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*Personal Representatives for Estate of Carmela G. Dempsey,
and Trustees for Curran D. Dempsey Disclaimer Trust*

NO 32605
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MAY 08 2017

IDWR / NORTH

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF SYLTE'S PETITION)	Docket No. P-DR-2017-001
FOR DECLARATORY RULING)	
REGARDING DISTRIBUTION OF WATER)	DEMPSEY TRUST/ESTATE'S
TO WATER RIGHT NO. 95-0734)	PETITION TO INTERVENE

The Curran D. Dempsey Disclaimer Trust, by and through its trustees Michael C. Dempsey and Curran C. Dempsey, and the Estate of Carmela G. Dempsey, by and through its personal representatives Michael C. Dempsey and Curran C. Dempsey, Petitioner herein, hereby file this *Dempsey Trust/Estate's Petition to Intervene* in the above-captioned matter; pursuant to the Idaho State Department of Water Resources' (IDWR's) Rules of Procedure 350-352, and in response to the *Notice of Prehearing Conference; Order Setting Deadline for Petitions to Intervene and Appointing Hearing Officer* ("Order") filed by Director Gary Spackman of the Department of Water Resources on April 14, 2017. The Petitioner asserts as follows:

1. The Petition to Intervene is Timely:

The order sets a deadline of May 8, 2017 for the filing of a petition to intervene. The petition has or will be filed on or before such deadline, with the required filing fee of \$25. The petition is or will be timely.

2. The Petitioner has a Direct and Substantial Interest in the Proceeding:

The Petitioner's name and address is set forth above. The Petitioner holds Water Right No. 95-4270 on the lower lake of Twin Lakes, Idaho and is the owner of approximately 1.6 acres of land that is located at 22359 N. Twinlow Road, lies adjacent to the lower lake, has approximately 110 feet of lake frontage, and has a residence on such property near the lake. The Dempsey residence and property are heavily used for residential and recreational purposes between June and September of each year by the six (6) children of Carmela G. Dempsey and Curran D. Dempsey, now deceased. Such children, including Michael C. Dempsey and Curran C. Dempsey, are the heirs and successors to the property.

PETITION TO INTERVENE

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The Petitioner has a direct and substantial interest in the subject matter of the proceeding. IDWR's decision on Sylte's Petition for a Declaratory Ruling may adversely impact the Petitioner and the Dempsey children, and neighboring water rights holders and/or users. This includes the maintenance of excessively high water levels between June and September of each year that have deprived the Dempsey property of its historic beach, eroded the shoreline and bank of the property adjacent to the lake, and contributed to siltation and the growth of noxious aquatic weeds in the shoreline area adjacent to the property; with similar adverse impacts being apparent on neighboring properties.

3. The Petition does not Unduly Broaden the Issues Presented by Sylte's Petition:

The main interest of the Petitioner is the proper interpretation of the 1989 decree that affects the adjudication of water rights on Twin Lakes, and the proper administration of water rights and the distribution of water in Water District 95-C; which are the subject matter of the Sylte's Petition for a Declaratory Ruling. The Petitioner does not seek to broaden the issues beyond those set forth in the Sylte's petition.

4. The Petitioner is not Adequately Represented by Existing Parties:

The Sylte petitioners and the petitioners seeking to intervene in the proceeding do not represent the interest of the Petitioner water rights holder; although portions of their respective interests may coincide, but not substantially. Therefore, the Petitioner is not adequately represented by the existing or likely parties to this matter.

For the reasons set forth above, this petition to intervene should be granted.

DATED this 8th day of May, 2017

Curran D. Dempsey Disclaimer Trust/
Carmela G. Dempsey Estate

By 
Michael C. Dempsey, Trustee/Personal Representative

By 
Curran C. Dempsey, Trustee/Personal Representative

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 8, 2017, I served the original of the foregoing document by U.S. mail, postage prepaid to the following:

Idaho Water Resources Department
Northern Regional Office
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763

with \$25.00 filing fee

I FURTHER CERTIFY that on May 8, 2017, I served a true and correct copy of the foregoing document by U.S. mail, postage prepaid, on the following:

Michael P. Lawrence
Jack W. Relf
Givens Pursley LLP
601 West Bannock St
P.O. Box 2720
Boise, ID 83701-2720
mpl@givenspursley.com

DATED this 8th day of May, 2017



Michael C. Dempsey