

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 01 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
- ☐ Transfer is for changes pursuant to Idaho Code § 42-221, O.R.S. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Jimmy D. Kempton Phone 208-890-6368

2. MAILING ADDRESS 1158 E 1000 S City Albion

State ID Zip 83311 Email kempton01@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 45-2732

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 1.49 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Water from combined diversions 45-2732 and POD(2) will be flow metered not to exceed 1.49 cfs or 428 AF/annum and will be merged (pond) with surface water rights; total output not to exceed .02 cfs/acre or 428 AFY.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

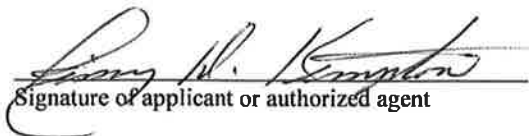
If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. SIGNATURE – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Jimmy D. Kempton
Print name and title if applicable

5/25/2021
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by SG

Date 6/1/21

Fee paid \$580.00 Date 6/1/21

Received by SG

Receipt # 5038608

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

5/25/2021

POD(2) location

Located 27.03°, 829 feet from intersection of Cassia Road 1150E 1000S, Albion, ID / 42°23'19.22N, 113°34'09.02"W



TRANSFER 85007

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 115522

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	78.84
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	78.84
Fax			
Section	Legals	Start/End Dates	06/17/2021 - 06/24/2021
SubSection		Insertions	2
Category	50 Legal	Size	48
Ad Key	115522-1	Salesperson(s)	Jenny Green - Legals
Keywords	Transfer No. 85007	Taken By	Jenny Green
Notes			

Ad Proof

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 85007

JIMMY D KEMPTON, 1158 E 1000 S, ALBION, ID 83311 has filed Application No. 85007 for changes to the following water rights within CASSIA County(s): Right No(s). 45-2732; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynew-transfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a point of diversion (POD) to ground water irrigation right 45-2732. The new well will be located approximately 0.5 mile east and 1.6 miles south of Albion, and with the existing POD, will irrigate 107.0 acres with a flow rate of 1.49 cfs. For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before July 6, 2021. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Published on June 17th & 24th, 2021

Proof of legal notice received
from Times News 6/10/2021

✓ DM
6-11-2021



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 10, 2021

JIMMY D KEMPTON
1158 E 1000 S
ALBION, ID 83311

RE: Transfer No. 85007
Water Right No(s). 45-2732

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 6/17/2021 and 6/24/2021**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **July 6, 2021**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 10, 2021 3:22 PM
To: Adam Mc Coy (WD140)
Subject: Comment Letter for Transfer 85007 (Kempton)
Attachments: Transfer 85007 Kempton.pdf; Comment Letter to WD140 for 85007.docx

Good afternoon Adam,

Attached is an application for transfer currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Water Resource Agent Jim Bitzenburg at (208) 736-3033.

Thank you in advance,

Denise @ IDWR

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Brad Little
Governor

Gary Spackman
Director

June 10, 2021

WATER DISTRICT 140
ADAM MC COY
355 W 500 S
BURLEY ID 83318-5229

RE: Application for Transfer No. 85007 (Jimmy D Kempton)

Dear Adam:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 10, 2021 11:34 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News Ad.docx

Attached please find **(1)** legal notice being submitted for publication on June 17th & 24th, 2021. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



Brad Little
Governor

State of Idaho

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Gary Spackman
Director

June 10, 2021

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 85007
Water Right No(s). 45-2732

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before July 6, 2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85007**

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For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **July 6, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on June 17th & 24th, 2021

FEE MEMORANDUM

Date: June 2, 2021
To: Jimmy D. Kempton Transfer #85007 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on June 1, 2021 and proposes adding a new well, in addition to the existing POD, as authorized points of diversion for irrigation water right 45-2732. Since the entire flow rate of the right could be diverted from the new POD, the fee is based on the flow rate of 1.49 cfs, or \$580.00. The fee was paid at filing with check #1533 from Ember Hill Ranch/Jim Kempton. The IDWR receipt number is S038608.

TRANSFER SYNOPSIS

Date: June 2, 2021
To: Transfer #85007, Jimmy D. Kempton POD Transfer file
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to add a point of diversion (POD) to ground water irrigation right 45-2732. The new well will be located approximately 0.5 mile east and 1.6 miles south of Albion, and with the existing POD, will irrigate 107.0 acres with a flow rate of 1.49 cfs.

The transfer will be advertised because it adds a POD to a water right, and since it is located in Water District 140, Watermaster comments will be solicited.

Surface water rights at the same place of use, but not involved in the transfer are: 45-320B, 45-329C, and 45-13638.