

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-00233
Date Received: 5/11/1989
Receipt No: S007087
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GLEN R. PARKE 208-645-2595
Address: HWY CARRIER 72, BOX 2008
MALTA, ID 83342

Name: ADA PARKE 208-645-2595
Address: HWY CARRIER 72, BOX 2008
MALTA, ID 83342

2. Date of Priority: MAR 01, 1879

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	13	NE	SE		R	CASSIA
		21	NE	SE			CASSIA

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	27E	7	NE		SW		IRR	29.0
			SE		SW		IRR	29.0
			SW		SE		IRR	33.0
							Section Acres	91.0
		18	NE		NW		IRR	36.0
							Section Acres	36.0
							Total Acres	127.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-02550A, 04215, 00127A

14. Remarks:
TRANS. 3125.
GROUNDWATER & RAFT RIVER WATER ALSO USED ON PROPERTY. 208 ACRES
ACTUALLY FARMED.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *[Signature]* Date: _____
Date: 5/11/89

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 11 day

of May 19 89

[Signature]
Notary Public

Seal

Residing at TF

My Commission Expires 5/94

12/07/2000

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

RIGHT NUMBER: 43-233
NAME AND ADDRESS: ADA PARKE
GLEN R PARKE
HWY CARRIER 72 BOX 2008
MALTA, ID 83342

VERIFIED BY *KKC*

QUANTITY: 2 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-127A, 43-233,
43-2550A, AND 43-11237

PRIORITY DATE: 03/01/1879

POINT OF DIVERSION: T13S R26E S13 SENESE Rediversion Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	2.00 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R27E S18	NENW	36	T13S R27E S7	SWNE	10
T13S R27E S7	SENE	20	T13S R27E S7	NESW	29
T13S R27E S7	SESW	39	T13S R27E S7	NESE	39
T13S R27E S7	NWSE	18	T13S R27E S7	SWSE	26
T13S R27E S7	SESE	27			

244 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 127 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 244 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-127A, 43-233, 43-2550A, AND
43-11237.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 12-5-2000

File: 43-127a parke sys analysis

Prepared by Kelly K Christensen

**43-127A, 43-233 SURFACE WATER RIGHTS
43-2550A, 43-4215, AND 43-11237 GROUND WATER RIGHTS**

43-233 was decreed from Cassia Creek and the claim identifies two points of diversion. I am recommending one point of diversion. The claimed point of diversion in TWP 13S, RNG 26E, SEC 21, NESE is a point where Cassia Creek divides into two channels. There is a control structure at that point but no measuring devices. The watermaster just makes an estimate of the required water when dividing the water between the two channels.

The Cassia Creek channel across much of TWP 13S, RNG 26E, SEC 13 has been straightened and is basically now just a large ditch. The claimed and recommended point of diversion is at the point where the channel reaches the eastern border of section 13 and then turns north. Nye and Parke are the two last users of Cassia Creek water on this system.

The claimed place of use is entirely within the decreed place of use and appears to represent the historical irrigated place of use rather than the place of use as it existed in 1987. I am accepting the claimed place of use as claimed within the PP/U. I am recommending the 127 claimed acres at 2.00 cfs which is less than one inch per acre, therefore no diversion rate limits are required.

43-127A was decreed to a majority of the NE¼ and the N½SE¼ of sec 7. The claimed place of use for this right includes a majority of the S½NE¼ and the N½SE¼ of sec 7 which represents approximately ½ of the decreed place of use. Therefore, I accept the claimed rate of 2.00 cfs as a valid proportionate share of the base right.

Wickel claims the other ½ of the decreed place of use under 43-4212 that identifies a majority of the elements of 43-127. I anticipate that Wickel will claim against the remaining unclaimed portion of 43-127. (Status as of 12-5-2000). I found approximately 98 acres within the decreed place of use claimed by Parke. As Parke's share of 43-127 is 2.00 cfs which equates to 100 acres at one inch to the acre I am recommending this right with an effective accomplished transfer of 2 acres within the PP/U with no limitations to the diversion rate.

43-2550A is a portion of the original right that was split through transfer 3126 approved in 1985. The claim matches the elements of the right as transferred. The right was licensed for two points of diversion but the A portion currently shows only one point of diversion on the database (as claimed). After reviewing the transfer (3126) it appears that the second point of diversion was missed in data entry.

43-11237 is an expansion within a critical groundwater area and was claimed under 43-1416B. I found 244 irrigated acres, which agrees with the combined total acres for 43-2550A and this claim. (196 ac + 48 ac = 244 ac) I am recognizing this right as valid as the irrigated acres can be identified in the 1987 NAPP aerial photography. The recommended diversion rate is calculated as follows, 2.70 cfs licensed rate / 244 total irrigated acres * 48 acres under this claim = **0.53 cfs**. The diversion volume is based upon the licensed acres. 196 ac * 4 af = **784 afa**.

43-4215 was claimed with a 1960 priority date from one of the wells licensed under 43-2550. I am recognizing that well under 43-2550A also. A licensing field exam was conducted for 43-2550 in July of 1967 and the system capacity for the two wells was determined to be the licensed rate of 2.90 cfs.

I am recommending this claim for **DISALLOWAL**. No lawful appropriation shown. The 1967 field exam established the irrigated acres and system capacity as of the date of the field exam. This contradicts the elements of the claim.

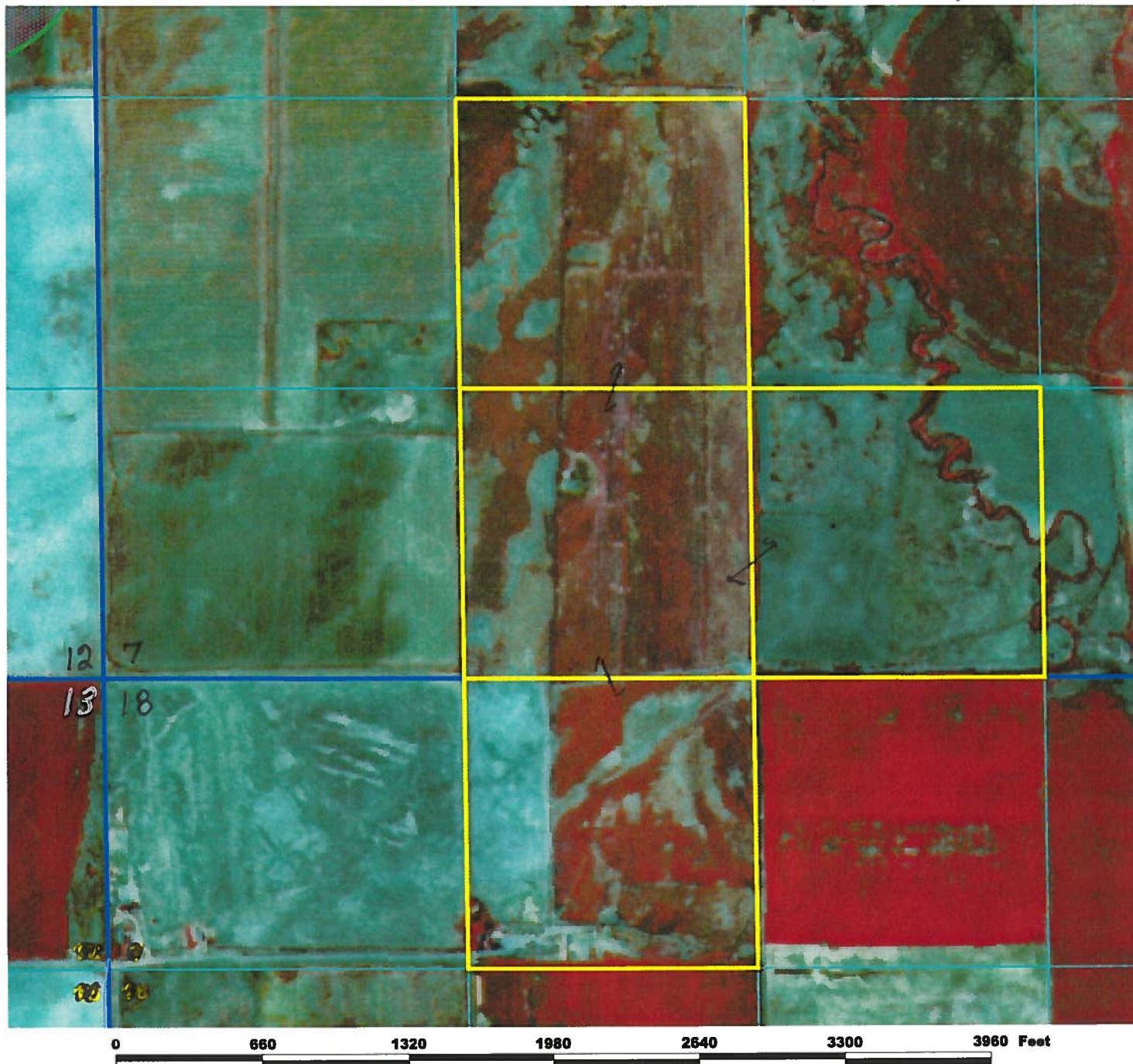
GENERAL SYSTEM ANALYSIS

The total found place of use is 244 acres and has been claimed in part under the four claims recognized as valid. I am recommending each right with the total PP/U identified but limited to the total acre limit within each rights decreed and/or licensed place of use. All rights when combined are limited to 1 inch per acre.

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY PLACE OF USE
43-00233

Decreed P/U Boundary



TWP 13S, RNG 27E, SEC 7 & 18
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED _____
GIS PLACE OF USE PRESENTATION
1992 USDA-F AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

- POINT OF DIVERSION
- PLACE OF USE = *decreed P/u.*
- SECTION LINES
- QUARTER/QUARTER LINES

CASSIA CO.

