

RECEIVED

JUL 19 2002

Department of Water Resources

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| JUL 18 2002                                                                             |              |
| By _____                                                                                | Clerk        |
| _____                                                                                   | Deputy Clerk |

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

Case No. 39576

)  
)  
)  
)  
)

ORDER OF PARTIAL DECREE

For Water Right 51-07034

On May 29, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 51-07034 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED July 18, 2002

*Roger Burdick*

ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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 51-07034

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

JUL 18 2002

By \_\_\_\_\_ Clerk  
Deputy Clerk

NAME AND ADDRESS: W L PARNELL  
301 N 8th  
BUHL, ID 83316

SOURCE: GROUNDWATER

QUANTITY: 6.40 CFS

USE OF THIS RIGHT WITH RIGHT NO. 51-02190 IS LIMITED TO A  
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1836 AF.

PRIORITY DATE: 12/30/1968

POINT OF DIVERSION: T09S R12E S17 NENW Within Owyhee County  
NWSE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 6.40 CFS |

| PLACE OF USE:     | Irrigation                          | Within Owyhee County   |
|-------------------|-------------------------------------|------------------------|
| T09S R12E S07     | SWNE 36.0<br>NWSE 40.0<br>SESE 40.0 | NESE 37.0<br>SWSE 37.0 |
| S08               | NWSW 3.0                            | SWSW 36.0              |
| S17               | SESW 15.0<br>SWNE 32.0<br>NWSE 30.0 | NESW 3.0               |
| S18               | NENE 28.0                           |                        |
| 337.0 Acres Total |                                     |                        |

USE OF THIS RIGHT WITH RIGHT NO. 51-02190 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 459 ACRES IN A SINGLE  
IRRIGATION SEASON.

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. I.C. SECTION 42-1412(6).

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 Buddick*  
\_\_\_\_\_  
Roger Buddick  
Presiding Judge of the  
Snake River Basin Adjudication

2002 JUL 18 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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 . )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s) : 51-07034

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 51-07034 was mailed  
on July 18, 2002, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

W L PARNELL  
301 N 8th  
BUHL, ID 83316  
Phone: 208-543-8427

ROBBIN GLATZ  
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
07/18/02

JUL 29 PM 3:09

OFFICE OF THE SHERIFF - SABA  
IDAHO

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     | ) | Subcases 51-02190 and 51-07034 |
|                | ) | (Parnell)                      |
| Case No. 39576 | ) |                                |
| _____          | ) | SPECIAL MASTER REPORT          |

**Findings of Fact**

W.L. Parnell, 301 N. 8<sup>th</sup>, Buhl, Idaho 83316, filed a *Notice of Claim to a Water Right* on January 18, 1989, under claim 51-07034 claiming 6.4 cfs from groundwater and Deadman Creek to irrigate 320 acres in Owyhee County from March 15, to November 15 with a priority date of December 30, 1968, based on a permit. The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation and Other Uses, Reporting Area 6, Volume One (IDWR Basin 51)* on November 24, 1998. The Director recommended 51-07034 as filed, but only for groundwater. IDWR also identified 51-02190 as an uncontested overlapping claim.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on March 31, 1999, objecting to place of use. On May 22, 2002, IDWR filed a *Notice of Completed Administrative Proceeding* to amend the license correcting the place of use. On May 23, 2002, the Special Master entered an *Order Granting Motion to Dismiss Objections* in 51-07034 based on the United States' *Motion*.

**Conclusions of Law**

W.L. Parnell is entitled to partial decrees adjudicating water rights under claims 51-02190 and 51-07034 as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 51-02190 and 51-07034*.

DATED May 29, 2002.

  
\_\_\_\_\_  
TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

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 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 51-02190

MAY 27 PM 3:09  
DISTRICT COURT-5TH  
JUDICIAL DISTRICT-IDAHO  
FILED *[Signature]*

NAME AND ADDRESS: W L PARNELL  
301 N 8th  
BUHL, ID 83316

SOURCE: GROUNDWATER

QUANTITY: 1.86 CFS

USE OF THIS RIGHT WITH RIGHT NO. 51-07034 IS LIMITED TO A  
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1836 AF.

PRIORITY DATE: 12/30/1963

POINT OF DIVERSION: T09S R12E S17 SWSNW Within Owyhee County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-15 TO 10-15 | 1.86 CFS |

| PLACE OF USE: | Irrigation        | Within Owyhee County                                          |
|---------------|-------------------|---------------------------------------------------------------|
|               | T09S R12E S07     | SWNE 34.0<br>NWSE 39.0<br>SESE 40.0                           |
|               | S08               | SWSW 7.0                                                      |
|               | S17               | SWNE 27.0<br>NWNW 39.0<br>SENE 37.0<br>NWSE 28.0<br>NENE 21.0 |
|               | S18               |                                                               |
|               | 398.0 Acres Total |                                                               |

USE OF THIS RIGHT WITH RIGHT NO. 51-07034 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 459 ACRES IN A SINGLE  
IRRIGATION SEASON.

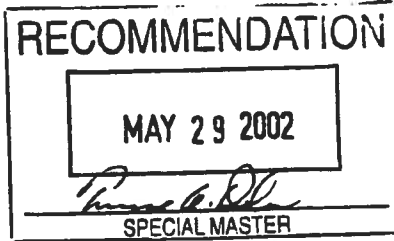
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 210 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. I.C. SECTION 42-1412(6).

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

MAY 29 PM 3:09  
 DISTRICT COURT-13  
 FILED *me*

PAGE 1  
May-28-2002

7:07 PM 5/29/02  
DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 51-02190

On May 29, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED May 29, 2002.

  
LETTIE MESSICK  
Deputy Clerk

MAY 29 PM 3:09

CLERK OF DISTRICT COURT  
FIFTH JUDICIAL DISTRICT  
STATE OF IDAHO  
*[Signature]*

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 )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 51-02190

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 29, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

W L PARNELL  
301 N 8th  
BUHL, ID 83316  
Phone: 208-543-8427

*Lettie Messick*

\_\_\_\_\_  
LETTIE MESSICK  
Deputy Clerk

JUN 29 PM 3:09

DISTRICT COURT-313  
TWIN FALLS, IDAHO

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 )  
 )  
Case No. 39576 )  
 )  
\_\_\_\_\_ )

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SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 51-07034

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Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED May 29, 2002.

  
LETTIE MESSICK  
Deputy Clerk

17 PM 3:09

CLERK OF DISTRICT COURT  
TWIN FALLS, IDAHO  
*[Signature]*

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 )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 51-07034

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DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

W L PARNELL  
301 N 8th  
BUHL, ID 83316  
Phone: 208-543-8427

*Lettie Messick*  
\_\_\_\_\_  
LETTIE MESSICK  
Deputy Clerk

CERTIFICATE OF MAILING



## 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)

May 9, 2002

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

WILLIAM L PARNELL  
301 N 8TH  
BUHL ID 83316

RE: Water Right License 51-7034

Dear Mr. Parnell:

The Department of Water Resources has issued the enclosed **preliminary order** correcting the place of use for Water Right License 51-7034. Also enclosed are an amended license document and a copy of your revised application for amendment, both issued pursuant to the preliminary order. **The preliminary order can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described in the enclosed information sheet.**

If you have questions, please contact me at (208) 327-7946.

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

Enclosures

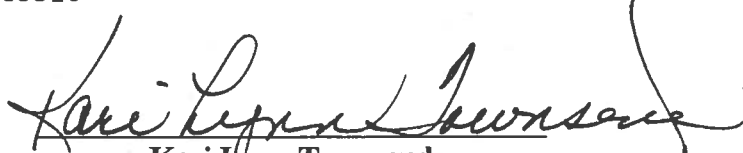
cc: Roxanne Brown, IDWR Adjudication Bureau

**CERTIFICATE OF MAILING**

I hereby certify that on the **10th** day of **May, 2002**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER CORRECTING LICENSE** to the person(s) listed below:

**Water Right No. 51-7034**

**WILLIAM L PARNELL  
301 N 8TH  
BUHL ID 83316**

A handwritten signature in black ink, reading "Kari Lynn Townsend". The signature is written in a cursive style with a large, sweeping initial "K" and a long, horizontal stroke extending to the right.

**Kari Lynn Townsend  
Secretary**

BEFORE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PETITION TO )  
CORRECT WATER RIGHT LICENSE )  
SUBMITTED BY WILLIAM L. PARNELL )  
\_\_\_\_\_ )

**PRELIMINARY ORDER  
CORRECTING LICENSE**

This matter having come before the Department of Water Resources (Department) as a result of the filing of a petition to correct a water right license, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

**FINDINGS OF FACT**

1. On February 11, 1969, the Department issued Permit 51-7034 (permit) to Leona F. Parnell (permit holder) authorizing the diversion of 6.4 cfs from ground water for the irrigation of 320 acres located in Sections 7, 17, and 18, Township 9 South, Range 12 East, B. M., within Owyhee County.
2. On February 8, 1974, the Department received the permit holder's proof of beneficial use statement for the permit.
3. On July 8, 1988, a Department field examiner completed a Beneficial Use Field Report in which he described the place of use developed under Permit 51-7034 as 320 acres of land, including 20 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 37 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 7, Township 9 South, Range 12 East, B. M. However, the field examiner's map submitted in connection with the Beneficial Use Field Report clearly depicts the place of use with no acres in the SW $\frac{1}{4}$  of Section 7, Township 9 South, Range 12 East, B. M. Instead, the field examiner's map includes 20 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 37 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and 40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 7, Township 9 South, Range 12 East, B. M.
4. On January 18, 1989, W. L. Parnell (claimant) filed Claim A51-7034, based on the permit, in the Snake River Basin Adjudication of water rights (SRBA).
5. On March 15, 1990, at the Department's request, the claimant submitted an Application for Amendment of Permit (amendment) to change the place of use description for Permit 51-7034 to match the findings in the Beneficial Use Field Report prepared by the Department.

6. On April 2, 1990, the Department approved the amendment and issued Water Right License 51-7034 to the permit holder with a place of use description of 320 acres of land, including 20 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 37 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 7, Township 9 South, Range 12 East, B. M.
7. On August 6, 1998, the Department filed a report with the SRBA court recommending that the place of use for water right 51-7034 be decreed as licensed, including the 137 acres in the SW $\frac{1}{4}$  of Section 7, Township 9 South, Range 12 East, B. M.
8. On April 1, 1999, the United States of America, through the Department of Interior, Bureau of Land Management (BLM), submitted an objection to the Department's recommendation. In the objection the BLM indicates that the SW $\frac{1}{4}$  of Section 7, Township 9 South, Range 12 East, B. M., is land owned by the United States and administered by the BLM.
9. On April 22, 2002, the claimant filed a petition to correct Water Right License 51-7034 (license) by correcting the place of use description to show 137 acres in the SW $\frac{1}{4}$  of Section 7, Township 9 South, Range 12 East, B. M., instead of 137 acres in the SE $\frac{1}{4}$  of Section 7, Township 9 South, Range 12 East, B. M.
10. Also on April 22, 2002, the petitioner submitted a revised amendment to replace the one submitted in 1990. The revised amendment shows a place of use of 320 acres of land, including 20 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 37 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 7, Township 9 South, Range 12 East, B. M.
11. Aerial photography from 1987 shows irrigated agriculture occurring in the SE $\frac{1}{4}$  of Section 7, Township 9 South, Range 12 East, B. M., but not in the SW $\frac{1}{4}$  of Section 7, Township 9 South, Range 12 East, B. M.
12. The diversion and use of water for irrigation purposes under Permit 51-7034 occurred on the SE $\frac{1}{4}$  of Section 7, Township 9 South, Range 12 East, B. M., but did not occur on the lands administered by the BLM in the SW $\frac{1}{4}$  of Section 7, Township 9 South, Range 12 East, B. M.
13. Section 42-219(2), *Idaho Code*, which governs the issuance of water right licenses, says in part, "If such use is for irrigation, such license shall give a description, by legal subdivisions, of the land which is irrigated by such water."

#### CONCLUSIONS OF LAW

1. Under Section 42-219(2), *Idaho Code*, the Department has a statutory obligation to issue water right licenses with accurate place of use descriptions.
2. The license does not accurately describe the place of use for the irrigation use developed by the permit holder in accordance with Permit 51-7034.

3. The Department should approve the revised amendment and correct the place of use described on the license.

ORDER

IT IS HEREBY ORDERED that the Application for Amendment of Permit 51-7034 submitted on March 15, 1990, and revised on April 22, 2002, is **APPROVED** as revised.

IT IS FURTHER HEREBY ORDERED THAT THE place of use description on Water Right License 51-7034 is **CORRECTED** as set forth in the Amended Water Right License issued in conjunction with this order.

Dated this 7<sup>th</sup> day of May, 2002.

  
\_\_\_\_\_  
NORMAN C. YOUNG  
Administrator, Water Management Division

State of Idaho  
Department of Water Resources  
**Water Right License**

Amended

Amended

WATER RIGHT NO. 51-07034

Priority: December 30, 1968

Maximum Diversion Rate: 6.40 CFS\*  
Maximum Diversion Volume: 1,280.0 AF\*

It is hereby certified that LEONA F PARNELL  
301 N 8TH  
BUHL ID 83316 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated December 23, 1968; and has  
submitted Proof of Beneficial Use on February 8, 1974. An examination indicates that the works have  
a diversion capacity of 6.9 cfs of water from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| IRRIGATION            | 3/15 to 11/15        | 6.40 CFS*             | 1,280.0 AF*                        |

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

GROUND WATER NW¼SE¼ Sec. 17, Twp 09S, Rge 12E, B.M. OWYHEE County

GROUND WATER NE¼NW¼ Sec. 17, Twp 09S, Rge 12E, B.M. OWYHEE 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   |        |
| 09S 12E 7   |      |    | 36.0 |    |    |    |    |    |     |      |      |    | 20.0 | 40.0 | 37.0 | 40.0 | 173.0  |
| 09S 12E 8   |      |    |      |    |    |    |    |    | 3.0 | 36.0 | 15.0 |    |      |      |      |      | 54.0   |
| 09S 12E 17  |      |    | 32.0 |    |    |    |    |    | 3.0 |      |      |    |      | 30.0 |      |      | 65.0   |
| 09S 12E 18  | 28.0 |    |      |    |    |    |    |    |     |      |      |    |      |      |      |      | 28.0   |

Total Acres: 320

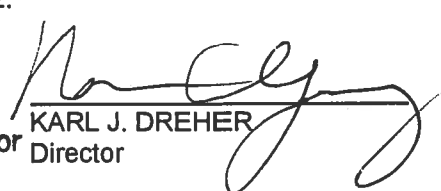
**CONDITIONS OF APPROVAL**

- \*1. This right when combined with all other rights, including Right 51-2190, shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 7<sup>th</sup> day of May, 2002.

Acting for  
Director

  
KARL J. DREHER

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 51-07034**

RECEIVED

APR 22 2002

DEPARTMENT OF WATER RESOURCES

Date of Priority: December 30, 1968

Maximum Diversion Rate:

6.40 CFS

Maximum Diversion Volume:

1,280.0 AF

Comes now LEONA F PARNELL

RT 4 BOX 262A

BUHL ID 83316 and represents to the Director of the Idaho Department

of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 51-07034, and requests that the permit be changed as follows:

Source: GROUND WATER

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 3/15 to 11/15        | 6.40 CFS                 | 1,280.0 AF           |

LOCATION OF POINT(S) OF DIVERSION:

|               |            |                                 |
|---------------|------------|---------------------------------|
| GROUND WATER  | NW1/4SE1/4 | Sec. 17, Twp 09S, Rge 12E, B.M. |
| OWYHEE County |            |                                 |
| GROUND WATER  | NE1/4NW1/4 | Sec. 17, Twp 09S, Rge 12E, B.M. |
| OWYHEE 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   |        |
| 09S 12E 7   |      |    | 36.0 |    |    |    |    |    |     |      |      |    | 20.0 | 40.0 | 37.0 | 40.0 | 173.0  |
| 09S 12E 8   |      |    |      |    |    |    |    |    | 3.0 | 36.0 | 15.0 |    |      |      |      |      | 54.0   |
| 09S 12E 17  |      |    | 32.0 |    |    |    |    |    | 3.0 |      |      |    | 30.0 |      |      |      | 65.0   |
| 09S 12E 18  | 28.0 |    |      |    |    |    |    |    |     |      |      |    |      |      |      |      | 28.0   |

Total Acres: 320

Permit holder asserts that no one will be injured by such change, and that such change will be made at permit holder's own risk. Signed this 22 day of April, 2002.

*William F Parnell*  
(Signature)

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
WATER RIGHT NO. 51-07034

.....  
FOR DEPARTMENT USE ONLY

Preliminary check by SUK Fee = \$2000 Received by C. Long # C013068 Date 11-29-89

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, Karl J. Dreher, of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 51-07034 with the following:

**CONDITIONS OF APPROVAL**

1. This right when combined with all other rights, including 51-2190, shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

Witness my hand this 7th day of May, 2002.

  
Acting for KARL J. DREHER  
Director

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

Water Right(s): 51-07034

Case No. 39576

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

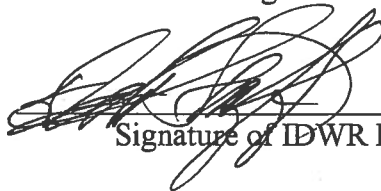
IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer
- ☒ Amended License issued May 7, 2002 correcting the Place of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: May 17, 2002



Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on May 17, 2002, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

### 1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

### 2. Copies to:

Clive Strong  
Off ice of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

☐ overnight mail  
☐ regular mail  
☒ hand-delivered  
☐ facsimile

IDWR Document Repository  
P.O. Box 83720  
Boise, ID 83720-0098

☐ overnight mail  
☐ regular mail  
☒ hand-delivered  
☐ facsimile

U.S. Dept. of Justice  
Environment & Natural Resources Div.  
550 W. Fort St., MSC 033  
Boise, ID 83724

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

W.L. Parnell  
301 N 8<sup>th</sup>  
Buhl, ID 83316

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

☐ overnight mail  
☐ regular mail  
☐ hand-delivered  
☐ facsimile

  
\_\_\_\_\_  
Signature of person mailing this document

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

RIGHT NUMBER: 51-7034

NAME AND ADDRESS: W L PARNELL  
301 N 8th  
BUHL ID 83316

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.4 CFS

USE OF THIS RIGHT WITH RIGHT NO. 51-02190 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1836 AF.

PRIORITY DATE: 12/30/1968

POINT OF DIVERSION:

T09S R12E S17 NENW Within OWYHEE County

T09S R12E S17 NWSE Within OWYHEE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 3/15 11/15           | 6.4 CFS         |

PLACE OF USE: IRRIGATION Within OWYHEE County

|                          |                 |                 |                          |                 |                 |
|--------------------------|-----------------|-----------------|--------------------------|-----------------|-----------------|
| T09S R12E S07            | SWNE            | 36.0            | T09S R12E S07            | NESE            | 20.0            |
| T09S R12E S07            | NWSE            | 40.0            | T09S R12E S07            | SWSE            | 37.0            |
| T09S R12E S07            | SESE            | 40.0            | T09S R12E S08            | NWSW            | 3.0             |
| T09S R12E S08            | SWSW            | 36.0            | T09S R12E S08            | SESW            | 15.0            |
| T09S R12E S17            | SWNE            | 32.0            | T09S R12E S17            | NESW            | 3.0             |
| T09S R12E S17            | NWSE            | 30.0            | T09S R12E S18            | NENE            | 28.0            |
| <del>T09S R12E S07</del> | <del>NESW</del> | <del>20.0</del> | <del>T09S R12E S07</del> | <del>NWSW</del> | <del>40.0</del> |
| <del>T09S R12E S07</del> | <del>SWSW</del> | <del>37.0</del> | <del>T09S R12E S07</del> | <del>SESW</del> | <del>40.0</del> |
| 320 ACRES TOTAL          |                 |                 |                          |                 |                 |

USE OF THIS RIGHT WITH RIGHT NO. 51-02190 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 459 ACRES IN A SINGLE IRRIGATION SEASON.

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 - License

State of Idaho  
Department of Water Resources  
**Water Right License**

Amended

Amended

WATER RIGHT NO. 51-07034

Priority: December 30, 1968

Maximum Diversion Rate: 6.40 CFS\*  
Maximum Diversion Volume: 1,280.0 AF\*

It is hereby certified that LEONA F PARNELL  
301 N 8TH

BUHL ID 83316 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 23, 1968; and has submitted Proof of Beneficial Use on February 8, 1974. An examination indicates that the works have a diversion capacity of 6.9 cfs of water from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| IRRIGATION            | 3/15 to 11/15        | 6.40 CFS*             | 1,280.0 AF*                        |

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

GROUND WATER NW¼SE¼ Sec. 17, Twp 09S, Rge 12E, B.M. OWYHEE County  
GROUND WATER NE¼NW¼ Sec. 17, Twp 09S, Rge 12E, B.M. OWYHEE 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   |        |
| 09S 12E 7   |      |    | 36.0 |      |    |    |    |    |     |      |      |    | 20.0 | 40.0 | 37.0 | 40.0 | 173.0  |
| 09S 12E 8   |      |    |      |      |    |    |    |    | 3.0 | 36.0 | 15.0 |    |      |      |      |      | 54.0   |
| 09S 12E 17  |      |    |      | 32.0 |    |    |    |    | 3.0 |      |      |    |      | 30.0 |      |      | 65.0   |
| 09S 12E 18  | 28.0 |    |      |      |    |    |    |    |     |      |      |    |      |      |      |      | 28.0   |

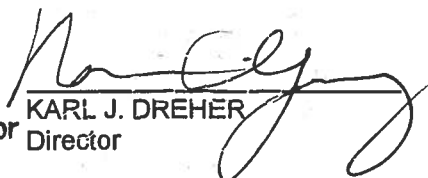
Total Acres: 320

**CONDITIONS OF APPROVAL**

- \*1. This right when combined with all other rights, including Right 51-2190, shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 7<sup>th</sup> day of May, 2002.

  
KARL J. DREHER  
Acting for Director

RECEIVED

APR 01 1999

Department of Water Resources

RECEIVED

APR 06 1999

WATER RESOURCES  
WESTERN REGION

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

Case No. 39576

A. Subcase 51-07034

(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,  
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way  
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494  
United States Department of Justice; Environment and Natural Resource Division; General Litigation Section  
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: W. L. Parnell

Address: 301 North 8th Buhl, ID. 83316

Name:

Address:

Name:

Address:

Name:

Address:

D. I object to the following elements as recommended in the Director's Report. (Please

check the appropriate box(es)).

1. ☐ Name and Address Should be: \_\_\_\_\_

2. ☐ Source Should be: \_\_\_\_\_

3. ☐ Quantity Should be: \_\_\_\_\_

4. ☐ Priority Date Should be: \_\_\_\_\_

5. ☐ Point(s) of Diversion Should be: \_\_\_\_\_

6. ☐ Instream Flow Description Should be: \_\_\_\_\_

7. ☐ Purpose(s) of Use Should be: \_\_\_\_\_

8. ☐ Period of Year Should be: \_\_\_\_\_

9. ☒ Place of Use Should be: \_\_\_\_\_ See attached

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

**VERIFICATION** (Must be Completed)

State of Idaho )

) ss.

County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price  
(Signature of person filing objection)

Larry C. Brown  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

Jan. 29, 1999

John W. Thornburgh

John W. Thornburgh

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 05-16-2003



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on MAR 31 1999, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: W. L. Parnell

Address: 301 North 8th Buhl, ID. 83316

Name:

Address:

Name:

Address:

Name:

Address:

3. Copies to:

IDWR Document Depository  
PO Box 83720

Boise, ID 83720-0098

United States Department of Justice

Environment and Natural Resource Division  
550 West Fort Street, MSC 033

Boise, ID 83724

Signature of Objector or attorney mailing on Objector's behalf

Boise, ID 83711-4449

PO Box 44449

State of Idaho

Office of the Attorney General

Chief, Natural Resources Division

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: NOV-20-1998  
PAGE: A-588

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 51-07034

NAME & ADDRESS: W L PARNELL  
301 N 8th  
BUHL ID 83316

SOURCE: GROUNDWATER

QUANTITY: 6.4 CFS

USE OF THIS RIGHT WITH RIGHT NO. 51-02190 IS LIMITED TO A  
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1836 AF.

PRIORITY DATE: 12/30/1968

POINT OF DIVERSION: T09S R12E S17 NENW Within OWYHEE County  
NWSE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|---------------|----------|
| IRRIGATION                    |                | 03-15 11-15   | 6.4 CFS  |

| PLACE OF USE: | IRRIGATION      | Within OWYHEE County |             |             |             |
|---------------|-----------------|----------------------|-------------|-------------|-------------|
| T09S R12E S07 |                 | SWNE 36              | NESW 20 BLM | NWSW 40 BLM | SWSW 37 BLM |
|               |                 | SESW 40 BLM          |             |             |             |
|               | S08             | NWSW 3               | SWSW 36     | SESW 15     |             |
|               | S17             | SWNE 32              | NESW 3      | NWSE 30     |             |
|               | S18             | NENE 28              |             |             |             |
|               | 320 ACRES TOTAL |                      |             |             |             |

USE OF THIS RIGHT WITH RIGHT NO. 51-02190 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 459 ACRES IN A SINGLE  
IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RECEIVED

MAR 31 1999

Department of Water Resources

Box  
File

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

Subcase 51-07047  
(Insert water right number)

In Re SRBA )

Case No. 39576 )

STANDARD FORM 1  
OBJECTION

\_\_\_\_\_  
Please fill in the following information:

NAME AND ADDRESS OF PERSON OBJECTING

Name: J. R. Simplot Self-Declaration of Revocable Trust

Address: P. O. Box 27

Boise, Idaho 83707

Daytime Phone: 208-336-2110

Name & Address of Attorney, if any:

Ronald N. Graves, Attorney-in-Fact

P. O. Box 27

Boise, Idaho 83707

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: J. R. Simplot Self-Declaration of Revocable Trust

Address: P. O. Box 27

Boise, Idaho 83707

I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☐ **Source**  
Should be: \_\_\_\_\_
3. ☐ **Quantity**  
Should be: \_\_\_\_\_
4. ☐ **Priority Date**  
Should be: \_\_\_\_\_
5. ☐ **Point(s) of Diversion**  
Should be: \_\_\_\_\_
6. ☐ **Instream Flow Description**  
Should be: \_\_\_\_\_
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
8. ☐ **Period of Year**  
Should be: \_\_\_\_\_
9. ☒ **Place of Use**  
Should be: The places of use reported in Section 13, T.7S R.6E should be in  
Section 15, T.7S R.6E  
\_\_\_\_\_

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

**REASONS SUPPORTING OBJECTION(S):** Inadvertent error in Director's Report.

Idaho Department of Water Resources personnel determined the place of use designated in the Director's Report by extrapolating the information from a map containing the erroneous section numbers.

**VERIFICATION** (Must be Completed)

State of Idaho )  
 )ss.  
County of Ada )

Ronald N. Graves, Attorney-in-Fact for the J. R. Simplot Self-Declaration of Revocable Trust,  
duly sworn, upon oath, deposes and says:

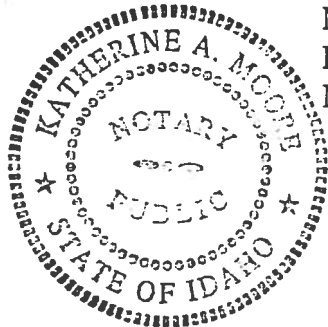
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6)  
or that I am the attorney for the party/claimant objecting and that I have read this objection, know  
its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Ronald N. Graves  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 30, 1999

Katherine A. Moore  
Notary Public for Idaho  
Residing at: Boise  
My Commission Expires: 5/20/99



## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

## CERTIFICATE OF MAILING

I certify that on March 30, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

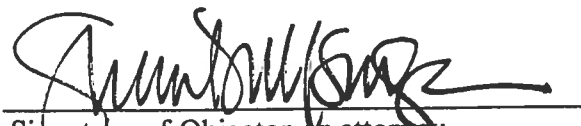
Name: J. R. Simplot Self-Declaration of Revocable Trust  
Address: P. O. Box 27  
Boise, Idaho 83707

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

  
\_\_\_\_\_  
Signature of Objector or attorney  
mailing on Objector's behalf

HP LaserJet 3100  
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for  
WATER RESOURCES  
2083275400  
Mar-18-02 4:40PM

| Job | Start Time  | Usage | Phone Number or ID | Type      | Pages | Mode  | Status         |
|-----|-------------|-------|--------------------|-----------|-------|-------|----------------|
| 959 | 3/18 4:39PM | 0'47" | 2023050274         | Send..... | 3/ 3  | EC144 | Completed..... |

Total 0'47" Pages Sent: 3 Pages Printed: 0



State of Idaho  
DEPARTMENT OF WATER RESOURCES  
1301 North Orchard Street, P.O. Box 83726, Boise, Idaho 83720-8996  
Phone: (208) 327-7900 FAX: (208) 327-7866

DEAN KENNEDY  
DIRECTOR  
KARL A. ROBERTSON  
EXECUTIVE

### FAX Transmittal Cover Sheet

Number of pages including this one: 3

Date: 3/18/02  
To: Larry Brown  
Fax No.: (208) 326-0274  
From: R. Brown  
Fax No.: \_\_\_\_\_  
Phone No.: (208) 327-1925  
Subject: \_\_\_\_\_

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page:

<http://www.idwr.state.id.us>

From that link, select "Snake River Basin Adjudication" toward the lower left hand of the screen. Then select "Map" or "Text" on the next page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search"

"MAP" allows you to search water rights graphically.

Use the tools on the Left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place in question, different layers will appear on the right side of the screen.

A HELP function is available within the application or you can call 1-800-451-4129 or (208) 327-7906 for help.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHM  
DIRECTOR

## FAX Transmittal Cover Sheet

Number of pages including this one: 3

Date: 3/18/02

To: Larry Brown

Fax No.: (208) 305-0274

From: R. Brown

Fax. No.: \_\_\_\_\_

Phone No.: (208) 327-7925

Subject: \_\_\_\_\_

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page:

<http://www.idwr.state.id.us>

From that link, select "Snake River Basin Adjudication" toward the lower left hand of the screen. Then select "Map" or "Text" on the next page.

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Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search"

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A HELP function is available within the application or you can call 1-800-451-4129 or (208) 327-7906 for help.



## 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

March 18, 2002

W. L. Parnell  
301 N. 8<sup>th</sup>  
Buhl, ID 83316

RE: Snake River Basin Adjudication (SRBA)  
Claim/Subcase No. 51-7034

Dear Mr. Parnell,

This letter concerns your water right in Owyhee County: No. 51-7034. This right was licensed in 1990, but unfortunately the license contained an error. A copy of the license is enclosed for your review.

The irrigated place of use shown on the license in the SW quarter of Section 7 should be shown in the SE quarter. The Bureau of Land Management (BLM) has filed an objection to your water right recommendation in the SRBA because the SW quarter of Section 7 is owned by BLM and is not irrigated. (Please refer to the map enclosed for your information.)

We would like to correct the license and resolve the objection. A letter from you formally requesting the correction is required, however. Please send your letter to:

Mr. Shelley Keen  
Idaho Dept. of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706

Please make the request as soon as possible so that we may proceed to correct your water right. You may call me at (208)327-7925 if you have any questions.

Sincerely,

Roxanne Brown  
Sr. Water Resource Agent  
Idaho Department of Water Resources

Enclosure(s)

Copy of license 51-7034

GIS presentation (map)

CC:

Larry Brown, Attorney for BLM

# MEMORANDUM

**Dated:** March 15, 2002

**To:** Garrick, then to file

**From:** Roxanne Brown

**Re:** Subcase No. 51-7034

---

This right was licensed in 1990 with an error in the Place of Use. The field agent had mapped the POU correctly in the SE quarter of S07, but his written report identified this portion of the POU in the SW quarter of S07. The license was issued containing the error and the SRBA claim was subsequently recommended containing the same error.

BLM objected to the recommendation because the POU in S07 lies on land owned by that agency. The claimant, Mr. Parnell, did not file an objection.

I spoke to Shelley Keen today concerning the error on the license. He stated that although the error is clear in our records, allocations will not proceed with a correction unless the water right owner formally requests we do so. Mr. Parnell, or the current owner, should request the correction by letter to the Department.

Shurte, Jan

---

From: Jones, Doug  
Sent: Thursday, September 30, 1999 4:58 PM  
To: Shurte, Jan

Congrats on your phenomenal accomplishment in B65!

Secondly, I had a contact with William Parnell on 51-07034. I also spoke with Larry Brown, BLM. It appears that the claim was recommended as claimed and licensed. In s7 the pou's in the SW1/4 should actually be in the SE1/4. Could you look on your pou and confirm this? I will contact Parnell and assist him with an amended claim to submit with an SF-4. Get back to me if this is ok and if GIS confirms this conclusion.

Thanks!

Doug

Robanne - It looks like the SE1/4 is the pou on this one. Doug is getting an amended claim (SF4) to Parnell. You have this claim file, so I was hoping you could work with Larry Brown (BLM) on this one. Let me know if we filed the wrong form (SF4?) I wasn't sure if we could change the pou on an SF5 & call it good since it was licensed incorrectly? Thanks, Jan

AJ0729NP  
No. 51-07034

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/04/99  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS                                              | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | W L PARNELL<br>301 N 8th<br>BUHL ID 83316<br>(208) 543-8427 | 12/30/1968       | IRRIGATION | 03-15 11-15           | 6.400 CFS         |                     |
|               |                                                             |                  |            |                       | TOTAL DIVERSION:  | 6.400 CFS           |

Water Source: GROUNDWATER      Tributary to:      Stage: LICENSE

Point(s) of Diversion: T09S R12E S17      NENE      NWSE      OMYHEE County

| Place of use Legal Description for: IRRIGATION |  |  |    |       |  |  |  |       |   |  |  |       |  |   |       |
|------------------------------------------------|--|--|----|-------|--|--|--|-------|---|--|--|-------|--|---|-------|
| T R S                                          |  |  |    | NE    |  |  |  | NW    |   |  |  | SW    |  |   |       |
| Lt Ac                                          |  |  |    | Lt Ac |  |  |  | Lt Ac |   |  |  | Lt Ac |  |   |       |
| 09S 12E 7 :                                    |  |  | 36 | :     |  |  |  | :     |   |  |  | :     |  |   |       |
| 09S 12E 8 :                                    |  |  |    | :     |  |  |  | :     |   |  |  | :     |  |   |       |
| 09S 12E 17 :                                   |  |  | 32 | :     |  |  |  | :     |   |  |  | :     |  |   |       |
| 09S 12E 18 :                                   |  |  | 28 | :     |  |  |  | :     |   |  |  | :     |  |   |       |
| TOTAL ACRES                                    |  |  |    | :     |  |  |  |       | : |  |  |       |  | : |       |
|                                                |  |  |    | :     |  |  |  |       | : |  |  |       |  | : | SUM   |
|                                                |  |  |    | :     |  |  |  |       | : |  |  |       |  | : | 173.0 |
|                                                |  |  |    | :     |  |  |  |       | : |  |  |       |  | : | 54.0  |
|                                                |  |  |    | :     |  |  |  |       | : |  |  |       |  | : | 65.0  |
|                                                |  |  |    | :     |  |  |  |       | : |  |  |       |  | : | 28.0  |
|                                                |  |  |    | :     |  |  |  |       | : |  |  |       |  | : | 320.0 |

POU County: OMYHEE

Remarks: QNT      USE OF THIS RIGHT WITH RIGHT NO. 51-02190 IS LIMITED TO A  
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1836 AF.

POU1      USE OF THIS RIGHT WITH RIGHT NO. 51-02190 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 459 ACRES IN A SINGLE  
IRRIGATION SEASON.

Dates: Exam Made Date: 02/19/1988      Verified Date:      Objection Filed Date: 03/31/1999

Misc: Water District Number:      Field Inspection Flag:      Presumption Flag:

Audit: 07/31/98 RBROWN      11/19/98 CPDSHAFF      11/25/98 ADT--DSHA      04/02/99 UPD--SEGB

# IDWR

## T09S, R12E S07

Owner(s) Parnell  
Claim: 51-07034



POU



POD

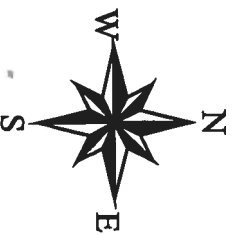


SECTION LINES

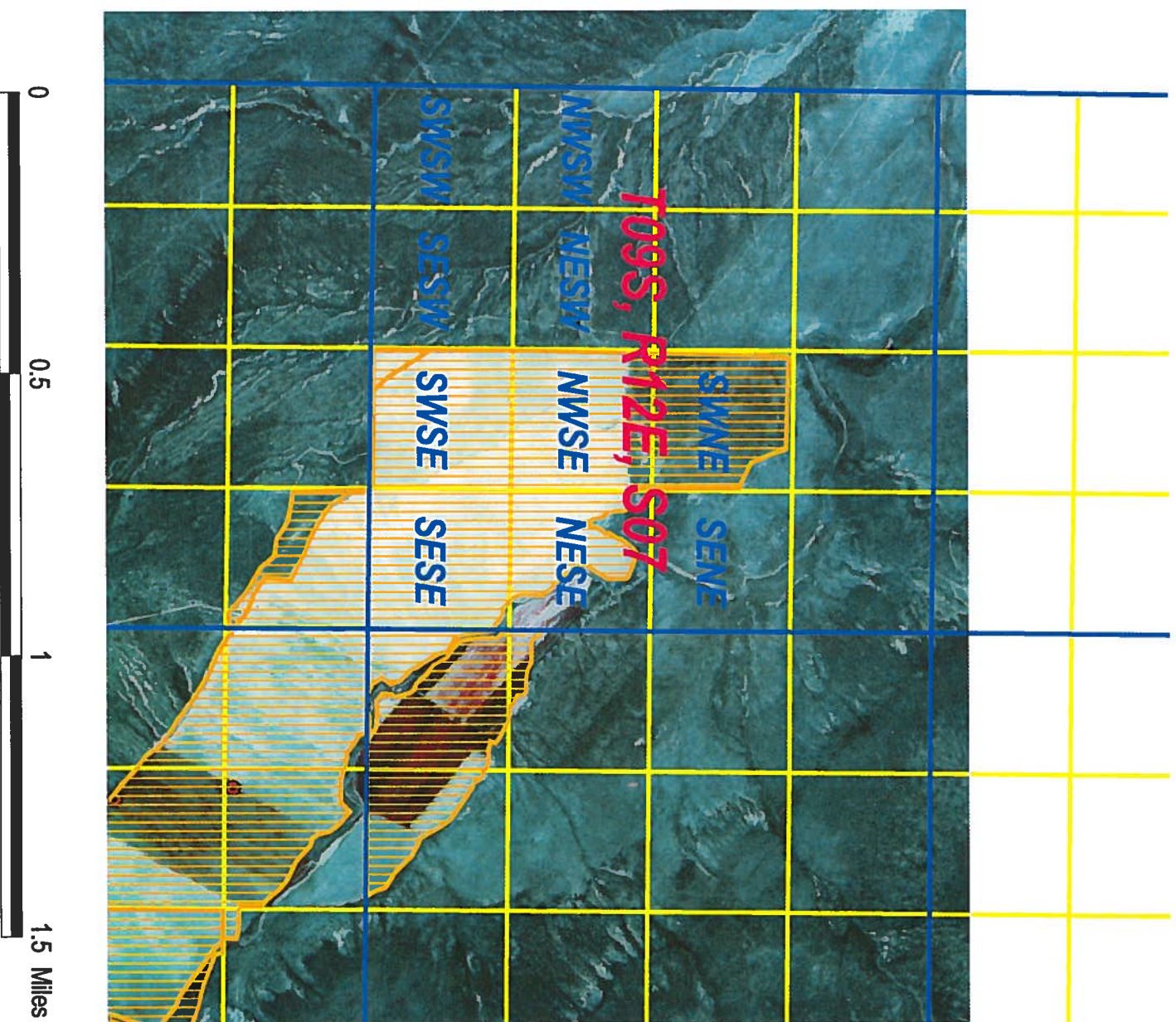


1/4 1/4

Acres



1987 NAPP



August 4, 1998

**NOTICE OF ERROR  
REPLY**

RECEIVED

AUG 31 1998

Department of Water Resources

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:** September 4, 1998

RECEIVED

SEP 01 1998

WATER RESOURCES  
WESTERN REGION

Water right number: 51-07034

W L PARNELL  
301 N 8th  
BUHL ID 83316

RECEIVED

SEP 03 1998

Department of Water Resources

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
  
  
  
  
  
  
  
  
  
  
2. Describe the changes you wish to make in the proposed recommendation:
  
  
  
  
  
  
  
  
  
  
3. Give a brief explanation as to why you disagree with these portions:

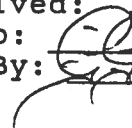
☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 8-27-98 SIGNATURE: William L Parnell  
Please print your name: William L Parnell

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: A51-07034  
Date Received: 1/18/1989  
Receipt No: 2005172  
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: W. L. PARNELL  
Address: 301 N. 8th  
BUHL, ID 83316  
208-543-8427

2. Date of Priority: DEC 30, 1968

3. Source: GROUNDWATER  
DEADMAN CREEK  
Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 09S      | 12E   | 8       | SW     | SW     | SW     |     | OWYHEE |
|          |       | 17      | SW     | NW     | SE     |     | OWYHEE |

5. Description of diverting works:  
WELL, PUMP, PIPELINE, DITCHES, GATED PIPE, DIVERSION DAM

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 6.400  |      |        |

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

8. Total consumptive use is 960.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 09S      | 12E   | 7       | SW     | NE     |     | IRR | 40.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot           | Use | Acres |
|----------|-------|---------|--------|-----|---------------|-----|-------|
| 09S      | 12E   | 7       | NW     | SE  |               | IRR | 40.0  |
|          |       |         | SW     | SE  |               | IRR | 40.0  |
|          |       |         |        |     | Section Acres |     | 120.0 |
|          |       | 17      | SW     | NE  |               | IRR | 40.0  |
|          |       |         | SW     | NW  |               | IRR | 40.0  |
|          |       |         | NE     | SW  |               | IRR | 40.0  |
|          |       |         | NW     | SE  |               | IRR | 40.0  |
|          |       |         |        |     | Section Acres |     | 160.0 |
|          |       | 18      | NE     | NE  |               | IRR | 40.0  |
|          |       |         |        |     | Section Acres |     | 40.0  |
|          |       |         |        |     | Total Acres   |     | 320.0 |

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:  
A51-02190

14. Remarks:  
REINSTATED 2-11-1974.  
I-016864.  
THIS CLAIM ALSO USES WATER FROM DEADMAN CREEK TO SUPPLEMENT THE WELL..

15. Basis of Claim: PERMIT

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): *W. L. Paul* Date: 01-18-89  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 18<sup>th</sup> day  
of Jan 19 89

Seal

*Melvin Gene Gibson*  
Notary Public

Melvin Gene Gibson, Notary Public

Residing at \_\_\_\_\_ Residing at Boise, Idaho

My Commission Expires September 2, 1994  
My Commission Expires \_\_\_\_\_

T 9 S  
R 12 E  
SECTION 17  
SW 1/4 SE  
SECTION 8  
SW 1/4 SW

16

Deadman

3524

20

Well

Well

POD

18

POD

AU0749NP  
No. R51-07034

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 07/31/98  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                              | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | W L PARNELL<br>301 N 8th<br>BUHL ID 83316<br>(208) 543-8427 | 12/30/1968       | IRRIGATION | 03-15 11-15           | 6.40 CFS          |                     |
| TOTAL DIVERSION: |                                                             |                  |            |                       | 6.40 CFS          |                     |

Water Source: GROUNDWATER

Tributary to:

Point(s) of Diversion: T09S R12E S17

NENW NWSE

Stage: License  
VERIFIED BY  
R. Brown  
7-31-98

Place of use Legal Description for: IRRIGATION

|             | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | SUM   |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| T R S       | : Lt | : Ac | : Lt | : Ac | : Lt | : Ac | : Lt | : Ac | : Lt | : Ac | : Lt | : Ac | : Lt | : Ac | : Lt | : Ac | : SUM |
| 09S 12E 7   | :    |      | :    |      | :    |      | :    |      | :    |      | :    |      | :    |      | :    |      | 173.0 |
| 09S 12E 8   | :    |      | :    |      | :    |      | :    |      | :    |      | :    |      | :    |      | :    |      | 54.0  |
| 09S 12E 17  | :    |      | :    |      | :    |      | :    |      | :    |      | :    |      | :    |      | :    |      | 65.0  |
| 09S 12E 18  | :    | 28   | :    |      | :    |      | :    |      | :    |      | :    |      | :    |      | :    |      | 28.0  |
| TOTAL ACRES |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 320.0 |

POU County: Owyhee

Remarks: QNT

USE OF THIS RIGHT WITH RIGHT NO. 51-02190 IS LIMITED TO A  
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1836 AF.

POU1  
USE OF THIS RIGHT WITH RIGHT NO. 51-02190 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 459 ACRES IN A SINGLE  
IRRIGATION SEASON.

Dates: Exam Made Date: 02/19/1988

Verified Date:

Objection Filed Date:

Misc:

Water District Number:

Field Inspection Flag:  
Presumption Flag:

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. 151-07034

|                       | FIELD EXAM<br>Y/N-IF NO,<br>DO OFFICE<br>VERIFICATION | FIELD EXAM<br>OR IN-OFFICE<br>VERIFICATION<br>WHOM/DATE | CLAIM<br>VERIFIED BY<br>CODE<br>(SEE BELOW) | CHANGE<br>CLAIM<br>Y/N | CLAIMANT CONTACT<br>NEEDED - Y/N** | REVIEW<br>COMPLETED<br>WHOM/DATE | "R" RECORD |
|-----------------------|-------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|------------------------|------------------------------------|----------------------------------|------------|
| PRIORITY*             | <u>N</u>                                              | <u>2-19-88</u>                                          | <u>5</u>                                    | <u>Y</u>               | <u>N</u>                           | <u>RTF/13-31-93</u>              |            |
| PT. OF DIV.           |                                                       |                                                         |                                             |                        |                                    |                                  |            |
| SOURCE                |                                                       |                                                         |                                             |                        |                                    |                                  |            |
| PL. OF USE            |                                                       |                                                         |                                             |                        |                                    |                                  |            |
| DIV. AMOUNT<br>CFS/AF |                                                       |                                                         |                                             |                        |                                    |                                  |            |
| CONSUMPTIVE<br>USE    |                                                       |                                                         |                                             |                        |                                    |                                  |            |
| NATURE OF<br>USE      |                                                       |                                                         |                                             |                        |                                    |                                  |            |
| PERIOD OF<br>USE      |                                                       |                                                         |                                             |                        |                                    |                                  |            |
| BASIS OF<br>CLAIM     |                                                       |                                                         |                                             |                        |                                    |                                  |            |
| REMARKS               |                                                       |                                                         |                                             |                        |                                    |                                  |            |

\*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN  
SUBMITTED - YES      NO     .

\*\*IF CLAIMANT CONTACT IS NEEDED, COMPLETE  
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS:

Permit was awarded in 1981, renewed in 1990.

VERIFICATION CODES

TOPO MAP/ORTHO PHOTO = 1  
 ASCS MAP = 2  
 WATERMASTER RECORDS = 3  
 NAPP PHOTOS = 4 (188 18 502)  
 FIELD EXAM = 5  
 OTHER(SEE COMMENTS) = 6

DATA ENTRY COMPLETE  
BY      DATE     

FINAL RECOMMENDATION  
BY      DATE



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

April 27, 1992

W.L. Parnell  
301 N. 8th  
Buhl, ID 83316

Re: Adjudication Claim Nos.: A51-02190, A51-07034

Dear Mr. Parnell,

The Department of Water Resources will be conducting field examinations in your area from May 11 through May 15, 1992. After these examinations are complete, your water rights will be recommended for licensing by the Department or decree by Judge Hurlbutt in the Snake River Basin Adjudication. The recommendations will be based on our findings in the field.

Information on your permit or claim that may need to be verified includes: the source of water used, water uses and amounts of use, legal descriptions of the point of diversion and place of water use and, in some cases, the claimed date of priority.

It is not mandatory that you accompany the field agent during the examination. However, it would be most helpful for yourself, or a knowledgeable representative, to be available should questions arise.

If you have questions, or wish to schedule the examination, please call (208)327-7925 and speak to Roxanne McCarthy or Helen Thornton.

Sincerely,

A handwritten signature in cursive script, reading 'Roxanne McCarthy'.

Roxanne McCarthy  
Sr. Water Resource Agent  
Adjudication Bureau

RM:rm:rm

AJ5853NP  
957

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

DATE: August 4, 1998  
PAGE: 1

RIGHT NUMBER: 51-07034

NAME AND ADDRESS: W L PARNELL  
301 N 8th  
BUHL ID 83316

SOURCE: GROUNDWATER

QUANTITY: 6.4 CFS = 320 inches

USE OF THIS RIGHT WITH RIGHT NO. 51-02190 IS LIMITED TO A  
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1836 AF.

PRIORITY-DATE: 12/30/1968

POINT OF DIVERSION T09S R12E S17 NENW Within OWYHEE County  
NWSE

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|----------------|---------------|----------|
| IRRIGATION     |                | 03-15 11-15   | 6.4 CFS  |

| PLACE OF USE: | IRRIGATION      | Within OWYHEE County |         |         |
|---------------|-----------------|----------------------|---------|---------|
|               | T09S R12E S07   | SWNE 36              | NESW 20 | NWSW 40 |
|               |                 | SESW 40              |         | SWSW 37 |
|               | S08             | NWSW 3               | SWSW 36 | SESW 15 |
|               | S17             | SWNE 32              | NESW 3  | NWSE 30 |
|               | S18             | NENE 28              |         |         |
|               | 320 ACRES TOTAL |                      |         |         |

USE OF THIS RIGHT WITH RIGHT NO. 51-02190 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 459 ACRES IN A SINGLE  
IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RECEIVED

AUG 31 1998

Department of Water Resources

RECEIVED

SEP 01 1998

WATER RESOURCES  
WESTERN REGION

RECEIVED

SEP 03 1998

Department of Water Resources