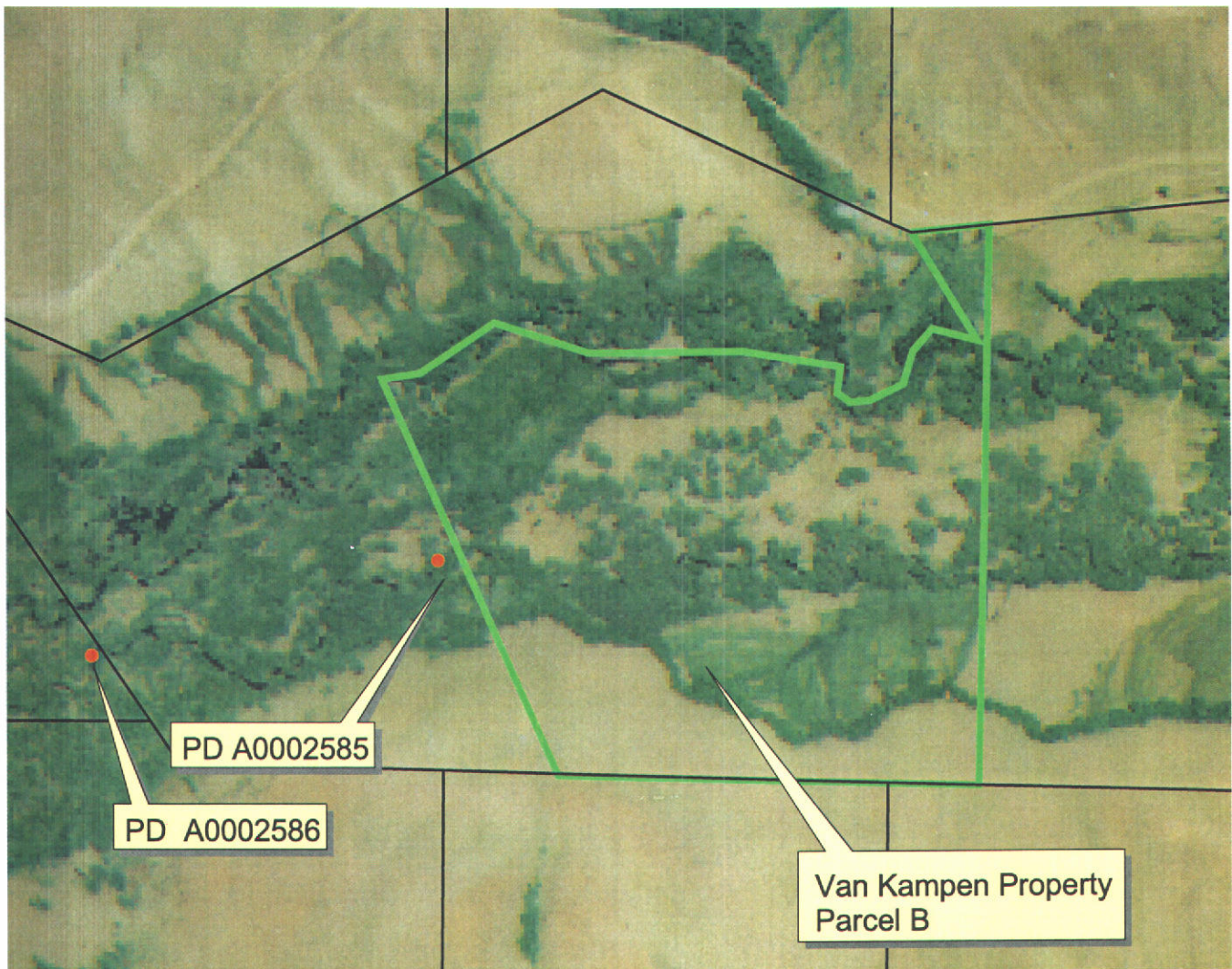


Van Kampen Transfer  
72-00029B 11" of 5/1/1897  
72-10044A (Part) 50" of 10/10/1911  
To be diverted from Challis Creek



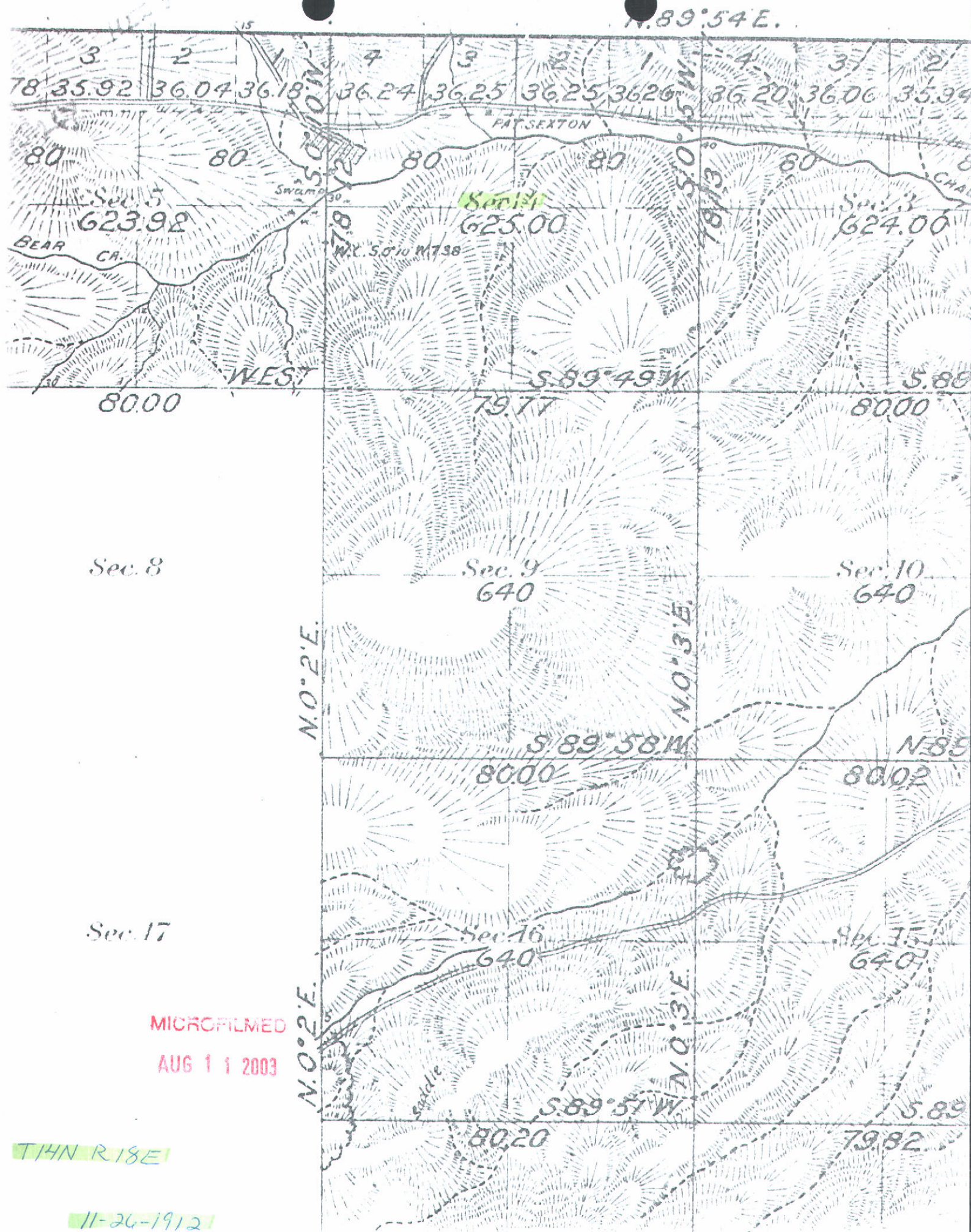
1320 0 1320 Feet

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[illegible]

AUG 11 2003

This supplemental plat of Sections 4, 5, and 6, Range 18 East of the Boise Meridian, Idaho, is made segregating the areas of the homestead entry surveys in accordance with letter 717131 "E" HK, of the Acti



Sec. 8

Sec. 9  
640

Sec. 10  
640

Sec. 17

Sec. 16  
640

Sec. 15  
640

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TIAN RISE

11-26-1912

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OCT 15 2001

Department of Water Resources  
Southern Region

# AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

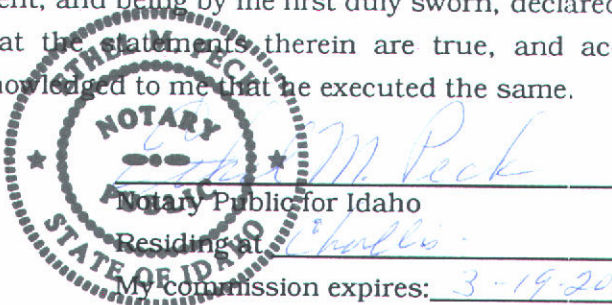
I, Ruth E. Burchill, representing the  
Challis Messenger, a weekly newspaper, pub-  
lished at Challis, Idaho, do solemnly swear that  
the notice hereto attached and made a part here-  
of, was published in the regular and entire issue  
of the Challis Messenger for 2  
consecutive weeks, commencing with the issue  
dated Sept 27 2001 and ending with  
the issue dated Oct 4 2001.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 17th day of October in the  
year of 2001 before me, a Notary Public,  
personally appeared Ruth E. Burchill  
known or identified to me to be the person  
whose name subscribed to the within instru-  
ment, and being by me first duly sworn, declared  
that the statements therein are true, and ac-  
knowledge to me that he executed the same.



## NOTICE OF PROPOSED CHANGE TO WATER RIGHT

Notice is hereby given that an  
application for transfer has been  
filed with the Idaho Department of  
Water Resources for changes to  
water rights as listed below:

TOM &/OR LESLIE VAN KAMP-  
EN, PO BOX 361; CHALLIS ID  
83226 filed application No. 69275  
on 7/16/01 for the purpose of  
changing the points of diversion of  
1.22 cfs of water rights to two  
points of diversion existing on  
Challis Creek. This change is to  
sort out the water rights associat-  
ed with the purchase by the appli-  
cant of a portion of the Rankin  
Ranch located 5 miles North and 6  
miles West of Challis.

For specific details regarding the  
application, please contact IDWR  
Southern Regional Office at 208-  
736-3033 or visit [www.idwr.state.id.us](http://www.idwr.state.id.us)  
with detail provided under  
"New Water Right Applications."  
Protests may be submitted based  
on the criteria of Sec 42-222, Ida-  
ho Code. Protests against approval  
must be filed with IDWR, South-  
ern Region, 1341 Fillmore St.,  
Suite 200; Twin Falls, ID 83301  
with a protest fee of \$25.00 for  
each application on or before Octo-  
ber 15, 2001. The protestant must  
also send a copy of the protest to  
the applicant.

J. Dreher, Director  
Published 9/27 & 10/04/01.

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OCT 05 2001

Department of Water Resources  
Southern Region

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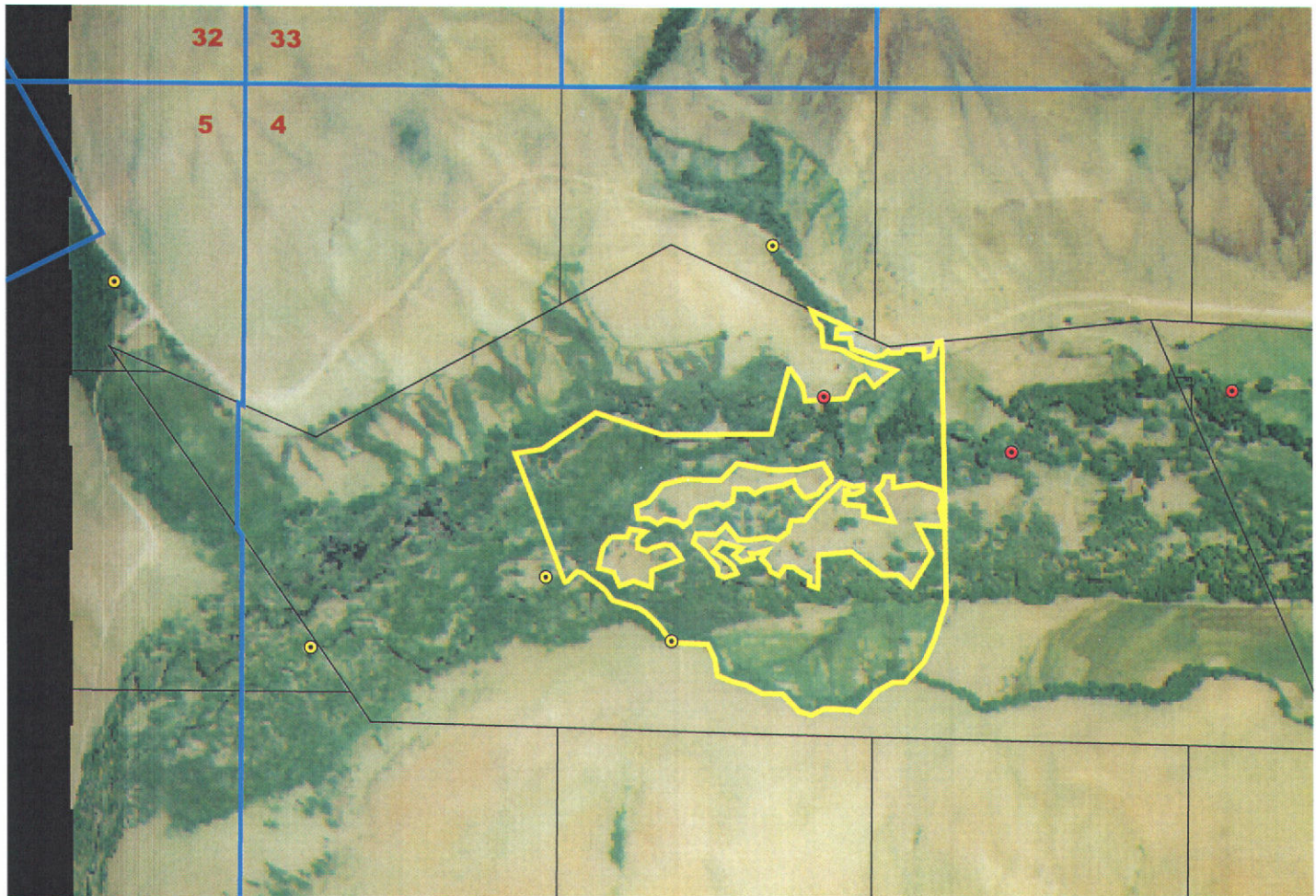
AUG 11 2003



- By: ADM  
4/7/01

IDAHO DEPARTMENT OF WATER RESOURCES

72-00029B & 72-10044A



0 660 1320 1980 Feet

RECOMMENDED PLACE OF USE  
DATA ENTRY ON SEPT. 9, 1999  
TWP 14N, R18E, SEC. 4



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

GIS PLACE OF USE PRESENTATION  
USFS 1992 AERIAL PHOTOGRAPHY  
DATA ENTRY BY JEANIE ROBERTSON

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 69275

This is to certify that: THOMAS VAN KAMPEN AND/OR  
LESLIE VAN KAMPEN  
PO BOX 361  
CHALLIS ID 83226  
(208)879-5275

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| Right    | Origin/Basis | Priority   | Rate     | Volume | Acres | Total | Source                                      |
|----------|--------------|------------|----------|--------|-------|-------|---------------------------------------------|
| 72-29B   | AJC/Decreed  | 05/01/1897 | 0.22 cfs |        | 43.0  | 43.0  | WHITE VALLEY CREEK                          |
| 72-16604 | WR/Decreed   | 10/10/1911 | 1.00 cfs |        | 28.7  | 28.7  | BEAR CREEK,<br>CHALLIS CREEK,<br>PATS CREEK |

**Purpose of Transfer (Changes Proposed)**

| Current Number | Split | POD | POD | POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|-----|---------------|---------------|
| 72-29B         | NO    | YES | YES | NO  | NO            | NO            |
| 72-16604       | NO    | YES | NO  | NO  | NO            | NO            |

**Summary of Water Rights After the Approved Change**

| Existing Right | New No. (changed portion) | Transfer Rate   | Transfer Volume | Acres Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|----------------|---------------------------|-----------------|-----------------|-------------|-------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 72-29B         | <b>72-29B</b>             | 0.22 cfs        | 93.4 af         | N/A         | 28.7        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 72-16604       | <b>72-16604</b>           | 1.00 cfs        | 100.5 af        | N/A         | 28.7        |                             | N/A            | N/A              | N/A                  | N/A                   |
| <b>TOTALS</b>  |                           | <b>1.22 cfs</b> | <b>100.5 af</b> | <b>N/A</b>  | <b>28.7</b> |                             | <b>N/A</b>     | <b>N/A</b>       | <b>N/A</b>           | <b>N/A</b>            |

Detailed Water Right Description(s) attached

Dated this 4<sup>th</sup> day of June, 2002

*J. Shu Saptor*  
Chief, Water Allocation Bureau

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**WATER RIGHT NO. 72-29B**  
**As Modified by Transfer No. 69275**

In accordance with the approval of Transfer No 69275, Water Right No. 72-29B is now described as follows.

**Right Holder:** THOMAS VAN KAMPEN AND  
 LESLIE VAN KAMPEN  
 PO BOX 361  
 CHALLIS ID 83226

**Priority Date:** 05/01/1897

**Source:** CHALLIS CREEK

**Tributary:** SALMON RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-----------------------|-----------------------|---------------|
| IRRIGATION            | 04/01 to 10/31        | 0.22 CFS              | 93.4 AF       |
|                       |                       | 0.22 CFS              | 93.4 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

CHALLIS CREEK      Lot 9 SWSNW Sec. 4 Twp 14N Rge 18E CUSTER County

CHALLIS CREEK      SE ~~SW~~ NW Sec. 4 Twp 14N Rge 18E CUSTER County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |    |     |    | NW |    |     |      | SE |    |    |    | Totals |
|-------------|----|----|-----|----|----|----|-----|------|----|----|----|----|--------|
|             | NE | NW | SW  | SE | NE | NW | SW  | SE   | NE | NW | SW | SE |        |
| 14N 18E 4   |    | .3 | 6.0 |    | .1 |    | 1.2 | 20.4 |    |    |    |    | 28.7   |

Total Acres: 28.7

**CONDITIONS OF APPROVAL**

1. Rights 72-29B and 72-16604 when combined shall not exceed a total annual maximum diversion volume of 100.5 af at the field headgate, and the irrigation of 28.7 acres.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 72-C, Challis Creek
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. Diversion of water from Challis Creek is limited to those times water is available for diversion under this right and priority from White Valley Creek at the original point of diversion in L5 (SENESE), S5, T14N, R18E.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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AUG 1 1 2003

**WATER RIGHT NO. 72-29B**  
**As Modified by Transfer No. 69275**

**CONDITIONS OF APPROVAL**

6. Approval of Transfer 69275 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. The point of diversion in SESWNW, S4, T14N, R18E and the place of use are located within Homestead Entry No. 148.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 4<sup>th</sup> day of June, 20 02

  
Chief, Water Allocation Bureau

MICROFILMED

AUG 11 2003

**WATER RIGHT NO. 72-16604**  
**As Modified by Transfer No. 69275**

In accordance with the approval of Transfer No. 69275, Water Right No. 72-16604 is now described as follows.

**Right Holder:** THOMAS VAN KAMPEN AND  
 LESLIE VAN KAMPEN  
 PO BOX 361  
 CHALLIS ID 83226

**Priority Date:** 10/10/1911

**Source:** CHALLIS CREEK

**Tributary:** SALMON RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 1.00 CFS              | 100.5 AF      |
|                       |             |           | 1.00 CFS              | 100.5 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

CHALLIS CREEK Lot 9 SWSNW Sec. 4 Twp 14N Rge 18E CUSTER County

CHALLIS CREEK SESWNW Sec. 4 Twp 14N Rge 18E CUSTER County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |     |    |    | NW |     |      |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|-----|----|----|----|-----|------|----|----|----|----|----|----|----|----|----|--------|
| 14N | 18E | 4   | NE | NW  | SW | SE | NE | NW  | SW   | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|     |     |     | .3 | 6.0 |    |    | .1 | 1.2 | 20.8 |    |    |    |    |    |    |    |    |    | 28.7   |

Total Acres: 28.7

**CONDITIONS OF APPROVAL**

1. Rights 72-29B and 72-16604 when combined shall not exceed a total annual maximum diversion volume of 100.5 af at the field headgate, and the irrigation of 28.7 acres.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 72-C, Challis Creek.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. Approval of Transfer 69275 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner

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AUG 11 2003

**WATER RIGHT NO. 72-16604**  
**As Modified by Transfer No. 69275**

**CONDITIONS OF APPROVAL**

- 6 The point of diversion in SESWNW, S4, T14N, R18E and the place of use are located within Homestead Entry No. 148
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer
- 9 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

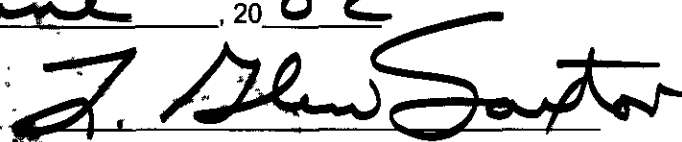
This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 4<sup>th</sup> day of

June

, 20

02



Chief, Water Allocation Bureau

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AUG 11 2003

Transfer No. 69275

Receipt No. 5024142

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**

**1. Applicant Information** TOM VAN KAMPEN  
PO BOX 361  
CHALLIS ID 83226

AND/OR

LESLIE VAN KAMPEN  
PO BOX 361  
CHALLIS ID 83226  
(208)879-5275

**RECEIVED****JUL 16 2001**

*Department of Water Resources  
Southern Region*

Will this transfer result in an ownership change? X Yes        No

**2. Current Water Right****Part 2 Attached for Each Right**

|           | Origin/Basis       | Rate     | Volume | Acres | Total | Source                                  |
|-----------|--------------------|----------|--------|-------|-------|-----------------------------------------|
| 72-10044A | AJC/Beneficial Use | 1.50 cfs |        | 32.5  | 32.5  | Bear Creek, Pats Creek<br>Challis Creek |
| 72-29B    | AJC/Decreed        | 0.22 cfs |        | 32.5  | 32.5  | WHITE VALLEY CREEK                      |

**3. Purpose of Transfer (Change Proposed)****Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

| Right     | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|-----------|-------|-----|-----|---------|---------------|---------------|
| 72-10044A | YES   | YES | NO  | NO      | NO            | NO            |
| 72-29B    | NO    | YES | NO  | NO      | NO            | NO            |

**Describe the reason for the proposed changes**

Applicant has purchased property and wishes to record use as historically used and describe the split of the rights as purchased. Change rights involves change from one source to another since original rights includes other source tributary to Challis Creek.

**4. FOR CHANGES IN NATURE OF USE ONLY**

**A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

N/A

**B. Describe the effects on other water uses resulting from the proposed change**

N/A

**5. Total Amounts Transferred**

| Rate | Acres | Total | Volume |
|------|-------|-------|--------|
|------|-------|-------|--------|

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**AUG 11 2003**

69275

Page 2

|          |          |      |      |
|----------|----------|------|------|
| 72-16604 | 1.00 cfs | 28.7 | 28.7 |
| 72-29B   | 0.22 cfs | 28.7 | 28.7 |
| TOTAL    | 1.22 cfs | 28.7 | 28.7 |

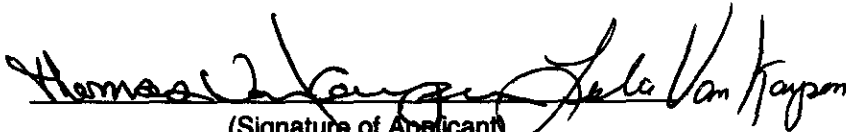
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Transfer No. 69275

Receipt No. \_\_\_\_\_

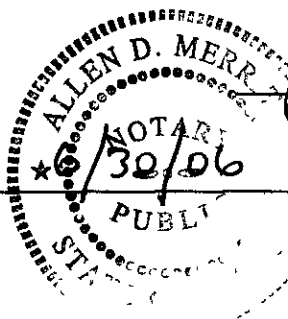
**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1**

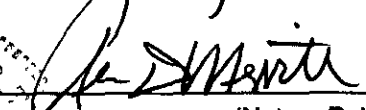
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

  
(Signature of Applicant)

\_\_\_\_\_  
(Title or Office)

Subscribed and sworn to before me this 16<sup>th</sup> day of July, 2001.



  
(Notary Public)

My commission expires \_\_\_\_\_

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Transfer No. 69275

Receipt No. \_\_\_\_\_

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2**

Current Water Right No. 72-10044A

Priority Date: 10/10/1911  
Origin: Adjudication Claim  
Basis: Beneficial Use  
Status: Active

| <u>Beneficial Use</u> | <u>From To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 4/01 10/31     | 1.50 CFS              | 0.0 AFA       |                    |
| Total Diversion       |                | 1.50 CFS              |               |                    |

Source and Point(s) of Diversion:

Source Two Range Section 1/4 of 1/4 of 1/4 Lot County

PLACE OF USE: IRRIGATION

| Twp Rge Sec | NE |    |     |    | NW |    |     |      | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|-----|----|----|----|-----|------|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW  | SE | NE | NW | SW  | SE   | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 14N 18E 4   | .5 |    | 6.2 |    | .5 |    | 1.2 | 23.6 | .5 |    |    |    |    |    |    |    | 32.5   |

Total Acres: 32.5

Conditions/Remarks:

- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 32.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00029B AND 72-10044A.^^
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 72: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
- PROPERTY IS ALSO KNOWN AS PART OF HOMESTEAD ENTRY NO. 148.^^

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Page 5

Documentation of Ownership of the Current Place of Use.....Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? No

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? No

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Transfer No. 69275

Receipt No. \_\_\_\_\_

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2**

Current Water Right No. 72-29B

Priority Date: 05/01/1897  
Origin: Adjudication Claim  
Basis: Decreed  
Status: Active

Source: WHITE VALLEY CREEK Tributary: CHALLIS CREEK

| Beneficial Use  | From To    | Diversion Rate | Volume  | Subuse Code |
|-----------------|------------|----------------|---------|-------------|
| IRRIGATION      | 4/01 10/31 | 0.22 CFS       | 0.0 AFA |             |
| Total Diversion |            | 0.22 CFS       |         |             |

Source and Point(s) of Diversion:

| Source             | Twp | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County |
|--------------------|-----|-------|---------|-------------------|-----|--------|
| WHITE VALLEY CREEK | 14N | 18E   | 5       | SENE              | 5   | CUSTER |

PLACE OF USE: IRRIGATION

| Twp Rge Sec | NE |    |     |    | NW |    |     |      | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|-----|----|----|----|-----|------|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW  | SE | NE | NW | SW  | SE   | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 14N 18E 4   |    | .5 | 6.2 |    | .5 |    | 1.2 | 23.6 | .5 |    |    |    |    |    |    |    | 32.5   |

Total Acres: 32.5

Conditions/Remarks:

- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 32.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00029B AND 72-10044A.^^
- PROPERTY IS ALSO KNOWN AS PART OF HOMESTEAD ENTRY NO. 148.^^
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 72: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

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AUG 11 2003

Page 7

Documentation of Ownership of the Current Place of Use

Tax Notice

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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AUG 11 2003

Transfer No. 69275

Receipt No. \_\_\_\_\_

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3A**

Proposed Water Right No. 72-16604

Priority Date: 10/10/1911

Origin: Adjudication Claim

Basis: Beneficial Use

Status:

Source: CHALLIS CREEK

Tributary: SALMON RIVER

| <u>Beneficial Use</u> | <u>From To</u>  | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01 10/31     | 1.00 CFS              | 0.0 AFA       |                    |
|                       | Total Diversion | 1.00 CFS              |               |                    |

Source and Point(s) of Diversion:

| <u>Source</u> | <u>Twp Range</u> | <u>Section</u> | <u>1/4 of 1/4 of 1/4</u> | <u>Lot</u> | <u>County</u> |
|---------------|------------------|----------------|--------------------------|------------|---------------|
| CHALLIS CREEK | 14N 18E          | 4              | SESWNW                   |            | CUSTER        |
| CHALLIS CREEK | 14N 18E          | 4              | SWSWNW                   |            | CUSTER        |

Describe the proposed diversion system

Point of Diversion # 1 DITCHES, FLOOD IRRIGATION

Point of Diversion # 2 DITCHES, FLOOD IRRIGATION

PLACE OF USE: IRRIGATION

| Twp Rge Sec | NE |    |     |    | NW |    |     |      | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|-----|----|----|----|-----|------|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW  | SE | NE | NW | SW  | SE   | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 14N 18E 4   |    | .3 | 6.0 |    | .1 |    | 1.2 | 20.6 | .5 |    |    |    |    |    |    |    | 28.7   |

Total Acres: 28.7

MICROFILMED

AUG 11 2003

Transfer No. 69275

Receipt No. \_\_\_\_\_

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3A**

**Proposed Water Right No. 72-29B**

Priority Date: 05/01/1897

Origin: Adjudication Claim

Basis: Beneficial Use

Status:

**Source: CHALLIS CREEK****Tributary: SALMON RIVER**

| <u>Beneficial Use</u> | <u>From To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01 10/31    | 0.22 CFS              | 0.0 AFA       |                    |
| Total Diversion       |                | 0.22 CFS              |               |                    |

Source and Point(s) of Diversion:

| <u>Source</u> | <u>Twp Range Section</u> | <u>1/4 of 1/4 of 1/4</u> | <u>Lot</u> | <u>County</u> |
|---------------|--------------------------|--------------------------|------------|---------------|
| CHALLIS CREEK | 14N 18E 4                | SESWNW                   |            | CUSTER        |
| CHALLIS CREEK | 14N 18E 4                | SWSWNW                   |            | CUSTER        |

Describe the proposed diversion system

Point of Diversion # 1 DITCHES, FLOOD IRRIGATION

Point of Diversion # 2 DITCHES, FLOOD IRRIGATION

**PLACE OF USE: IRRIGATION**

| Twp Rge Sec | NE |    |     |    | NW |    |     |      | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|-----|----|----|----|-----|------|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW  | SE | NE | NW | SW  | SE   | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 14N 18E 4   |    | .3 | 6.0 |    | .1 |    | 1.2 | 20.6 | .5 |    |    |    |    |    |    |    | 28.7   |

Total Acres: 28.7

MICROFILMED

APR 11 2003

Transfer No. 69275

Receipt No. \_\_\_\_\_

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3B**

**PORTION OF RIGHT No. 72-10044A BEING TRANSFERRED**

Priority Date: 10/10/1911

Origin: Adjudication Claim

Basis: Beneficial Use

Status:

| <u>Beneficial Use</u> | <u>From To</u>  | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01 10/31     | 1.00 CFS              | 0.0 AFA       |                    |
|                       | Total Diversion | 1.00 CFS              |               |                    |

Source and Point(s) of Diversion:

Source                      Twp Range Section 1/4 of 1/4 of 1/4 Lot County

**PLACE OF USE:**    IRRIGATION

| Twp Rge Sec | NE |    |     |    | NW |    |     |      | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|-----|----|----|----|-----|------|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW  | SE | NE | NW | SW  | SE   | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 14N 18E 4   |    | 3  | 6.0 |    | .1 |    | 1.2 | 20.6 | .5 |    |    |    |    |    |    |    | 28.7   |

Total Acres: 28.7

MICROFILMED

AUG 11 2003

Van Kampen Transfer  
72-00029B 11" of 5/1/1897  
72-10044A (Part) 50" of 10/10/1911  
To be diverted from Challis Creek



1320 0 1320 Feet

MICROFILMED  
APR 11 2003

RECEIVED  
AUG 07 2001 0223224  
Department of Water Resources  
Southern Region

## QUITCLAIM DEED

For Value Received STEVE RANKIN, does hereby convey, release, remise and forever quitclaim unto THOMAS VAN KAMPEN AND LESLIE VAN KAMPEN, husband and wife, whose current address is:

The following described premises, to-wit:

SEE ATTACHED

together with their appurtenances, ditches, ditch rights. Also together with 11" of decreed water rights from White Valley Creek with priority of May 1, 1897 and 50" of decreed water rights from Challis Creek with priority of October 10, 1911 as designated as portions of 72-10044A

Dated: 8/2/01

Steve Rankin  
STEVE RANKIN

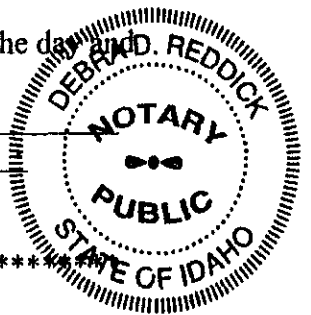
STATE OF Idaho ) ss.  
COUNTY OF Bonneville )

On this 2 day of August In the year 2001, before me, a Notary Public in and for said State, personally appeared Steve Rankin

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year in this certificate first above written.

Debbie D. Reddick  
Notary Public for the State of Idaho  
Residing at: Idaho Falls, ID  
Commission Expires: 3/27/2007



STATE OF IDAHO, COUNTY OF CUSTER

I hereby Certify that this instrument was filed for record at the request of Custer County Title, at 35 minutes past 9 o'clock A M, this 6<sup>th</sup> day of August, 2001, in my office, and duly recorded in Book - of Satisfactions, at Page -

Ethel M. Rucko  
Ex-Officio Recorder

BY: Janet Yangis  
Deputy

Fees: \$ 6.00  
Mail to:

Van Kampen  
PO Box 361  
Challis, ID 83226

A parcel land located in H.E.S. 148, N½, Section 4, Township 14 North, Range 18 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Beginning at Corner number 4 of said H.E.S. 148 from which corner number 3 of H.E.S. 148 bears North 65°14'21" West, 1002.51 feet, the basis of bearing of this description, run thence North 84°07'25" East, along the northerly boundary of said H.E.S. a distance of 230.66 feet; thence South 01°19'00" West, a distance of 1650.81 feet to a point on the southerly boundary of said H.E.S. 148; thence North 88°31'01" West along said boundary a distance of 1239.95 feet; thence North 24°00'23" West a distance of 1274.94 feet; thence North 81°05'44" East a distance of 114.03 feet; thence North 55°56'45" East a distance of 268.34 feet; thence South 72°00'43" East a distance of 293.73 feet; thence North 89°28'48" East a distance of 453.06 feet; thence South 80°52'56" East a distance of 293.03 feet; thence South 06°45'31" West a distance of 78.23 feet; thence South 53°41'22" East a distance of 46.02 feet; thence North 85°21'14" East a distance of 59.23 feet; thence North 63°20'14" East a distance of 110.21 feet; thence North 16°29'50" East a distance of 102.11 feet; thence North 41°13'06" East a distance of 87.34 feet; thence South 74°46'39" East a distance of 135.27 feet; thence North 31°12'22" West a distance of 371.47 feet to the POINT OF BEGINNING, as shown by the record of survey filed August 13, 1999, as instrument No. 219110, records of Custer County, Idaho.

S.R.

MICHOPIAL

AUG 11 2003

## QUITCLAIM DEED

For value received, the Estate of Jess Rankin by and through the Personal Representative, Steven Rankin, Steven Rankin individually, does hereby convey, release, remise and forever quit claim the following described premises unto, MARTIN RANKIN, whose address is 1087 Halsey, Idaho Falls, ID 83401:

SEE EXHIBIT "A"

Subject to all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, together with all appurtenances and water rights consisting of 11 inches from White Valley Creek.

This deed is being recorded to correct the legal descriptions in deed 218884 recorded 7-28-99, and 219201 and 219202 recorded 8-19-99

DATED: 9-21-99

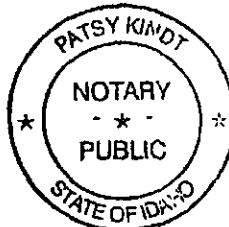
Steven Rankin  
JESS RANKIN ESTATE

By Steven Rankin, Personal Representative

STATE OF IDAHO )  
                                  'ss  
County of Custer )

On this 21 day of September, 1999, before me a notary public in and for said state, personally appeared Steven Rankin, Personal Representative of the Jess Rankin Estate, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

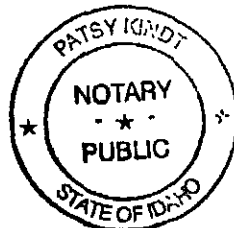
Steven Rankin  
STEVEN RANKIN



Patsy Kindt  
Notary Public for Idaho  
Residing at: Challis  
My Commission Expires: 3/12/2004

STATE OF IDAHO )  
                                  'ss  
County of Custer )

On this 21 day of September, 1999, before me a notary public in and for said state, personally appeared Steven Rankin, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.



Patsy Kindt  
Notary Public for Idaho  
Residing at: Challis  
My Commission Expires: 3/12/2004

\* 219551

Custer County Reg of

Custer County  
Title

Time 4:27 P.M.

9/21/99

Ethel M Peck, Clerk

Janet D. Davis  
600 Deputy

MICHAEL L. DAVIS

SEP 21 2003

## WADE SURVEYING

P.O. Box 1175  
Salmon, Idaho 83467

Phone (208) 756-3070

August 19, 1999

## PARCEL "B"

A parcel of land located in H.E.S. 148, N 1/2, Section 4,  
T. 14 N., R. 18 E., Boise Meridian, Custer County, Idaho more  
particularly described as follows:

Beginning at Corner Number 4 of said H.E.S. 148 from which  
Corner Number 3 of H.E.S. 148 bears N 65°14'21" W 1002.51 ft.,  
the Basis Of Bearing of this description, run thence N 84°07'25" E  
along the northerly boundary of said H.E.S. a distance of  
230.66 ft.;

Thence S 01°19'00" W a distance of 1650.81 ft. to a point on  
the southerly boundary of said H.E.S. 148;

Thence N 88°31'01" W along said boundary a distance of  
1239.95 ft.;

Thence N 24°00'23" W a distance of 1274.94 ft.;

Thence N 81°05'44" E a distance of 114.03 ft.;

Thence N 55°56'45" E a distance of 268.34 ft.;

Thence S 72°00'43" E a distance of 293.73 ft.;

Thence N 89°28'48" E a distance of 453.06 ft.;

Thence S 80°52'56" E a distance of 293.03 ft.;

Thence S 06°45'31" W a distance of 78.23 ft.;

Thence S 53°41'22" E a distance of 46.02 ft.;

Thence N 85°21'14" E a distance of 59.23 ft.;

Thence N 63°20'14" E a distance of 110.21 ft.;

Thence N 16°29'50" E a distance of 102.11 ft.;

Thence N 41°13'06" E a distance of 87.34 ft.;

Thence S 74°46'39" E a distance of 135.27 ft.;

Thence N 31°12'22" W a distance of 371.47 ft. to the POINT OF  
BEGINNING.

PARCEL CONTAINS 44.81 ACRES

AUG-19-1999 13:41

P.01

MICROFILM

AUG 19 1999

DISTRICT COURT  
CUSTER COUNTY  
IDAHO

Oct 13 11 03 AM '93

JAMES R. BENNETTS  
ATTORNEY AT LAW  
P. O. BOX 36  
CHALLIS, IDAHO 83226  
TELEPHONE: (208) 879-4488

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER  
MAGISTRATES DIVISION

\*\*\*\*\*

|                                |   |                                  |
|--------------------------------|---|----------------------------------|
| In the Matter of the Estate of | ) |                                  |
|                                | ) | Probate Case No. <i>SP-93-23</i> |
| JESS RANKIN,                   | ) |                                  |
|                                | ) | FORMAL PROBATE OF WILL           |
| Deceased.                      | ) | AND APPOINTMENT OF               |
|                                | ) | PERSONAL REPRESENTATIVE          |

\*\*\*\*\*

Upon consideration of the Petition for Formal Probate of the decedent's Will, dated March 4, 1993, and Formal Appointment of STEVEN S. RANKIN as Personal Representative of the decedent, filed with the Court by STEVEN S. RANKIN on the 28th day of September, 1993, the Court finds that:

1. The required notice has been given or waived.
2. The proceeding was commenced within the time period provided by law.
3. The decedent died on September 2, 1993, domiciled in Custer County, Idaho.
4. Venue is proper.
5. A testamentary instrument to which the Petition relates is the decedent's Last Will.
6. STEVEN S. RANKIN is entitled to appointment as the decedent's Personal Representative, to act without bond.

MICROFILMED

AUG 11 2003

7. The heirs of the decedent are as follows:

NAME:

RELATIONSHIP:

JOHN RANKIN  
MAX RANKIN  
MARIO RANKIN  
MARTIN RANKIN  
STEVEN S. RANKIN  
DICK CARTER  
STELLA NICHOLS

Son  
Son  
Stepson  
Stepson  
Stepson  
Nephew  
Legatee

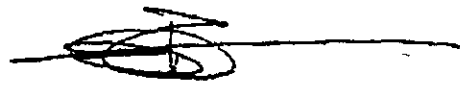
THEREFORE:

1. The Will of the decedent, dated March 4, 1993, is hereby formally probated.

2. a) STEVEN S. RANKIN is hereby formally appointed as the Personal Representative of the decedent, to act without bond.

b) Upon qualification and acceptance, Letters Testamentary shall be issued to the said Personal Representative.

DATED: October 18, 1993.

  
Magistrate

# 219549  
Custer County Req. of  
Custer County  
Title  
Time 4:27 P.M.  
9/21 1999  
Ethel M Peck, Clerk  
Janet Langis  
6<sup>00</sup> Deputy

FORMAL PROBATE OF WILL AND  
APPOINTMENT OF PERSONAL  
REPRESENTATIVE - 2

STATE OF IDAHO  
COUNTY OF CUSTER - 105  
I hereby certify that the foregoing is a full,  
true and correct copy of the original on file  
in this office.  
Date 9-20-99  
Arin Pierson  
Deputy Clerk

MICROFILMED

AUG 11 2003

## QUITCLAIM DEED

For Value Received STEVE RANKIN, does hereby convey, release, remise and forever quitclaim unto THOMAS VAN KAMPEN AND LESLIE VAN KAMPEN, husband and wife, whose current address is

The following described premises, to-wit

SEE ATTACHED

together with their appurtenances, ditches, ditch rights, and 50 inches of decreed water from ~~Challis Creek~~ White Valley Creek. SR 7-10-01 7

Dated June 27-01

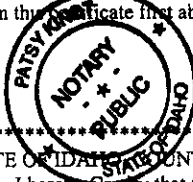
Steve Rankin  
STEVE RANKIN

STATE OF Idaho ) ss  
COUNTY OF CUSTER

On this 27 day of June In the year 2001, before me, a Notary Public in and for said State, personally appeared Steve Rankin

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year in this certificate first above written



Patsy Kint  
Notary Public for the State of Idaho  
Residing at Challis  
Commission Expires 3/12/04

STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instrument was filed for record at the request of Custer County Title, at 45 minutes past 10 o'clock AM, this 27 day of June, 2001, in my office, and duly recorded in Book \_\_\_\_\_ of Satisfaction, at Page \_\_\_\_\_

Ethel M. Rank  
Ex-Officio Recorder

Fees \$ 6.00  
Mail to \_\_\_\_\_

BY Barbara C. Bredberg  
Deputy

0223044

Custer County Reg. of  
Thomas Van Kampen  
4:32 PM Date 7/10/01  
Cliff M. Peck, Clerk  
James J. Jones  
Deputy

Re-recorded to add  
SR 7 10 01

2nd 11 inches of decreed water from White Valley Creek with a priority of 5/1/1897 and 50 inches of water from Challis Creek with a priority of 10/10/1911 designated a portion of 72-10049A

MICHAEL

AUG 11 2003

A parcel land located in H.E.S. 148, N½, Section 4, Township 14 North, Range 18 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Beginning at Corner number 4 of said H.E.S. 148 from which corner number 3 of H.E.S. 148 bears North 65°14'21" West, 1002.51 feet, the basis of bearing of this description, run thence North 84°07'25" East, along the northerly boundary of said H.E.S. a distance of 230.66 feet; thence South 01°19'00" West, a distance of 1650.81 feet to a point on the southerly boundary of said H.E.S. 148; thence North 88°31'01" West along said boundary a distance of 1239.95 feet; thence North 24°00'23" West a distance of 1274.94 feet; thence North 81°05'44" East a distance of 114.03 feet; thence North 55°56'45" East a distance of 268.34 feet; thence South 72°00'43" East a distance of 293.73 feet; thence North 89°28'48" East a distance of 453.06 feet; thence South 80°52'56" East a distance of 293.03 feet; thence South 06°45'31" West a distance of 78.23 feet; thence South 53°41'22" East a distance of 46.02 feet; thence North 85°21'14" East a distance of 59.23 feet; thence North 63°20'14" East a distance of 110.21 feet; thence North 16°29'50" East a distance of 102.11 feet; thence North 41°13'06" East a distance of 87.34 feet; thence South 74°46'39" East a distance of 135.27 feet; thence North 31°12'22" West a distance of 371.47 feet to the POINT OF BEGINNING, as shown by the record of survey filed August 13, 1999, as instrument No. 219110, records of Custer County, Idaho.

S.R.

MICHAEL

AUG 11 2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No 39576 )  
 )  
 ) Water Right 72-00029B

AUG 15 PM 4: 58

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS- LESLIE VAN KAMPEN  
TOM VAN KAMPEN  
PO BOX 361  
CHALLIS, ID 83226

RECEIVED

AUG 16 2002

SOURCE CHALLIS CREEK TRIBUTARY SALMON RIVER

QUANTITY 0.22 CFS  
93 40 APY

Department of Water Resources

USE OF THIS RIGHT WITH RIGHT NO. 72-16604 IS LIMITED TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 100.5 AF

PRIORITY DATE 05/01/1897

POINT OF DIVERSION T14N R18E S04 LOT 9 (SWSWNW) Within Custer County  
SESWNW

| PURPOSE AND<br>PERIOD OF USE | PURPOSE OF USE | PERIOD OF USE  | QUANTITY              |
|------------------------------|----------------|----------------|-----------------------|
|                              | Irrigation     | 04-01 TO 10-31 | 0 22 CFS<br>93 40 APY |

| PLACE OF USE. | Irrigation       | Within Custer County              |
|---------------|------------------|-----------------------------------|
|               | T14N R18E S04    | NWNE 0 3<br>NENW 0 1<br>SENW 20 6 |
|               |                  | SWNE 6 0<br>SWNW 1 2<br>NESW 0.5  |
|               | 28 7 Acres Total |                                   |

USE OF THE RIGHT WITH RIGHT NO 72-16604 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 28 7 ACRES IN A SINGLE  
IRRIGATION SEASON

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT

DIVERSION OF WATER FROM CHALLIS CREEK IS LIMITED TO THOSE TIMES  
WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY  
FROM WHITE VALLEY CREEK AT THE ORIGINAL POINT OF DIVERSION IN L5  
(SENESE), S5, T14N, R18E

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 I C SECTION 42-1412(6)

MICROFILMED

AUG 11 2003

COPIED  
AUG 14 2002

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

MICROFILMED  
AUG 11 2003



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 5, 2002

THOMAS VAN KAMPEN  
LESLIE VAN KAMPEN  
PO BOX 361  
CHALLIS ID 83226

RE: Transfer No.: 69275 - Water Rights 72-16604, 72-29B - Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

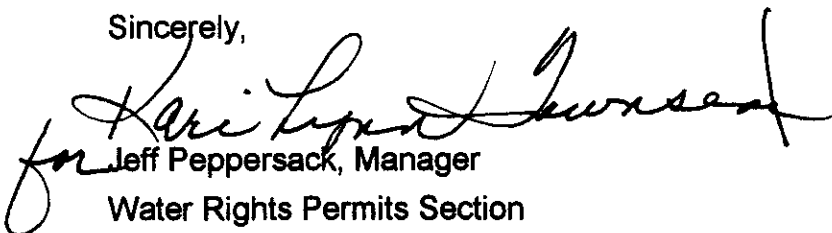
The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

  
for Jeff Peppersack, Manager  
Water Rights Permits Section

JP:klt

Enclosure(s)

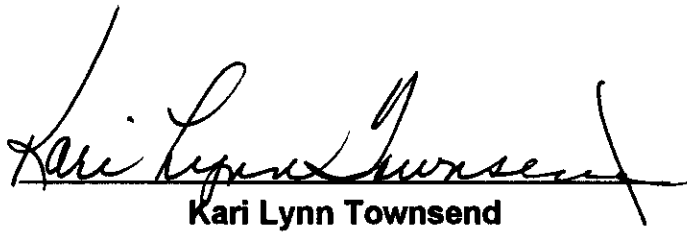
MICROFILMED  
AUG 11 2003

## **CERTIFICATE OF SERVICE**

I hereby certify that on June 5, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 69275 - WATER RIGHTS 72-16604, 72-29B**

**THOMAS VAN KAMPEN  
LESLIE VAN KAMPEN  
PO BOX 361  
CHALLIS ID 83226**

  
**Kari Lynn Townsend  
Secretary**

**MICROFILMED**

**AUG 11 2003**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

**EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

**REQUEST FOR HEARING**

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

**ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

**CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

### **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 5, 2002

RICK PHILPS  
WATERMASTER  
HC 63 BOX 1630  
CHALLIS ID 83226

RE: TRANSFER OF WATER RIGHTS 72-29B, 72-16604 (Transfer 69275)

Dear Rick:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 69275) in the name of Thomas Van Kampen and Leslie Van Kampen.

If you have any questions, please call me at 208-327-7940.

Sincerely,

for Jeff Peppersack, Manager  
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

AUG 11 2003

# TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 69275

DATE REVIEWED 5-1-02 CS

SPLIT      POD      ADD POD      POU      PERIOD      or NATURE      of USE

ALL OF RIGHT(S) W=Water Right C=SRBA Claim R=SRBA Recommendation

|                   |          |          |          |          |
|-------------------|----------|----------|----------|----------|
| <u>R 72-29B</u>   | <u>/</u> | <u>/</u> | <u>/</u> | <u>/</u> |
| <u>W 72-16604</u> | <u>/</u> | <u>/</u> | <u>/</u> | <u>/</u> |
| <u>/</u>          | <u>/</u> | <u>/</u> | <u>/</u> | <u>/</u> |
| <u>/</u>          | <u>/</u> | <u>/</u> | <u>/</u> | <u>/</u> |

PART OF RIGHTS(S)

(Unchanged)

(Changed)

|          |    |          |          |
|----------|----|----------|----------|
| <u>/</u> | to | <u>/</u> | <u>/</u> |
| <u>/</u> | to | <u>/</u> | <u>/</u> |
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| <u>/</u> | to | <u>/</u> | <u>/</u> |

Standard Season 4-1 to 10-31

Standard Volume 3.5/2.5

- (1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate per decree/AS (5)      Volume  
 (6)      Source (7)      P/D (8)      P/U (9) ☒ Proof/Owner per AS/decre (10) ☒ Map  
 (11) 72-C Water District (12) Yes Pertinent Conditions (13) No Expansion  
WM/Rcvd 5-1-2002 w/conditions

(5) Standard Vol =  $3.5 \times 28.7 = 100.5$  ac @ FHG 72-29B limited to Vol 93.4 ac  
 Combined Rt Limit = 100.5 ac

(6) 72-29B changes source to trib - limiting condition needed  
 72-16604 drops Bear Creek & Pato Creek P/Ds - retains Challis Creek - no limits  
 Claim 72-10044A (Parent Rt) "same amount of water being diverted from each creek"

(7) Verified legals per transfer application & maps, flat GPS labels

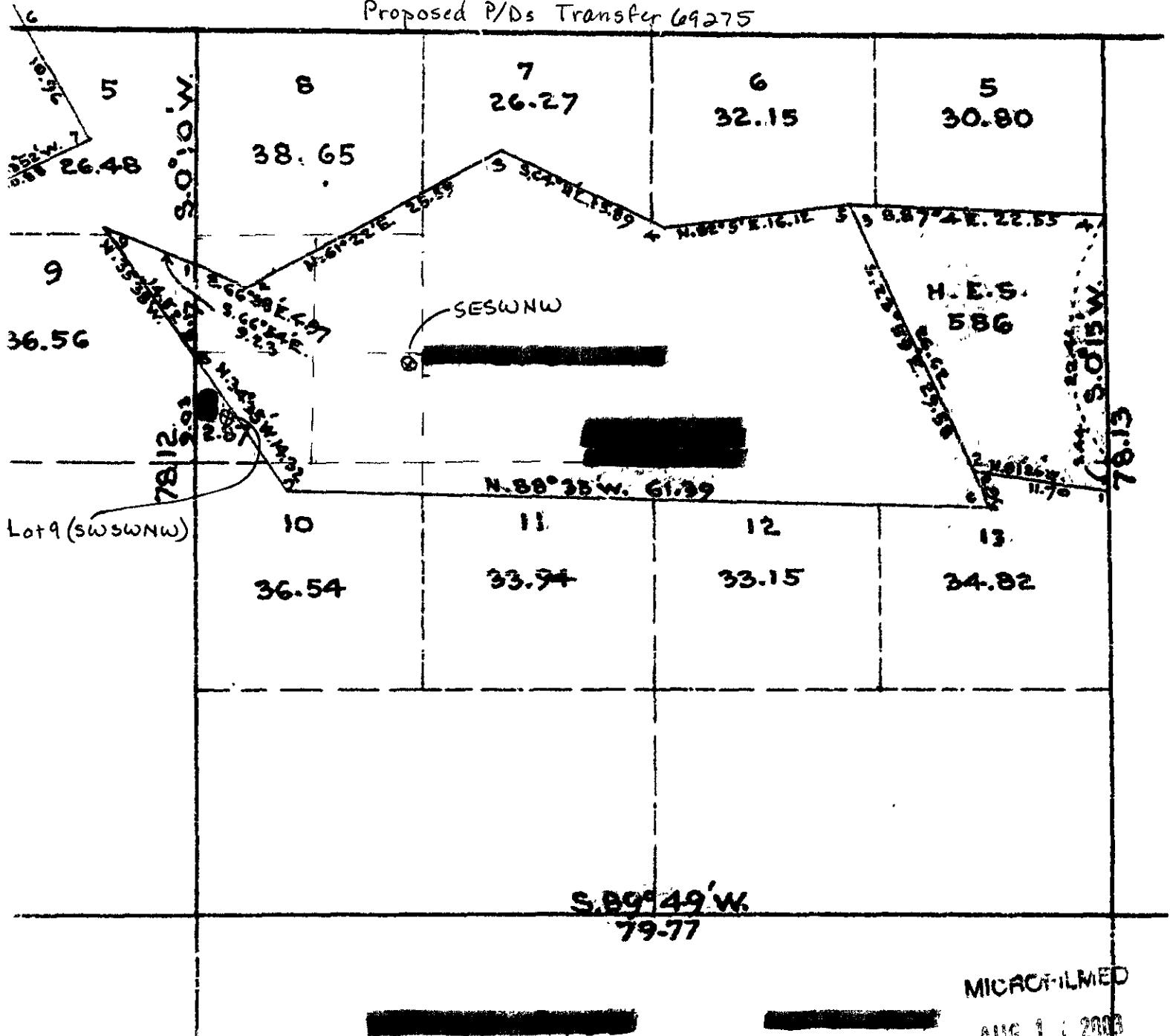
(8) Change P/D under 72-29B to same 28.7 acres identified under 72-16604

Conditions/Remarks W35, R04, R43, R59, W57, W53(72-29B) T07, T08, T19  
P/D in SESWNW & POU w/in HES 148.

WRs for Update Comments 72-29 ✓

Database Updated to Reflect Final Action 6-4-2002 CS

Proposed P/Ds Transfer 69275



This supplemental plat of Sections 4, 5, and 6, Range 18 East of the Boise Meridian, Idaho, is made segregating the areas of the homestead entry surveys in accordance with letter 717131 "E" HK, of the Acti



MAY - 1 2002

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

## RECOMMENDATION OF WATERMASTER

Application No: 69275Applicant's Name: Tom &/or Leslie Van Kampen

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application
- b) ☒ I do not oppose approval of this application if it is conditioned as

follows: SEE ADDITIONAL COMMENT BELOW

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- c) ☐ I oppose approval of this application for the following reasons:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- d) ☒ Additional Comment: DIVERSION No. A0002586

T14N R18E S04 SWSE NW

NOT T14N R18E S04 SWSW NW, RIGHT?

Dated this 23<sup>rd</sup> day of April, 2002.

Water District No. 72-C

Kick PHELPS  
Watermaster's Signature

Use reverse side of page if you need more space.

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AUG 11 2003

**Skaggs, Pam**

---

**From:** Skaggs, Pam  
**Sent:** Tuesday, April 23, 2002 8:22 AM  
**To:** 'J. R. Challis'  
**Subject:** RE: Transfer 69275 - Tom & Leslie Van Kampen  
Mr. Challis,

Right 72-10044 has been split into Parts A & B through ownership change (see attached proof reports.)

Transfer 69725 proposes to transfer only that portion of Right 72-10044A (described on page 11 of application) owned by Van Kampen, splitting the right. Right 72-16604 (described on page 8 of the application) is how the transferred portion is proposed to appear after the transfer. The remaining unchanged portion of 72-10044A will be described as Right 72-16603 in the name of Rankin.

Right 72-10044B is not changed through this transfer, however is part of pending Transfer 67114 for Burchill which you have already commented on.

Please note any discrepancies you see, like the question of the legal description for the diversion, on the water master comment form for our record. During final review of the application, we will address all the concerns raised and appreciate your input. You are most familiar with your local systems, and may notice details overlooked to this point.

Thank you for your time and efforts in this matter.

Pamela Skaggs  
Sr Water Agent  
State Office, IDWR

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

**From:** J. R. Challis [mailto:Jack@RandRforHorses.com]  
**Sent:** Monday, April 22, 2002 9:54 PM  
**To:** pskaggs@idwr.state.id.us  
**Subject:** Transfer 69275 - Tom & Leslie Van Kampen

Got the subject documents today. Thanks!

Am I understanding this correctly; is 72-16604 replacing that portion of 72-10044A for Van Kampen's right resulting from the split; Burchill getting 0.2 cfs as 72-10044B?

I agree Diversion No. A0002585 is T14N, R18E, S04, SESWNW. However, my records indicate Diversion No. A0002586 is T14N, R18E, S04, SWSNW, not SWSWNW as the transfer indicates. (I use that same diversion myself [as do others] and our SRBA decreed rights show SWSNW.)

Jack

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AUG 11 2003

4/23/2002



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 19, 2002

J. R. Challis  
Water District 72-C  
P.O. Box 910  
Challis ID 83226-0910

RE: Application for Transfer 69275 / Tom & Leslie Van Kampen

Dear Mr. Challis:

Enclosed you will find the requested copy of Transfer Application 69275 in the name of Tom and Leslie Van Kampen. The final recommendation or approval document has not been created at this time. When the application file has been completed by receiving the watermaster comment form, a final review and recommendations will be made. When the transfer has been approved, a copy of the approval document will be sent to the Water District for your records.

Your assistance in completing this transfer process is greatly appreciated. If you require additional information regarding this matter, please call me directly at (208) 327-7943, e-mail me at [pskaggs@idwr.state.id.us](mailto:pskaggs@idwr.state.id.us) or contact me by mail, and I will be happy to assist you.

Sincerely,

Pamela S. Skaggs  
Sr. Water Rights Agent

Enclosure

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AUG 11 2003

**Skaggs, Pam**

---

**From:** J. R. Challis [Jack@RandRforHorses.com]

**Sent:** Thursday, April 18, 2002 11:46 PM

**To:** Kari Lynn Townsend

**Cc:** pskaggs@idwr.state.id.us

**Subject:** Water Right No. 72-00029B - Application for Transfer No. 69275

I found a copy of the Recommendation Of Watermaster form and a copy of Ms. Skaggs letter dated October 31, 2001, to Jay Horton (our ex-watermaster) in some materials Sally Sherman sent me. All I need is a copy of the actual application and final recommendation for our files and I should be able to get this back to you rather quickly.

FAX – (208) 879-4617 or

J. R. Challis

Water District 72-C

Challis Creek

P. O. Box 910

Challis, ID 83226-0910

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AUG 11 2003

4/19/2002



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

October 31, 2001

JAY HORTON WATERMASTER  
WATER DISTRICT 72-C  
PO BOX 106  
CHALLIS ID 83253

RE. Application for Transfer 69275 in the name of Tom &/or Leslie Van Kampen

Dear Mr. <sup>Horton</sup>Challis:

Our Southern Region office has reviewed the above referenced Application for Transfer and forwarded it to the State Office for final action. The region office made two (2) attempts to contact you by letter requesting your comment as Watermaster on the proposed change. No reply has been received

Idaho statutes require a recommendation from the Watermaster when appropriate and provide the Watermaster Comment Form for that purpose. I have enclosed a comment form, a copy of the transfer application for your review and a copy of the statutes explaining the requirement for your recommendation. Please return the completed form directly to me as soon as possible. The transfer will be withheld from processing to allow you to submit your recommendation

If you require additional information regarding this matter, please call me directly at (208) 327-7943, e-mail me at [pskaggs@idwr.state.id.us](mailto:pskaggs@idwr.state.id.us) or contact me by mail, and I will be happy to assist you.

Sincerely,

Pamela S Skaggs  
Sr. Water Rights Agent

Enclosures

Cc. Tom & Leslie Van Kampen  
PO Box 361  
Challis, ID 83226

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AUG 11 2003

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

## RECOMMENDATION OF WATERMASTER

Application No: 69275

**Applicant's Name:** Tom &/or Leslie Van Kampen

**Watermaster's Recommendation:**

- a) \_\_\_\_\_ I do not oppose approval of this application.
- b) \_\_\_\_\_ I do not oppose approval of this application if it is conditioned as follows: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- c) \_\_\_\_\_ I oppose approval of this application for the following reasons:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- d) \_\_\_\_\_ Additional Comment: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Water District No: 72-C

### Watermaster's Signature

**Use reverse side of page if you need more space.**

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AUG 11 2003



# Idaho Statutes

## TITLE 42 IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION CHAPTER 2

### APPROPRIATION OF WATER -- PERMITS, CERTIFICATES, AND LICENSES -- SURVEY

42-222. CHANGE IN POINT OF DIVERSION, PLACE OF USE, PERIOD OF USE, OR NATURE OF USE OF WATER UNDER ESTABLISHED RIGHTS -- FORFEITURE AND EXTENSION -- APPEALS. (1) Any person, entitled to the use of water whether represented by license issued by the department of water resources, by claims to water rights by reason of diversion and application to a beneficial use as filed under the provisions of this chapter, or by decree of the court, who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water, under the right shall first make application to the department of water resources for approval of such change. Such application shall be upon forms furnished by the department and shall describe the right licensed, claimed or decreed which is to be changed and the changes which are proposed, and shall be accompanied by the statutory filing fee as in this chapter provided. Upon receipt of such application it shall be the duty of the director of the department of water resources to examine same, obtain any consent required in section 42-108, Idaho Code, and if otherwise proper to provide notice of the proposed change in the same manner as applications under section 42-203A, Idaho Code. Such notice shall advise that anyone who desires to protest the proposed change shall file notice of protests with the department within ten (10) days of the last date of publication. Upon the receipt of any protest, accompanied by the statutory filing fee as provided in section 42-221, Idaho Code, it shall be the duty of the director of the department of water resources to investigate the same and to conduct a hearing thereon. He shall also advise the watermaster of the district in which such water is used of the proposed change and the watermaster shall notify the director of the department of water resources of his recommendation on the application, and the director of the department of water resources shall not finally determine the action on the application for change until he has received from such watermaster his recommendation thereof, which action of the watermaster shall be received and considered as other evidence.

When the nature of use of the water right is to be changed to municipal purposes and some or all of the right will be held by a municipal provider to serve reasonably anticipated future needs, the municipal provider shall provide to the department sufficient information and documentation to establish that the applicant qualifies as a municipal provider and that the reasonably anticipated future needs, the service area and the planning horizon are consistent with the definitions and requirements specified in this chapter. The service area need not be described by legal description nor by description of every intended use in detail, but the area must be described with sufficient information to identify the general location where the water under the water right is to be used and the types and quantity of uses that generally will be made.

When a water right or a portion thereof to be changed is held by a municipal provider for municipal purposes, as defined in section 42-202B, Idaho Code, that portion of the right held for reasonably anticipated future needs at the time of the change shall not be changed to a place of use outside the service area, as defined in section 42-202B, Idaho Code, or to a new nature of use.

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or

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in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code, and the new use is a beneficial use, which in the case of a municipal provider shall be satisfied if the water right is necessary to serve reasonably anticipated future needs as provided in this chapter. The director may consider consumptive use, as defined in section 42-202B, Idaho Code, as a factor in determining whether a proposed change would constitute an enlargement in use of the original water right. The director shall not approve a change in the nature of use from agricultural use where such change would significantly affect the agricultural base of the local area. The transfer of the right to the use of stored water for irrigation purposes shall not constitute an enlargement in use of the original right even though more acres may be irrigated, if no other water rights are injured thereby. A copy of the approved application for change shall be returned to the applicant and he shall be authorized upon receipt thereof to make the change and the original water right shall be presumed to have been amended by reason of such authorized change. In the event the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same and forward notice of such action to the applicant by certified mail, which decision shall be subject to judicial review as hereafter provided.

(2) All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter; except that any right to the use of water shall not be lost through forfeiture by the failure to apply the water to beneficial use under certain circumstances as specified in section 42-223, Idaho Code.

(3) Upon proper showing before the director of the department of water resources of good and sufficient reason for nonapplication to beneficial use of such water for such term of five (5) years, the director of the department of water resources is hereby authorized to grant an extension of time extending the time for forfeiture of title for nonuse thereof, to such waters for a period of not to exceed five (5) additional years.

(4) Application for an extension shall be made before the end of the five (5) year period upon forms to be furnished by the department of water resources and shall fully describe the right on which an extension of time to resume the use is requested and the reasons for such nonuse and shall be accompanied by the statutory filing fee; provided that water rights protected from forfeiture under the provisions of section 42-223, Idaho Code, are exempt from this requirement.

(a) Upon the receipt of such application it shall be the duty of the director of the department of water resources to examine the same and to provide notice of the application for an extension in the same manner as applications under section 42-203A, Idaho Code. The notice shall fully describe the right, the extension which is requested and the reason for such nonuse and shall state that any person desiring to object to the requested extension may submit a protest, accompanied by the statutory filing fee as provided in section 42-221, Idaho Code, to the director of the department of water resources within ten (10) days of the last date of publication.

(b) Upon receipt of a protest it shall be the duty of the director of the department of water resources to investigate and conduct a hearing thereon as in this chapter provided.

(c) The director of the department of water resources shall find from the evidence presented in any hearing, or from information available to the

department, the reasons for such nonuse of water and where it appears to the satisfaction of the director of the department of water resources that other rights will not be impaired by granting an extension of time within which to resume the use of the water and good cause appearing for such nonuse, he may grant one (1) extension of five (5) years within which to resume such use.

(d) In his approval of the application for an extension of time under this section the director of the department of water resources shall set the date when the use of water is to be resumed. Sixty (60) days before such date the director of the department of water resources shall forward to the applicant at his address of record a notice by certified mail setting forth the date on which the use of water is to be resumed and a form for reporting the resumption of the use of the water right. If the use of the water has not been resumed and report thereon made on or before the date set for resumption of use such right shall revert to the state and again be subject to appropriation, as provided in this section.

(e) In the event the director of the department of water resources determines that a proposed extension of time within which to resume use of a water right shall not be approved as provided in this section, he shall deny same and forward notice of such action to the applicant by certified mail, which decision shall be subject to judicial review as hereafter provided.

(5) Any person or persons feeling themselves aggrieved by the determination of the department of water resources in approving or rejecting an application to change the point of diversion, place, period of use or nature of use of water under an established right or an application for an extension of time within which to resume the use of water as provided in this section, may, if a protest was filed and a hearing held thereon, seek judicial review pursuant to section 42-1701A(4), Idaho Code. If no protest was filed and no hearing held, the applicant may request a hearing pursuant to section 42-1701A(3), Idaho Code, for the purpose of contesting the action of the director and may seek judicial review of the final order of the director following the hearing pursuant to section 42-1701A(4), Idaho Code.

The Idaho Code is made available on the Internet by the Idaho Legislature as a public service. This Internet version of the Idaho Code may not be used for commercial purposes, nor may this database be published or repackaged for commercial sale without express written permission.

### Search the Idaho Statutes

Available Reference: *Search Instructions*.

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## IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Don Van Kampen

TRANSFER NO.

69275

1. Right number(s)

72-298 72-100449

2. Type of right

☐ Decree ☐ License ☐ Statutory Claim  
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☐ Add P/D ☐ Change P/U  
☐ Change N/U ☐ Change Source ☐ Split Right  
☐ Other: \_\_\_\_\_

4. Check Existing  
Right:

☐ Source ☐ Priority ☐ Amount ☐ Purpose  
☐ Period ☐ SRBA Claim  
☐ Description of original point(s) of diversion  
☐ Description of original place of use  
☐ Overlapping rights on original place of use

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

- a. ☐ All of right
- b. ☐ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☐ Description of point(s) of diversion
- d. ☐ Description of place of use
- e. ☐ Map showing P/D & P/U after transfer
- f. ☐ Correct notarized signature and \$100 fee
- g. ☐ Proof of ownership of right &/or land from which water is transferred
- h. ☐ Expansion in use of right - Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

69275

i. \_\_\_\_\_ Existing rights from same source, on land water is being transferred to; right number(s): \_\_\_\_\_

j. \_\_\_\_\_ SRHA claim(s) - Comments (NOTE! Approved transfer amends SRHA claim; differences between existing water right and SRHA claim? any ownership or other outstanding issues? Explain) \_\_\_\_\_

k. \_\_\_\_\_ Comment letters \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes \_\_\_\_\_ Water District # \_\_\_\_\_  
\_\_\_\_\_ Lienholder, others, see #2  
\_\_\_\_\_ below for name and address

INITIAL ALLOCATION REVIEW BY \_\_\_\_\_ DATE \_\_\_\_\_  
SRHA SUPERVISOR REVIEW BY \_\_\_\_\_ DATE \_\_\_\_\_  
PUBLICATION REVIEW BY \_\_\_\_\_ DATE \_\_\_\_\_

1. Legal Notice electronically sent to DWRO3:VAULT \_\_\_\_\_ Yes

2. COMMENT LETTERS 72-C Copy of Pg 1 to AJ \_\_\_\_\_ Yes 9/20/01  
Watermaster recommendation requested on 7/17/2001, Received on 9/17/2001, Not Yet

Other comments letters - send to the following name(s) & address(es): \_\_\_\_\_

3. Transfer published correctly? \_\_\_\_\_ Yes \_\_\_\_\_ No

4. Affidavit of publication received? \_\_\_\_\_ Yes \_\_\_\_\_ No

5. Protests received? \_\_\_\_\_ Yes \_\_\_\_\_ No; Acknowledgement sent? \_\_\_\_\_ Yes

6. Copies made for Region file (see attached supplemental page)? \_\_\_\_\_ Yes

### RECOMMENDED ACTION

1. ☒ Approve

2. \_\_\_\_\_ Deny due to \_\_\_\_\_

3. Conditions (special conditions in Water Districts) \_\_\_\_\_

\_\_\_\_\_ Also see attached memo for recommendation dated: 10/23/01

4. By        Date 10/23/01

# MEMO

FROM: Allen Merritt 

DATE: October 23, 2001

TO: Transfer File No. 69275

In the name of: Tom & Leslie Van Kampen

Water Right(s): 72-00029B  
72-16604

## SUBJECT: Review and Recommendation

This transfer was filed to straighten out the water rights on the Van Kampen property that was split from the old Rankin Ranch. The portion purchased by Van Kampen did not get a proportional share and also was not irrigated by many of the sources originally recommended for use on the Rankin property. The transfer associates two rights to be diverted from two existing headgates on Challis Creek. The watermaster on Challis Creek has been requested to comment twice but has failed to respond. I must assume he has no comment. This transfer changes the ownership of the rights into VanKampen-s name. Once this is complete he may file an objection to the SRBA court to object to the total number of acres historically irrigated.

The unchanged portion of right 72-10044A identified as 72-16603 will remain in Steve Rankins name and it will be associated with the property retained by Rankin (3.8 irrigated acres on 6.17 acre parcel). The record shows several sources but realistically not all can be used on this remaining property. A transfer should be filed to correct the record. Rankin was so advised on 4/12/2001 but has not responded.

The transfer was processed without protest.

## Recommendation

I recommend that this transfer be approved subject to the following conditions:

### **WATER RIGHT NO. 72- 29B and 72-16604**

GEN USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 28.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00029B AND 72-16604.

GEN PROPERTY IS ALSO KNOWN AS PART OF HOMESTEAD ENTRY NO. 148.

C16 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 72: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE

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NONE ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES  
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED  
CONJUNCTIVELY

- R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- B09 THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 72-C.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

MICROFILMED  
AUG 11 2003

72-10044a

~~APPLICANT:~~

WATER RIGHT NO.

[illegible]

RECEIVED

OCT 15 2001

Department of Water Resources  
Southern Region

**AFFIDAVIT OF PUBLICATION**

State of Idaho, County of Custer, ss:

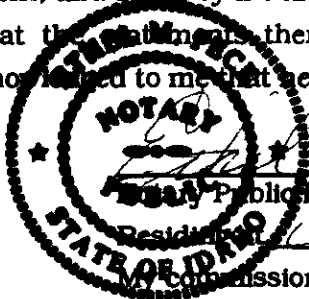
I, Ruth E. Burchill, representing the  
Challis Messenger, a weekly newspaper, pub-  
lished at Challis, Idaho, do solemnly swear that  
the notice hereto attached and made a part here-  
of, was published in the regular and entire issue  
of the Challis Messenger for 2  
consecutive weeks, commencing with the issue  
dated Sept 27 2001 and ending with  
the issue dated Oct 4 2001.

Ruth E Burchill

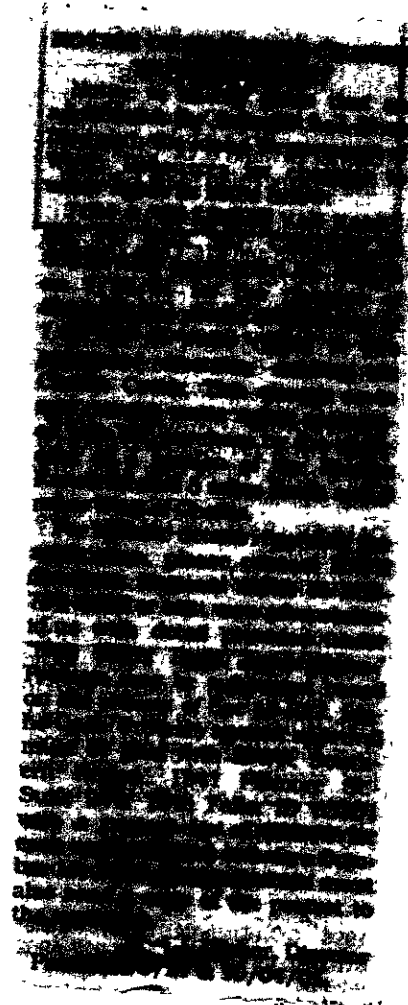
STATE OF IDAHO

COUNTY OF CUSTER

On this 10<sup>th</sup> day of October in the  
year of 2001 before me, a Notary Public,  
personally appeared Ruth E. Burchill  
known or identified to me to be the person  
whose name subscribed to the within instru-  
ment, and being by me first duly sworn, declared  
that the statements therein are true, and ac-  
knowledged to me that he executed the same.



Mark Peck  
Notary Public for Idaho  
Residing at Challis  
My Commission Expires: 3/19/2004



RECEIVED

OCT 05 2001

Department of Water Resources  
Southern Region

OK  
MB  
10/19/01  
MICHAEL

AUG 11 2003

## STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

Dept. of Water Resources  
 1341 Fillmore St., Ste. #200  
 Twin Falls, Id 83301

| Job No. | Date    | DESCRIPTION                                                                                            | Amount                                                                                           |
|---------|---------|--------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
|         | 10.4.01 | Notice of Proposed<br>Change to Water<br>Right 9/27 + 10/4/01<br>38 lines<br>Application #692.75<br>T# | \$ 56.81                                                                                         |
|         |         | RECEIVED<br>OCT 15 2001<br>Department of Water Resources<br>Southern Region                            | OK MB<br>10/19/01<br>RECEIVED<br>OCT 05 2001<br>Department of Water Resources<br>Southern Region |

A finance charge of 1½ percent (annual percentage rate of 18%) with a minimum charge of 50¢ will be charged to all accounts not paid within 30 days of billing.

MICROFILMED

AUG 11 2003



## 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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 1, 2001

TOM & LESLIE VAN KAMPEN  
PO BOX 361  
CHALLIS ID 83226

RE: 72-29B & 72-10044<sup>A</sup> (split see 72-16604)

Dear Mr. & Mrs. Van Kampen,

Thanks for your perseverance in securing the quitclaim deed to straighten out the water rights for the property you purchased from Rankin. Now that the transfer has been filed and is in process, I realized I still needed to do the ownership change for the **recommendations in the adjudication** so you had the opportunity to object to the Place of Use, if you so desired.

I have enclosed copies of the recommendations for your rights and also color copies of the maps. Notice that 72-29B is still shown as appurtenant to the entire 43 acres with the White Valley point of diversion and 72-16604 (part of 72-10044<sup>A</sup>) is shown as appurtenant to 28.7 acres with all four original points of diversion, and that together both rights are limited to 28.7 acres. The approval of the transfer will take care of reducing 72-29B to the same acres as 72-16604 and changing the points of diversion. This still does not address your concerns with the extra acres in the **middle of your property**, which have not been recommended. The Objection process with the court is the venue for that.

I have enclosed an objection form and a copy of the letter from Jack Challis for you to include. You will probably need to send a letter along with the Objection to petition the court to accept this late objection. (Just explain that the ownership was recently changed so you couldn't object before.)

Please feel free to give me a call at the office if you have any questions or you can call the SRBA court at 208-736-3011.

Sincerely,

Jeanie Robertson  
Sr. Water Resource Agent

MICROFILMED

AUG 1 1 2003

**Baldwin, Mary**

---

**From:** Baldwin, Mary  
**Sent:** Thursday, September 20, 2001 9:42 AM  
**To:** Blau, Terry  
**Cc:** Baldwin, Mary; Bates, Allan  
**Subject:** Transfer on tributary to Challis Creek

FYI, Tom &/or Leslie VanKampen has filed Transfer No. 69275 on Bear Creek, Pats Creek & White Valley Creek trib. to Challis Creek for irrigation.

tr-van-kampen

NOTICE OF PROPOSED CHANGE TO WATER RIGHT

Notice is hereby given that an application for transfer has been filed with the Idaho Department of Water Resources for changes to water rights as listed below:

TOM &/OR LESLIE VAN KAMPEN, PO BOX 361; CHALLIS ID 83226 filed application No. 69275 on 7/16/01 for the purpose of changing the points of diversion of 1.22 cfs of water rights to two points of diversion existing on Challis Creek. This change is to sort out the water rights associated with the purchase by the applicant of a portion of the Rankin Ranch located 5 miles North and 6 miles West of Challis.

For specific details regarding the application, please contact IDWR Southern Regional Office at 208-736-3033 or visit [www.idwr.state.id.us](http://www.idwr.state.id.us) with detail provided under "New Water Right Applications." Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before October 15, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Challis Messenger on 9/27 & 10/04/01.

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AUG 11 2003



## 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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

September 17, 2001

JAY HORTON WATERMASTER  
PO BOX 106  
MAY ID 83253

Re: Application(s) for Transfer of Water Right No. 69275 (VanKampen)

Dear Mr. Horton:

Enclosed is a copy of Application(s) for Transfer of a Water Right within your District, and Watermaster's Recommendation Form(s)

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form(s) and return to this office.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

Mary A. Baldwin  
Administrative Assistant

Enclosure(s)

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AUG 11 2003



**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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

September 17, 2001

TOM &/OR LESLIE VAN KAMPEN  
PO BOX 361  
CHALLIS ID 83226

RE: Application for Transfer No. 69275

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your application. Please refer to this number in all correspondence regarding the above referenced application.

This office has scheduled advertising the application in the Challis Messenger for 9/27 and 10/4/01. The advertisement will be published for two weeks, and a period of ten calendar days following the second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

A handwritten signature in cursive script that reads "Mary A. Baldwin".

Mary A. Baldwin  
Administrative Assistant

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AUG 11 2003



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

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

07/17/2001

Jay Horton, WATERMASTER  
PO Box 106  
May, ID 83253

RE: Application for Transfer 69275  
Water Right Number(s) 72-10044A 72-29B

Dear Mr. Horton:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks.

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

Sincerely,

Allen Merritt, PE  
Southern Region Manager

Enclosure(s)

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AUG 11 2003

RECEIVED

JUN 21 2001

26-02-01

Department of Water Resources  
Southern Region

TO WHOM IT MAY CONCERN:

ATT. ALLEN MERRITT:

IN REGARD TO AMOUNT OF WATER  
RIGHTS OF PARCEL B (44.81) ACRES.  
TO CLARIFY EXACTLY WHAT RIGHT  
WENT WITH EACH PARCEL.

THERE WAS 71 INCHES WITH THE ORIGINAL  
HOMESTEAD. RANKIN'S SOLD  
TO KEITH AXLINE FIRST 50 ACRES  
WITH 32" OF WATER FROM ORIGINAL  
DECREE. NEXT RANKIN SOLD TO  
MR RICHARD BURCHILL 44 ACRES  
43.39 WITH 38 INCHES OF DECREE  
WATER. WHEN MR. VAN KAMPEN  
BOUGHT HIS PARCEL FROM THE  
RANKIN ESTATE THERE WAS 11  
OF DECREE WATER. ALL THIS  
WAS FROM ORIGINAL DECREE CUT  
OF WHITE VALLEY CREEK MICROFILMED

AUG 1 2003

THE DIFFERENT POINTS OF DIVERSIONS  
FOR THIS PROPERTY HAVE BEEN  
FROM CHALLIS, BEAR, PAT'S AND WHITE  
VALLEY.

I HAVE BEEN IRRIGATING THIS  
PROPERTY SINCE 1982.

THE PROPERTY MR. VAN KAMPEN  
RECENTLY PURCHASED (44.81) ACRES  
WAS IRRIGATED FROM POINTS OF  
DIVERSION A0002585 AND A0002586.

IF YOU HAVE ANY QUESTIONS  
I MIGHT BE ABLE TO HELP WITH  
PLEASE FEEL FREE TO CALL (208) 879-2731

SINCERELY, Richard Burckill

MICROFILMED

AUG 11 2003

**Robertson, Jean**

---

**From:** Music, Vicky  
**Sent:** Monday, March 05, 2001 10:53 AM  
**To:** Robertson, Jean  
**Subject:** RE: water rights change

I talked to Nick. We do need a transfer in addition to the ownership change so that the administrative requirements. Nick says it sounds like you are on top of it.

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

**From:** Robertson, Jean  
**Sent:** Tuesday, February 20, 2001 8:21 AM  
**To:** Music, Vicky  
**Subject:** FW: water rights change

Hi Vicky,

Could you remind Nick about this one...it's been hanging around for almost a year I bet. Anyway, I think I wrote to Nick about this ownership change and wondered whether a transfer would be needed or could we just fix it through the o/c process. He was supposed to get back with me...72-00029B and 72-10044.

(The following was originally sent 7/26/00):

Hi Nick,

I have a question that requires some guidance from you on a couple of rights on Challis Creek. They were both originally recommended on a 43 acre parcel. Then Rankin sold a 13 acre piece (10.5 irrigated) to his neighbor, Burchill, but the deed specified only 10 inches of highwater from the Pat's Creek diversion (72-10044, - one of three sources on this right) was to go with that piece. I split 72-10044 into parts A ( 1.5 cfs and 32.5 acres, with all three sources) and and B (0.2 cfs and 10.5 acres, Pat's Creek only). 72-00029B should also be split to reduce the PoU on that right, but I figured it needed a transfer by Rankin to do that. I asked him to do so by letter, but he never responded. We filed an NAP with the court and it's on our list of things to clear up and finish...

There were two brothers involved, (Steven & Martin Rankin, as Jess, the Dad, is deceased). Steven quitclaimed the larger parcel to Martin who sold to Van Kampen and Steven retained a small parcel for himself. In the quitclaim from Steven to Martin, it says "...with all appurtenances and water rights consisting of 11 inches from White Valley Creek". In the deed from Martin to Van Kampen, it just says "... with appurtenances".

I plan to change all of 72-00029B to Van Kampen, but I guess the PoU will still show the land sold to Burchill and Van Kampen can file a transfer to move the water onto his ground? I also think I should split 72-10044A and give a proportionate share to Van Kampen? What do you think?

Let me know when you are in the office and I'll FAX a map &/or deeds to help explain.

Thanks, Jeanie

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

**From:** Thomas Van Kampen [mailto:tpbulkbag@yahoo.com]  
**Sent:** Sunday, February 18, 2001 2:01 PM  
**To:** jroberts@idwr.state.id.us  
**Subject:** water rights change

This is Tom Van Kampen. Leslie and I are not in Challis at the moment but wanted to touch base with you to inquire the status of our request for changing the Rankin rights to our name.

Please let me know what we need to do to get this moving for this spring.

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406 1 1 2003

# Burchill Transfer 5694

## Split of Rankin Property



- B72-pod.shp
-  B72-pou.shp
-  Burchill.shp
-  Parcela.shp
-  Parcelb.shp
-  Parcelc.shp
-  T14n18e-sect.shp
-  T14n18eqq.shp

MICROFILM

AUG 1 1 2000

By: ADM  
4/7/01



## 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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

April 12, 2001

Thomas &/or Leslie Van Kampen  
PO Box 361  
Challis, ID 83226

Steven Rankin  
PO Box 1114  
Challis, ID 83226

RE: Water rights

Dear Waterusers:

Our office is currently processing a transfer and an ownership change request as addressed in the attached memo. Please be advised that to straighten out the water right records for the parcels of land we understand you currently own, it is necessary for you to file an application for "transfer of water right" to correctly associate your rights to your separate parcel. We also request that you clarify or show that you agree how the water rights have been split up on the original Rankin property.

Please contact our office and discuss this matter with a water right agent at your earliest convenience. Please reference this letter and attached memo. Failure to file a timely transfer may jeopardize your water use. If you have questions please let us know.

Sincerely,

Allen Merritt, PE  
Southern Region Manager

CC: Watermaster of 72-C  
Bob Foster IDWR-Salmon

MICROFILMED

AUG 14 2003

# MEMO

FROM: Allen Merritt

DATE: April 12, 2001

TO: Transfer File No. 67114 (5694)

In the Name of: Burchill

Water Right(s): 72-10044B  
72-07431

TO: Change of Ownership

In the Name of: Rankin to Van Kampen

Water Right(s): 72-00029B  
72-10044A Part

SUBJECT: Review

The original Rankin property has been recommended with two rights (72-00029B for 0.22 cfs and 72-10044 for 1.70 cfs) on 43 irrigated acres that are watered from a combination of water sources listed on these rights. In 1999 Rankin property has been split into 3 parcels as shown on the attached GIS map.

Parcel A (13.29 acres of which 10.5 acres are irrigated) has been sold to Burchill. In the deed it was sold with only 10 inches of water from Pats Creek being a portion of 72-10044. Burchill has filed transfer incorporating his portion (72-10044B) with license his license 72-07431 into a PPU of 13.5 acres covering Parcel A and other land he already owned.

Parcel B (44.81 acres of which 28.7 acres are irrigated) was first quit claimed to Martin Rankin with all of 72-00029B (0.22 cfs from White Valley Creek) and all appurtenances. Parcel B was then sold by Martin Rankin to Van Kampen's with all appurtenances. Van Kampen's have filed a Change of ownership for rights 72-00029B and 72-10044. No rights have been changed yet. There is a need to clarify exactly what water right went with the property.\*\*\*

Parcel C (6.17 acres of which 3.8 acres are irrigated) remains with the original Rankin owners. (Steve and Jess noting that Jess has died and Steve is the Personal Representative for the Jess Rankin Estate)\*\*\*

*\*\*\*Since the original Rankin property has been broken up and the water rights split up disproportionately, transfers for each parcel needs to be filed to correctly record the water rights and all the elements such as source, point of diversion, etc. which goes with each parcel. Burchill has filed his transfer to square things up on his property. Van Kampen needs to file a transfer and Rankin needs to file a transfer. In processing either a transfer by Van Kampen or by Rankin there needs to be a resolution as to what exactly was the intent of what water right(s) went with each property. Currently the department interprets that:*

*Parcel B has all of 72-00029B or 0.22 cfs and 28.7/32.5 share of 72-10044A or 1.32 cfs.*

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AUG 11 2003

*Parcel C has 3.8/32.5 share of 72-10044A or 0.18 cfs.*

**Review for the Burchill Transfer 5694**

This transfer initially landed on my desk in June of 2000 after advertising. Initial review appeared to indicate that other transfers or actions in the SRBA might resolve some of the issues identified in Stanton's 11/17/99 memo but time has tolled and no additional transfers have been filed and no further action by the SRBA has taken place. The transfer was processed without protest.

I have created shapes in GIS on my machine which I recommend be associated with this transfer. The total PPU should be limited to the 3.0 acre plus the 10.5 acre shapes or 13.5 acres in total. Note that a portion of the 3.0 acre shape overlaps with irrigated land covered by 72-00029C also owned by Burchill.

**Recommendation**

I recommend that this transfer be approved subject to the following conditions:

- Water delivery under control of the watermaster of District 72-C.
- Measuring Device and Headgate be maintained at all points of diversion.
- Point of diversions and sources are to be described as listed on application to correct descriptions found in original right records.
- When right 72-00029C, 72-07431 and 72-10044B are combined no more than 42.9 acres be irrigated.  $(30.0 + 13.5) \text{ minus } 0.6 \text{ acres overlap} = 42.9$

*I recommend that letter be sent to Rankin and Van Kampen informing them of the need to file transfers and clarify split of water rights.*

MICROFILMED

AUG 11 2003

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES  
**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

RECEIVED  
JUN - 7 2000  
Department of Water Resources  
Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

- 1 Water Right Number(s) \_\_\_\_\_  
Adjudication Claim Number(s) 72-00029B, 72-10044
  
- 2 The following **REQUIRED** information must be submitted with this form.
  - A A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.  
AND
  - B PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county )  
OR
  - C For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
  
- 3 Name and Address of Former Owner/Claimant(s) \_\_\_\_\_  
\_\_\_\_\_
  
- 4 New Owner/Claimant(s) Thomas +/OR Leslie Van Kampen  
 Name connector (Check one): ☐ AND, ☐ OR, ☒ AND/OR  
 New Mailing Address PO Box 3161  
 City, State and ZIP Code Challis, ID 83226  
 New Telephone Number (208) 879-5275
  
- 5 Date you acquired the property September 21, 1999
  
- 6 If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
 Number of acres actually irrigated \_\_\_\_\_ Number and type of stock \_\_\_\_\_  
 Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
cubic feet per second  
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
  
- 7 Signature of New Owner/Claimant(s) Thomas Van Kampen Date 6-5-2000  
Leslie Van Kampen Date 6-5-2000
  
- 8 For Snake River Basin Adjudication Claims: (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)  
 If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

MICROFILMED  
AUG 11 2003

## WARRANTY DEED

For Value Received MARTIN RANKIN, the Grantor, does hereby grant, bargain, sell and convey unto THOMAS VAN KAMPEN AND LESLIE VAN KAMPEN, husband and wife, the Grantees, whose current address is 1751 E. Major Road, Custer, Michigan 49405, the following described premises, in Custer County, Idaho, to-wit:

A parcel of land located in H.E.S. 148, N½, Section 4, Township 14 North, Range 18 East, Boise Meridian, Custer County, Idaho, more particularly described as follows

Beginning at Corner number 4 of said H.E.S. 148 from which corner number 3 of H.E.S. 148 bears North 65°14'21" West, 1002.51 feet, the basis of bearing of this description, run thence North 84°07'25" East, along the Northerly boundary of said H.E.S. 148 a distance of 230.66 feet; thence South 01°19'00" West, a distance of 1650.81 feet to a point on the Southerly boundary of said H.E.S. 148, thence North 88°31'01" West along said boundary a distance of 1239.95 feet; thence North 24°00'23" West a distance of 1274.94 feet; thence North 81°05'44" East a distance of 114.03 feet; thence North 55°56'45" East a distance of 268.34 feet; thence South 72°00'43" East a distance of 293.73 feet; thence North 89°28'48" East a distance of 453.06 feet; thence South 80°52'56" East a distance of 293.03 feet; thence South 06°45'31" West a distance of 78.23 feet; thence South 53°41'22" East a distance of 46.02 feet; thence North 85°21'14" East a distance of 59.23 feet; thence North 63°20'14" East a distance of 110.21 feet; thence North 16°29'50" East a distance of 102.11 feet; thence North 41°13'06" East a distance of 87.34 feet; thence South 74°46'39" East a distance of 135.27 feet; thence North 31°12'22" West a distance of 371.47 feet to the POINT OF BEGINNING, as shown by the record of survey filed August 13, 1999, as instrument No. 219110, records of Custer County, Idaho

TO HAVE AND TO HOLD the said premises, with his appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises, that he is free from all encumbrances excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho and that he will warrant and defend the same from all lawful claims whatsoever

Dated This 21<sup>st</sup> day of Sept, 1999

Martin Rankin  
MARTIN RANKIN

MICROFILM

AUG 11 2003

# MEMO

FROM: Allen Merritt *AM*

DATE: April 12, 2001

TO: Transfer File No. 67114 (5694)  
In the Name of: Burchill  
Water Right(s): 72-10044B  
72-07431

TO: Change of Ownership  
In the Name of: Rankin to Van Kampen  
Water Right(s): 72-00029B  
72-10044A Part

SUBJECT: Review

The original Rankin property has been recommended with two rights (72-00029B for 0.22 cfs and 72-10044 for 1.70 cfs) on 43 irrigated acres that are watered from a combination of water sources listed on these rights. In 1999 Rankin property has been split into 3 parcels as shown on the attached GIS map.

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Parcel B has all of 72-00029B or 0.22 cfs and 28 7/32.5 share of 72-10044A or 1.32 cfs.

MICAC, ILMED

APR 11 2001

*Handwritten notes:*  
71" White Valley - upper.  
85" Total Rankin Right  
10" Burchill  
175" Lost  
11" Van Kampen  
How is it split between Rankin & Van Kampen  
Need put claim deed



**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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

April 12, 2001

Thomas &/or Leslie Van Kampen  
PO Box 361  
Challis, ID 83226

Steven Rankin  
PO Box 1114  
Challis, ID 83226

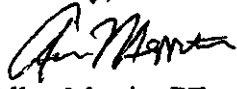
RE: Water rights

Dear Waterusers:

Our office is currently processing a transfer and an ownership change request as addressed in the attached memo. Please be advised that to straighten out the water right records for the parcels of land we understand you currently own, it is necessary for you to file an application for "transfer of water right" to correctly associate your rights to your separate parcel. We also request that you clarify or show that you agree how the water rights have been split up on the original Rankin property.

Please contact our office and discuss this matter with a water right agent at your earliest convenience. Please reference this letter and attached memo. Failure to file a timely transfer may jeopardize your water use. If you have questions please let us know.

Sincerely,

  
Allen Merritt, PE  
Southern Region Manager

EX-1

222

MAY 23, 2001

CC: Watermaster of 72-C  
Bob Foster IDWR-Salmon

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Parcel C has 3.8/32.5 share of 72-10044A or 0.18 cfs.

Review for the Burchill Transfer 5694

This transfer initially landed on my desk in June of 2000 after advertising. Initial review appeared to indicate that other transfers or actions in the SRBA might resolve some of the issues identified in Stanton's 11/17/99 memo but time has tolled and no additional transfers have been filed and no further action by the SRBA has taken place. The transfer was processed without protest.

I have created shapes in GIS on my machine which I recommend be associated with this transfer. The total PPU should be limited to the 3.0 acre plus the 10.5 acre shapes or 13.5 acres in total. Note that a portion of the 3.0 acre shape overlaps with irrigated land covered by 72-00029C also owned by Burchill.

Recommendation

I recommend that this transfer be approved subject to the following conditions:

- Water delivery under control of the watermaster of District 72-C.
- Measuring Device and Headgate be maintained at all points of diversion.
- Point of diversions and sources are to be described as listed on application to correct descriptions found in original right records.
- When right 72-00029C, 72-07431 and 72-10044B are combined no more than 42.9 acres be irrigated.  $(30.0 + 13.5) \text{ minus } 0.6 \text{ acres overlap} = 42.9$

*I recommend that letter be sent to Rankin and Van Kampen informing them of the need to file transfers and clarify split of water rights.*

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IDAHO DEPARTMENT OF WATER RESOURCES

72-00029B & 72-10044A



0 660 1320 1980 Feet

RECOMMENDED PLACE OF USE  
DATA ENTRY ON SEPT. 9, 1999  
TWP 14N, R18E, SEC. 4



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

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GIS PLACE OF USE PRESENTATION  
USFS 1992 AERIAL PHOTOGRAPHY  
DATA ENTRY BY JEANIE ROBERTSON

**WATER DISTRICT 72-C  
CHALLIS CREEK  
P. O. BOX 910  
CHALLIS, IDAHO 83226-0910**

**RECEIVED**

**DEC 06 2000**

**Department of Water Resources  
Southern Region**

December 4, 2000

Ms. Jeanie Robertson  
Senior Water Resource Agent  
Idaho Department of Water Resources  
1341 Fillmore Street, Suite 200  
Twin Falls, ID 83301-3380

Reference: Thomas J. and Leslie I. Van Kampen

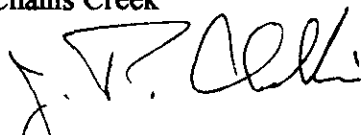
Dear Jeanie:

Per request of Mr. And Mrs. Van Kampen, I am writing regarding the two (2) water rights they are in the process of having transferred from Jess, Martin and/or Steve Rankin's name(s) to their's; I understand those to be 72-00029B (though I would presume the suffix letter will change) and 72-100044 (I again would presume a suffix letter will be added to this right). It is my further understanding some question has arisen regarding a portion of the Van Kampen property and whether or not it has been historically irrigated.

Again it is my understanding that the area in question is that portion of the Van Kampen property which lies between Challis Creek and Bear Creek and between the Burchill property to the west and Axline property to the east. Please be advised this area, primarily the large meadow within those confines, has been irrigated from Diversion No. A0002585 and the ditch system related thereto. Though this diversion is currently out of compliance with District and IDWR specifications and has not been utilized in recent years, the undersigned is aware it has historically been utilized for irrigation of the area stipulated herein.

If there are any additional questions in this regard, please let me know.

Sincerely,  
Water District 72-C  
Challis Creek

  
J. R. Challis  
Watermaster

cc: Thomas J. and Leslie I. Van Kampen

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AUG 11 2003

**Robertson, Jean**

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**From:** Spencer, Nick  
**Sent:** Monday, August 07, 2000 1:40 PM  
**To:** Robertson, Jean  
**Subject:** RE: Jack Challis rts.

Okay, I'll get the rest of the objections faxed down to you. I think I should have some time to review the situation with 29B and 144 in a little while. I'll try to call you about midafternoon. NBS

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

**From:** Robertson, Jean  
**Sent:** Monday, August 07, 2000 8:48 AM  
**To:** Spencer, Nick  
**Cc:** Music, Vicky  
**Subject:** RE: Jack Challis rts

Nick,

The only Objections I've seen are to 72-10032, 72-16591, and 72-16561. Could you Fax me copies of the ones you are talking about. I'll look them over and see what I think and then get back to you about a meeting on the 22nd.

Also, did you see my message regarding 72-00029B and 72-10044? What do you think?

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

**From:** Spencer, Nick  
**Sent:** Friday, August 04, 2000 5:53 PM  
**To:** Robertson, Jean  
**Cc:** Music, Vicky  
**Subject:** Jack Challis rts.

Hi Jeannie. I spoke with Norm Semanko a few minutes ago about Jack Challis' objections to his own rights. Jack has decided to drop his objection to 72-16563; so, when the database gets up and running we'll print out an SF-5 describing the right as recommended. Additionally, however, Norm has a number of questions he'd like to go over with us regarding the three other Challis recommendations where Jack is the only objector. Norm'd like to meet in person. Is it possible that you might be able to come up to Boise for a settlement meeting with him and me at 10:00 a.m. on Tuesday, August 22nd? I checked your calendar on Outlook, and it looked like you had the day open, but I know that the reality of your schedule may be entirely different. Let me know what you think. Thanks. NBS

*RANKIN*

*VAN KAMPEN*

*(208) 879-5275*

*email: tpbulkbage@yahoo.com*

*PO  
Box 361 Challis 83226*

**Robertson, Jean**

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**From:** Robertson, Jean  
**Sent:** Wednesday, July 26, 2000 4:17 PM  
**To:** 'Jack Challis'  
**Subject:** RE: 72-00020E & 72-02147A

On the Roberta Green matter, Watermasters are not asked for comments on adjudication claims and recommendations, only on transfers. She was not changing or adding a point of diversion as a "new use", she was merely correcting the claim to show how it had historically been used, but had been claimed incorrectly.

YOU have claims in the adjudication, so you have the option of filing an objection if you want to and feel the recommendations are impacting your water rights.

On the Van Kampen matter, we have the paperwork to complete the ownership change, but there are a couple of issues I'm looking for guidance on from our attorneys. Go ahead and deliver water to them in the meantime. They will get all of the White Valley Right (72-00029B) and probably a proportionate share of the other right (72-10044A). Mr. Van Kampen mentioned asking you to walk his place of use to see if the existing ditches could also irrigate the middle portion of his land, which was excluded from the recommended place of use. Rankin never objected and now the new owner is wondering if the place of use is wrong. That's probably what he needs from you. If he does decide to object, he would have your opinion to include. Hope this helps  
Jeanie

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

**From:** Jack Challis [mailto:ccrgo@cyberhighway.net]  
**Sent:** Wednesday, July 26, 2000 8:53 AM  
**To:** Jeanie Robertson  
**Cc:** Tim Luke; Robert E. Foster  
**Subject:** 72-00020E & 72-02147A

Jeanie, Roberta Green has filed for additional points of diversion to be added to these two rights. Why was the Watermaster NOT asked for comments on these filings as I normally am? Frankly, one of the two diversion points I oppose. Can/should I, as Watermaster, file an Objection? The objection period is Friday so I need an answer fast, please

Also, are you sending me something on Van Kampen (bought part of the Rankin place)? He says he talked to you and you need some written input from me  
What?

Jack

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AUG 1 1 2003

**Robertson, Jean**

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**From:** Robertson, Jean  
**Sent:** Wednesday, July 26, 2000 10:53 AM  
**To:** Spencer, Nick  
**Cc:** Jones, Doug; Music, Vicky  
**Subject:** 72-00029B, 72-10044

Hi Nick,

I have a question that requires some guidance from you on a couple of rights on Challis Creek. They were both originally recommended on a 43 acre parcel. Then Rankin sold a 13 acre piece (10.5 irrigated) to his neighbor, Burchill, but the deed specified only 10 inches of highwater from the Pat's Creek diversion (72-10044, - one of three sources on this right) was to go with that piece. I split 72-10044 into parts A ( 1.5 cfs and 32.5 acres, with all three sources) and and B (0.2 cfs and 10.5 acres, Pat's Creek only). 72-00029B should also be split to reduce the PoU on that right, but I figured it needed a transfer by Rankin to do that. I asked him to do so by letter, but he never responded. We filed an NAP with the court and it's on our list of things to clear up and finish..

There were two brothers involved, (Steven & Martin Rankin, as Jess, the Dad, is deceased). Steven quitclaimed the larger parcel to Martin who sold to Van Kampen and Steven retained a small parcel for himself. In the quitclaim from Steven to Martin, it says " with all appurtenances and water rights consisting of 11 inches from White Valley Creek". In the deed from Martin to Van Kampen, it just says "... with appurtenances".

I plan to change all of 72-00029B to Van Kampen, but I guess the PoU will still show the land sold to Burchill and Van Kampen can file a transfer to move the water onto his ground? I also think I should split 72-10044A and give a proportionate share to Van Kampen? What do you think?

Let me know when you are in the office and I'll FAX a map &/or deeds to help explain

Thanks, Jeanie

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**Robertson, Jean**

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**From:** Robertson, Jean  
**Sent:** Friday, November 19, 1999 5:36 PM  
**To:** Denniston, Sara  
**Subject:** 72-00029C (Burchill)

This guy filed an Objection to one of the "sources" for this right, changing it from Bear Creek to Challis Creek. We did an SF5 and all for this in October.

Is there anyway we can make some more changes now without another objection or is it too late? Because of a transfer, one of our agents was recently up there and we now realize that the other source, White Valley Creek, says "tributary to Challis Creek" but is really "tributary to Bear Creek".  
(Challis and Bear Creeks run parallel to each other in this area and are VERY close together.)

He also feels that the 10 acre parcel for the Point of Diversion is wrong. I put SENENE and he feels and has pretty much convinced me that it is NWNENE.

One more little problem, Burchill has purchased part of his neighbor's, Rankin 72-00029B, property and feels that the place of use should include an additional 3/4 of an acre or so. Rankin has never objected and now it belongs to Burchill. The agent also felt this area should be included. Anything we can do??

Thanks, Jeanie

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NOV 31 2003

App. ID \_\_\_\_\_  
Water Right No. \_\_\_\_\_

**State of Idaho  
Department of Water Resources  
Initial Checklist**

**Name of Applicant:** TOM VAN KAMPEN-

**Type of Application:**

**Initial Review by:** amerritt

**Date of Review:** 07/16/2001

**Have the following items been completed as required on the document?**

| <u>Yes</u> | <u>No</u> |                                                                                   |
|------------|-----------|-----------------------------------------------------------------------------------|
| X          |           | Name and Address                                                                  |
| X          |           | Source and Tributary (USGS)                                                       |
| X          |           | Point of Diversion (10-acre tract for springs)                                    |
| X          |           | County                                                                            |
| X          |           | Quantity (cfs and/or afa)                                                         |
| X          |           | Period of Use                                                                     |
| X          |           | Nature of Use                                                                     |
| X          |           | Description of diverting works                                                    |
| X          |           | Place of use or acres irrigated                                                   |
| X          |           | Map (include subdivision plat for multiple domestic use)                          |
| X          |           | Signature (notarization, title of signatory, and/or corp. officers, if necessary) |
| X          |           | Has the correct fee been received?                                                |

**Check/Build Comments:**

**Additional Comments:**

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AUG 7 1993