

RECEIVED
OCT 26 2016
DEPARTMENT OF
WATER RESOURCES

October 24, 2016

Shelley Keen
Water Rights Permits Section Manager
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: Notice of Intent to Participate, Docket No. C-RWM-2016-001

Dear Ms. Keen:

On Friday, October 21, 2016, I, Michael Dempsey, received in the mail a copy of the Notice of Hearing: Scheduling Order in Docket No. C-RWM-2016-001. The notice was addressed to Curran D. & Carmela S. Dempsey, my late parents, at my home address of 3224 S. Whipple Road.

My father, Curran D. Dempsey, passed away several years ago. My mother, Carmela S. Dempsey, passed away last October in 2015. My parents owned lake property on the north shore of Lower Twin Lakes, referenced as Kootenai County tax parcel no. 52N04W080725, and addressed at 22359 N. Twinlow Road.

The lake property is currently owned by the Curran D. Dempsey Disclaimer Trust and the Estate of Carmela S. Dempsey; and title to the property will soon be deeded to me and my other five (5) siblings in equal shares.

I and my younger brother, Curran C. Dempsey, currently serve as the personal representatives of our mother's estate, and as the trustees of our father's disclaimer trust; under their respective wills. Accordingly, we are fully entitled and required to manage and preserve the lake property.

We specifically oppose the removal of the Watermaster of Water District 95C, Laurin Scarcello, and challenge the allegations in the complaint submitted by Colby Clark.

We believe that Mr. Clark has misinterpreted the instructions to the Watermaster set forth in the Water Guidance letter dated September 20, 2016 from the State Department of Water Resources; including Mr. Clark's apparent claim that the storage rights of Twin Lakes Improvement Association trump all other water rights in all scenarios, including water right no. 95-734 (Sylte) and the Flood Control District's storage rights. We reject Mr. Clark's claim that the Watermaster's actions have harmed all users of the lake and those with water rights on the lake, and the implication that the Watermaster is unduly influenced by his friendship with the owner of water right no. 95-734 (Sylte).

My parents had the lake property on Twin Lakes prior to my birth in 1952. My mother's family owns the adjacent shoreline property to the west, and my father's family owned a shoreline property lying a few lots to the east for many decades. As a child, we had a wonderful beach to play on during most of the summer, up to 30 feet in length. When the lake level was raised decades ago, ostensibly to allow other lots to be developed on the lake, we and the owners of nearby lots lost our beach. Now, the only time we have a beach that you can walk along and use is after Labor Day. To us, this was and is a travesty. We are appalled by Mr. Clark's claim that "everyone" along the lake is being harmed by the release of lake water by the Watermaster.

I think it is appropriate to disclose that Laurin Scarcello is our first cousin, on our mother's side. We know Laurin to be a bright, forthright, fair and honest person who would never allow personal friendships or ties to relatives to influence his official decisions as Watermaster.

My brother and I are both long-standing attorneys in the Spokane area. I serve as the hearing examiner for Spokane County and the City of Spokane Valley. We both intend to testify, and to examine opposing witnesses at the hearing. We will keep our remarks and questions to the point, and as brief as possible. At this point, the documents we intend to rely on are those set forth on the Department's website for this hearing, and documents referenced by Mr. Clark in his complaint.

Sincerely,


Michael C. Dempsey


Curran C. Dempsey

c: Mark Rosenblum, Attorney at Law, probate attorney