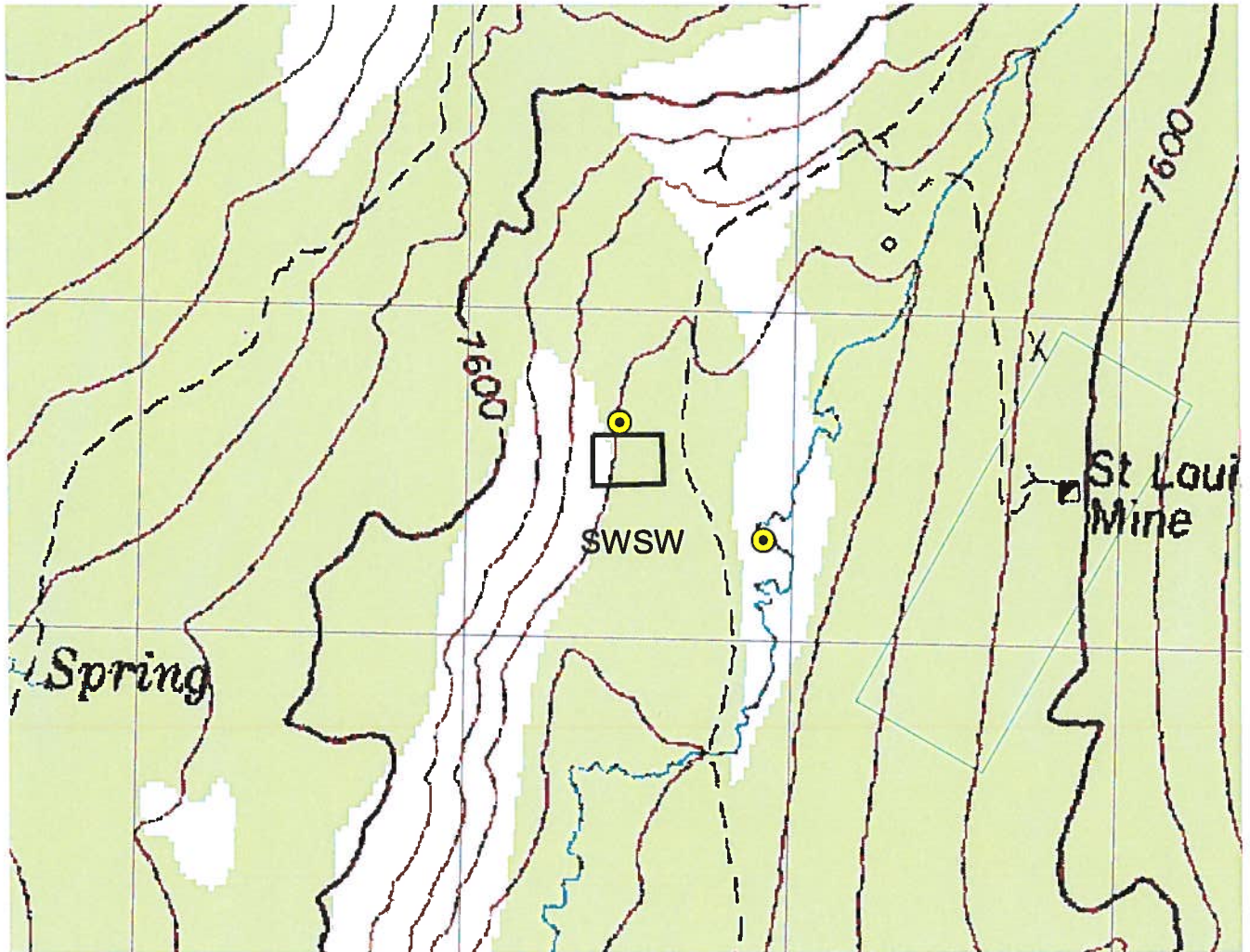
PLACE OF USE: DOMESTIC Within IDAHO County
T26N R06E S23 SWSW

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: BASIS OF CLAIM - License

77-7083B



0 400 800 Feet

Section 23
T26N R6E



● Point of Diversion

□ Place of Use

Map prepared on December 20, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 77-7083B

WATER RIGHT NUMBER: 77-7083B

DRAFT

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PAUL FILER BOX 376 RIGGINS, ID 83549
Current Owner	MARY M KEMP 1900 LAKE HERON LN BOISE, ID 83706 (208)342-6048

Priority Date: 01/10/1980

Basis: License

Status: Active DRAFT

<u>Source</u>	<u>Tributary</u>
SPRING	JUMBO CANYON CREEK
UNNAMED STREAM	JUMBO CANYON CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	1.20 AF
	<u>Total Diversion:</u>	0.040 CFS	1.20 AF

Location of Point(s) of Diversion

UNNAMED STREAM	SW1/4SW1/4	Sec. 23, Twp 26N, Rge 06E, B.M.
IDAHO County		
SPRING	NE1/4SW1/4SW1/4	Sec. 23, Twp 26N, Rge 06E, B.M.
IDAHO County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
26N	06E	23	NE	NW	SW	SE	
					X		

Conditions of Approval:

1. The place of use for this right is also known as Tax 6, Part of Survey 2256.
2. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
3. 070 The irrigation occurring under this domestic use shall not exceed 1/2 acre.
4. X01 Domestic use is for 1 home.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 77-7083B

Comments:

1. scurtis 10/10/2005 POU
Comment: Updated Shape

2. scurtis 10/10/2005 POD
Comment: Updated shape

3. slester 10/17/2005 Field Report Narrative

Comment: The permit originated by Paul Filer as 0.24 cfs for domestic use in 6 homes in this remote high elevation area surrounded by the Gospel Hump Wilderness east of Grangeville (Map #1). The permit was split in 1988. Kemp received 0.04 cfs for 1 home as 77-7083B. The A portion for Filer was not claimed in the SRBA. That portion was recently cancelled as undeveloped.

I wrote to Kemp earlier this summer. In reply, I received a call from Jim Young, a family member (son-in-law?). He manages the property for Mrs. Kemp, an elderly widow. He described the development to me. He said the family uses the site rarely, no more than once a year. They fly in to the nearby airstrip.

I had driven to the site in the early 1990s on some other exam work. The road was very difficult but passable to a good 4x4 vehicle. Mr. Young provided enough information together with his permission for me to conduct a drop-by exam. I was in the area on 9/8/05 to conduct the exam. Due to a misunderstanding clarified that day by local Forest Service personnel, one now needs an ATV 4-wheeler instead of a regular 4x4 vehicle to reach the site. FS staff strongly advised against driving the jeep to the site.

Follow up research for a round trip single-day flight with about 3 hours on the ground revealed the cost would range from about \$650 to \$1400, far too expensive to consider for this minor permit. I then discussed the matter with Shelley Keen at State Office. We agreed that adequate information had been gathered to license the permit without onsite confirmation. After talking with Shelley, I again contacted the assessors office to verify some information.

I misunderstood some of the existing information as follows: assessor records show the only platted property in that area is for Zehner at the St. Louis Mine area (Map #2A & 2B). I mistakenly thought Mr. Young told me that Kemp was included under the Zehner ownership, giving an exact location of the property in question. That mistaken assumption, together with Mr. Youngs information provided to the department, was to be the basis for issuing a license without a site visit.

Instead I learned the following from the assessor GIS mapper, James Zehner (208-983-2742 x215):

1. He is one of the co-owners listed under assessor plat Zehner seen in Arc View tax lot search. He was onsite 9/22/05 doing fieldwork. Used his ATV to get there.
2. The area is unsurveyed for purposes of section corners. Private property there is linked to recorded mineral surveys, allowing an area to be calculated from those metes and bounds but not allowing accurate plat maps to be linked to assumed section corners unless one knows where all the mineral survey corners are located. He knows the location of the Zehner survey corners and was able to map that ownership. He is working with FS staff on finding similar corners for other owners and then completing the GIS mapping for other ownerships in the area. That is why the only assessor plat is for Zehner.
3. He calculated the Kemp property as 5.6 acres from the metes & bounds. He said the Kemp property is in SWSW S23 about 1300 ft. west of the center of Zehner plat. He has seen both Kemp cabins. He identified the cabins on the 2004 aerial photos available to IDWR (Map #3 & #4). Other nearby cabins are not Kemps (other owners, other land).
4. Assessor records do not list buildings on the Kemp property but confirm about \$100,000 worth of property improvement. Zehner assumed this meant the cabins etc. He said it is not unusual for Idaho County Assessor records to not list buildings. Assessor records do not include any plat map of the Kemp property but do identify it as Tax 6 Part of Survey 2256.

Mr. Young provided adequate information to describe the creek and spring diversions and water use (Attachments A and B). The main cabin is seen in the center of SWSW - look for the rectangular green roof aligned along a NW-SE axis. The smaller hunting cabin is east of the main one and just west of the road (hard to decipher in photo but Zehner talked me through it based on his personal knowledge of the property). The creek diversion is close to the hunting cabin but west of the road (not the perennial stream seen on the topo). The spring is about 150 yards north of the hunting cabin. Therefore, it is assumed the spring is in NESWSW (Maps 3 and 4).

The topo and aerial photos include labels for road bend #1 and #2 for reference points.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 77-7083B

Allow 0.04 cfs for both sources providing internal and external use for the main cabin (no water to the hunting cabin). The main cabin is labeled main on Map 3 and #1 on Map 4. Adding a spring tributary to the same drainage does not constitute an expansion. It is reasonable to assume a spring and runoff stream can produce at least 0.04 cfs. Also, note the HP Equation for the creek diversion as follows:

hp = 1.5 psi = 40 (assume for small domestic) lift = 50 (assume per topo)

$$Q = \frac{8.8 \times 0.7 \times \text{hp}}{(2.31 \times \text{psi}) + \text{lift}} = \frac{9.24/142.4}{0.06} = 0.06 \text{ cfs}$$

External use at the main cabin (yard irrigation in Youngs reply noted in Attachment B) is probably just wetting of native vegetation. However, give the owner the benefit of the doubt and consider it as yard use, even though very limited in actual use.

Regarding the SRBA claim, Kemps B portion was covered under SRBA claim 77-7083A. The claim should probably be renumbered as B to remain consistent with water right information. Mr. J. B. Kemp is deceased. Stockwater is claimed but not part of the permit and does not need to be included. The claim can be amended/recommended to match the eventual license.

This is an unusual situation. The information is adequate to support license recommendations for a remote and hard to reach area far from any significant water developments.

4. skeen 12/14/2005 POU
Comment: Updated Shape

5. Shelley Keen 12/14/2005 Licensing Amendment is Required
Comment: Permit 77-7083 authorizes the development of a single point of diversion in the NW¼SW¼ Sec. 23, Twp 26N, Rge 06E, B.M. The field examiner stated that there are two points of diversion, both of which are probably better described as being in the SW¼SW¼ Sec. 23, Twp 26N, Rge 06E, B.M. Normally, the permit would have to be amended to add a point of diversion and to change the legal description for the authorized point of diversion before a license could be issued for this right. In this instance, however, the area where the points of diversion are located in unsurveyed. Neither IDWR nor the right could be certain which quarter-quarter tract the permit would really be within if this area were surveyed. Moreover, the right holder clearly put one point of diversion more or less in the location anticipated when the application was filed. Therefore, an amendment is required to add a point of diversion, but it will not be required for the clarification of the location of the point of diversion.

Dates and Other Information:

Licensed Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Knoblock, Ken

From: Keen, Shelley
Sent: Tuesday, December 20, 2005 6:36 AM
To: Knoblock, Ken
Subject: RE: Basin 77

Ken,

The license for 77-7204 is signed and in the mail. The scanned image is available via PowerDOCS. The draft license for 77-7083B is available via information search. The amendment is needed to add a second POD.

Let us know if you need any others.

Shelley

-----Original Message-----

From: Knoblock, Ken
Sent: Monday, December 19, 2005 5:17 PM
To: Fritschle, Carter; Smith, Danni
Cc: Keen, Shelley
Subject: Basin 77

My review of basin 77 is complete except for 2 claims that are in the licensing process. Shelley said he is reviewing 77-7204 and awaiting an amendment for 77-7083B.

Suggestion once Shelly finishes 77-7204 he could brief me on what the amendment is for on 77-7083B and I could put that in the recommendations and we can get this finished. I will make a note to my self that if the amendment doesn't come in we can deal with that later.

ken

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: A77-07083B
Date Received: 8/17/1988
Receipt No: C002258
Received By: 27

RECEIVED

AUG 13 1988

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. R. KEMP 208-336-7190
Address: P.O. BOX 2724
BOISE, ID 83701
OR
Name: MARY KEMP 208-336-7190
Address: P.O. BOX 2724
BOISE, ID 83701

2. Date of Priority: JAN 10, 1980

3. Source: UNNAMED STREAM Trib. to: JUMBO CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
26N	06E	26	NE NW NW		IDAHO

5. Description of diverting works:
COLLECTION PIPE IN STREAM, PIPELINE TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC/ 1 HOME, STOCKWATER/ 7 HORSES.

A77-07083A

Page 1

Date: 08/17/88

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
26N	06E	26	NW	NW		DOMEST	
			NW	NW		STOCK	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:
UNSURVEYED AREA, LEGAL DESCRIPTIONS ARE APPROXIMATIONS.

15. Basis of Claim: BENEFICIAL USE

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: -1-

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): [Signature] Date: Aug 17 1988
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of August 19 88 Carter Fritschle
Notary Public

Seal

Residing at Eagle, Id
My Commission Expires 3-21-94

A77-07083A

T 26N
R 6E
Approximate

SILVER SPUR RIDGE
2875 II SE



MICROFILMED

OCT 05 1992

Knoblock, Ken

From: Lester, Steve
Sent: Monday, October 31, 2005 6:45 AM
To: Knoblock, Ken
Subject: RE: FYI - license recommendation 77-7083

Ken:

77-7083B is recommended for licensing in SWSW S.26 on private property. This was confirmed with county GIS mapper James Zehner. He told me the ownership parcels remain incomplete for that area ... issues about unsurveyed section corners etc. He is working with Forest Service to get that GIS layer completed. Meanwhile, he was able to confirm ownership of recommended P/U in exam 77-7083B.

So eventual license will cover ownership issues.

Steve

-----Original Message-----

From: Knoblock, Ken
Sent: Friday, October 28, 2005 12:42 PM
To: Lester, Steve
Subject: RE: FYI - license recommendation 77-7083

I started reviewing this and it appears that the NWNW of 26 is owned by the Forest Service. Did you check with the county on the ownership?

ken

-----Original Message-----

From: Lester, Steve
Sent: Wednesday, October 12, 2005 10:09 AM
To: Knoblock, Ken; Fritschle, Carter
Subject: FYI - license recommendation 77-7083

Ken & Carter:

Permit 77-7083 was split per assignment: **A for Filer** and **B for Kemp** . Both are older permits needing attention for SRBA purposes.

Permit **A** was not claimed. Kemp claimed permit **B** but that is listed as **A** in aj records.

Per recent exam activity:

Permit **A** voided

Permit **B** recommended for licensing, exam report to SO tomorrow.

However, current aj recommendation shows **A** claim disallowed, presumably because permit **A** was voided. For long-term clarity, would be best if can renumber Kemp's claim from **A** to **B** to match pending license for permit **B**. Then there will be no **A** record in SRBA.

So desired outcome will be:

permit A voided, number not claimed in SRBA

license B with matching claim B.

Note that license will be in name of Mary Kemp (not Mary & JR as claimed, husband JR is deceased; additionally, permit is in name of only Mary). Also, license will not include stockwater listed in claim. Stockwater is not part of

the permit and is not needed for beneficial use per exam (any incidental stockwater could be considered under domestic interpretation if necessary).

If you need follow up contact for Kemp in the recommendation process, you should get good results with relative Jim Young. He was real helpful in getting the exam done for permit 7083B. Contact information for him: tel. 887-1020, fax 887-1253, email is jyoung@precisioncraft.com (he's president of Precision Craft Log & Timber Homes in Meridian).

Whew - that's a lot of A's & B's but hope it helps.

Steve

Knoblock, Ken

From: Lester, Steve
Sent: Wednesday, October 12, 2005 10:09 AM
To: Knoblock, Ken; Fritschle, Carter
Subject: FYI - license recommendation 77-7083

Ken & Carter:

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Whew - that's a lot of A's & B's but hope it helps.

Steve

Knoblock, Ken

From: Lester, Steve
Sent: Wednesday, June 29, 2005 10:06 AM
To: Knoblock, Ken
Subject: Update for Basin 77 Permits re SRBA

Ken:

Here is the latest word on a few of those permits for which you have claim files or related claim files:

- 1) 77-7298 recommended for licensing of 0.04 cfs domestic
- 2) 77-7163 relinquished (replaced by Claim 77-14137)
- 3) 77-7083A recommended for cancellation, nothing was developed.

Those 3 are headed to SO this week for final wr actions.

Also, 77-7083B (claimed under 77-7083A in SRBA) was developed & will need field visit. Cannot access the area until about early August. Am coordinating with owners for that. Probably will have license recommendation by mid-late August.

Stay tuned.

Steve

AJ5856NP

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

DATE: FEB-13-1998

PAGE: A-9

only w/R
RIGHT NUMBER: 77-07083 *B*

NAME & ADDRESS: J R KEMP
MARY KEMP ✓
~~PO BOX 2724~~ 1900 Lake Haron Ln
BOISE ID 83701 *6*

SOURCE: UNNAMED STREAM TRIBUTARY: JUMBO CREEK

QUANTITY: 0.04 CFS

PRIORITY DATE: 01/10/1980

POINT OF DIVERSION: T26N R06E S26 NENWNW Within IDAHO County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC DOMESTIC/ 1 HOME, STOCKWA	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER *23* Within IDAHO County
T26N R06E S26 NWNW
DOMESTIC Within IDAHO County
T26N R06E S26 NWNW

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

UNSURVEYED AREA, LEGAL DESCRIPTIONS ARE APPROXIMATIONS. *= no map*

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

see file & Carter's notes.

Hold - Water Right is in permit stage

03-16-98



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

June 30, 1998

KARL J. DREHER
DIRECTOR

J R & MARY KEMP
1900 LAKE HERON LN
BOISE ID 83706

*8-4-98
called. J.R. had stroke last wk - she
can't leave house to look c map yet, But
will sign return on my ltr.*

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim #A77-07083A - Idaho County
Change of Address

Dear Claimants:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by July 13, 1998. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Finally, County records list your property as being in Section 23, yet you claimed your property as being in Section 26. Would you please send us a map of your property so we can confirm the legal description?

A77-07083A

RECEIVED

AUG 18 1998

Department of Water Resources

A77-07083A

J R & MARY KEMP

June 30, 1998

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1900 Lake Heron Lane
Boise, Idaho 83706

Call me at 1/800-451-4129 if you have any questions.

Sincerely,

S. Sherman

Sally Sherman

Technical Records Specialist

Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Mary M Kemp
Claimant Signature

208-342-6048
Telephone No.

DATE: 12/17/98
PAGE: 1

DIVISION
VOLUME

MIT
County

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