

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 43-11237
Date Received: 8/8/00
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name:	GLEN PARKE	Phone: (208) 645-2595
Address:	2280 E 1625 S MALTA ID USA 83342	
Name:	ADA PARKE	Phone: (208) 645-2595
Address:	2280 E 1625 S MALTA ID USA 83342	

2. Date of Priority: 06/30/1985

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13S	27E	7	SW SE SE		CASSIA

5. Description of diverting works:

EXISTING WELL TO EXISTING SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or) A.F.A
IRRIGATION	04/01	11/01	0.9

7. Total Quantity Appropriated is:
0.9 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	27E	7	NE	SE	IRRIGATION	13
			SE	NE	IRRIGATION	29
			SE	SE	IRRIGATION	6
						Section Acres 48
						Total Acres 48

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:

14. Remarks:

THIS IS AN EXPANSION OF LICENSED RIGHT 43-02550A AND BENEFICIAL USE RIGHT 43-04196.

15. Basis of Claim: Beneficial Use

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

Date Received

Receipt Number

43-11231

8-8-2000

5023306

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Glen & Ada Parke Phone (208) 645-2594Mailing Address 2280 E. 1625 S. Zip 833422. Date of Priority (Only one (1) per claim) June 30, 19853. Source of water supply (a) Ground Water
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 13 S. Range 27 E. Section 7,
SW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____
1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Existing well delivering to existing
sprinkler system

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4-1 to 11-1 amount 0 9 cfs or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0 9 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
13S	24E	7				1.3									29			6	48

Total number of acres irrigated 48

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
43-2550 A 43-4196 or None ()

14. Remarks: THIS IS AN EXPANSION OF LICENSED RIGHT 43-02550
AND 43-04196.

Last Name Parke Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

See attached map

[illegible]

Last Name

Parke

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Elen Parke

Date 8-8-2000

Elen Parke

Date 8-8-2000

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of Swain) SS.

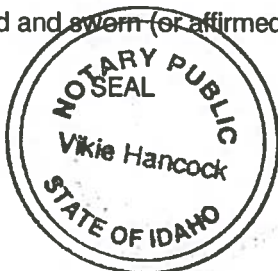
Subscribed and sworn (or affirmed) before me this _____

8th

day of

August

2000



Notary Public Vikie Hancock

Residing at Buhl, Idaho

My Commission Expires 5-7-2003

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

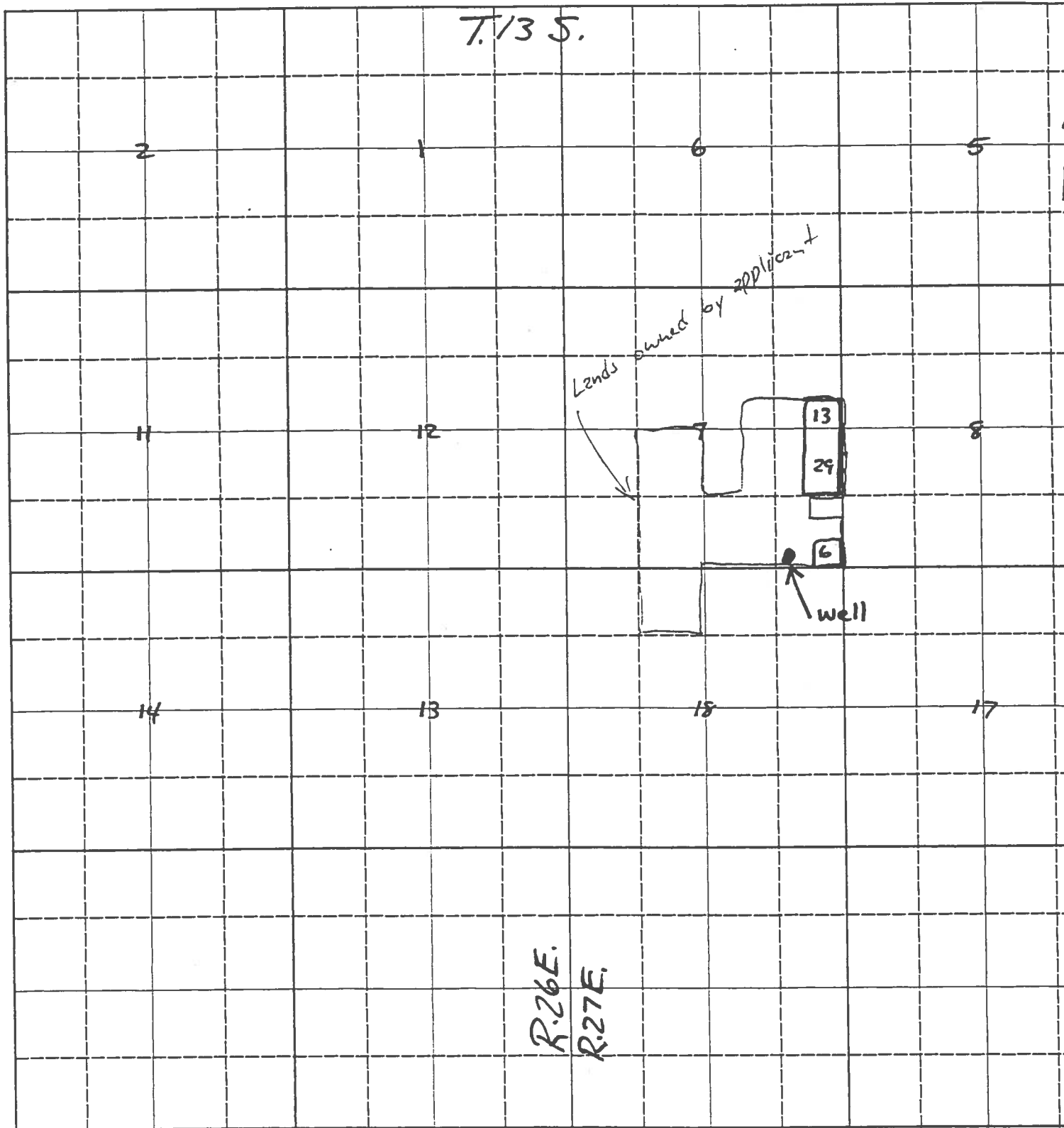
Date _____

Last Name Parke

Ident. Number _____

Copies White-State, Yellow-Claimant

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Alan Parker
(Applicant)

12/08/2000

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

RIGHT NUMBER: 43-11237
NAME AND ADDRESS: ADA PARKE
GLEN PARKE
2280 E 1625 S
MALTA, ID 83342

VERIFIED BY KKC

SOURCE: GROUND WATER

QUANTITY: 0.53 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
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.70 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 784 AF. COMBINED RIGHT NOS.: 43-2550A AND 43-11237.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION:	T13S R27E S7	SWSESE	Within CASSIA County
	T13S R27E S18	SWNENW	Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	0.53 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

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.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 196 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 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.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-2550A PURSUANT TO SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 48 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

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.

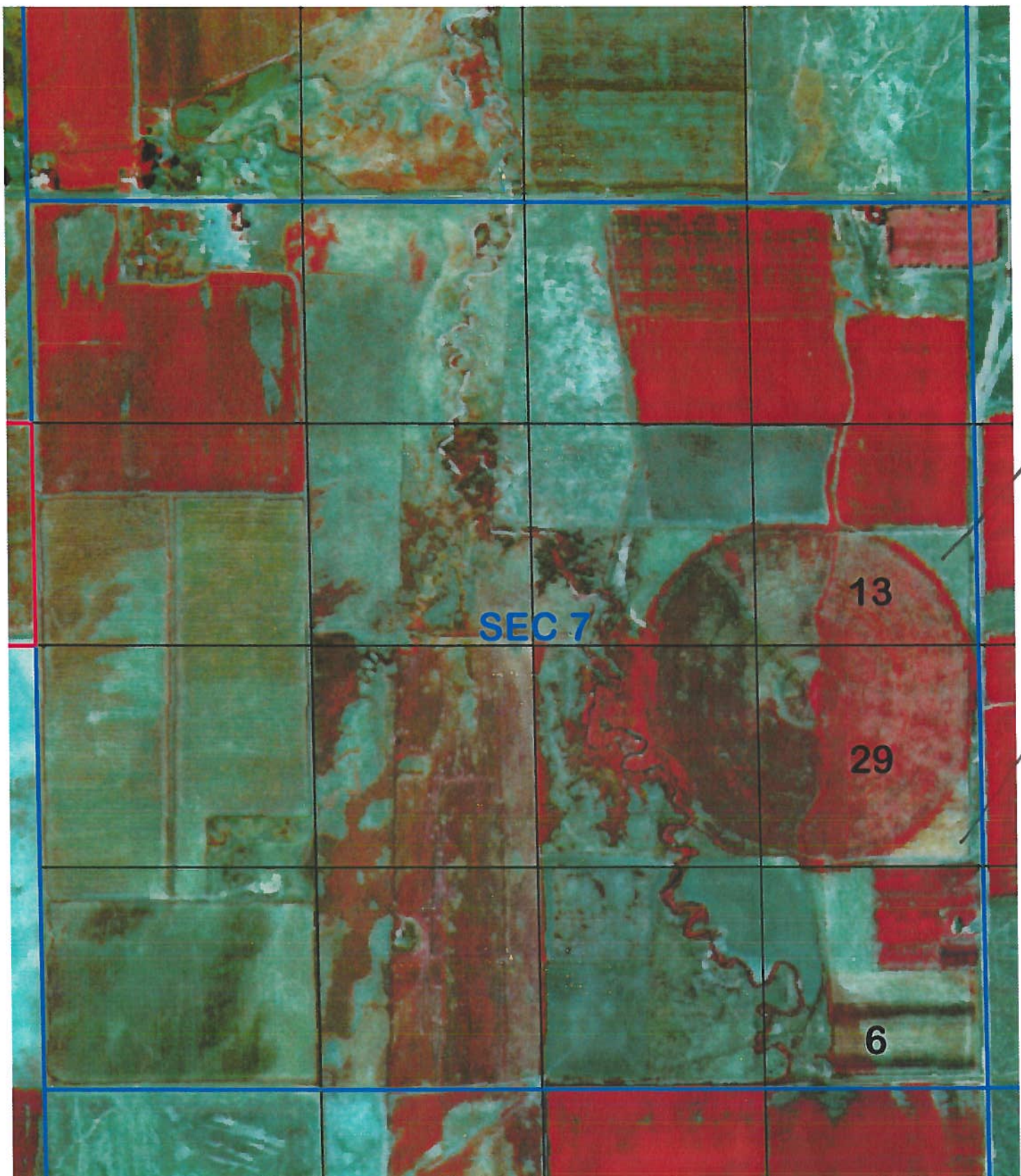
GENERAL SYSTEM ANALYSIS

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.

CLAIM NO(S): PARKE
EXPANSION CLAIM OF
43-02550A

FILE NOTES

TWP 13S RNG 27E
SEC 7



V. HANCOCK

1968 AERIAL PHOTOGRAPHY

Hancock, Vikie

Subject: Parke, Glen and Ada
Entry Type: Meeting

Start: Tue 8/8/00 3:00 PM
End: Tue 8/8/00 4:00 PM
Duration: 1 hour

Categories: B43, Critical GW Area, Expansion/Enlargement, New Claim

Mr. and Mrs. Parke came into the office in response to a letter they received about their application for permit 43-07220 on hold in the RRCGWA. They had met with Jim Stanton and winthdrawn their application and will be recieving a refund from the SO.

As it appeared that they had developed the land described in their application for permit prior to 1987, Jim brought them in to me to file an expansion claim in the SRBA. I explained to them the limits of an expansion claim in a CGWA and that the priority date had been legislated to be 1985. They filled out a Notice of Claim using the info on their permit application and submitted a check for \$98.00 (\$50 filing fee, 48 acres).

As the database is still in some sort of incomplete status, I attempted to enter the new claim. I gave Mr. and Mrs. Parke their yellow copy of the handwritten Notice & receipt, and explained to them that it may be a while before they recieve a nice printed form in the mail. I told them that if they had any questions to call me. I also told them that Jeanie Robertson would most probably be investigatin their claims and that they may hear from her in the future.

I put the new claim on Jeanie's desk.

Hancock, Vikie

Subject: Parke, Glen and Ada
Entry Type: Meeting

Start: Tue 8/8/00 3:00 PM
End: Tue 8/8/00 4:00 PM
Duration: 1 hour

Categories: B43, Critical GW Area, Expansion/Enlargement, New Claim

Mr. and Mrs. Parke came into the office in response to a letter they received about their application for permit 43-07220 on hold in the RRCGWA. They had met with Jim Stanton and winthdrawn their application and will be recieving a refund from the SO.

As it appeared that they had developed the land described in their application for permit prior to 1987, Jim brought them in to me to file an expansion claim in the SRBA. I explained to them the limits of an expansion claim in a CGWA and that the priority date had been legislated to be 1985. They filled out a Notice of Claim using the info on their permit application and submitted a check for \$98.00 (\$50 filing fee, 48 acres).

As the database is still in some sort of incomplete status, I attempted to enter the new claim. I gave Mr. and Mrs. Parke their yellow copy of the handwritten Notice & receipt, and explained to them that it may be a while before they recieve a nice printed form in the mail. I told them that if they had any questions to call me. I also told them that Jeanie Robertson would most probably be investigatin their claims and that they may hear from her in the future.

I put the new claim on Jeanie's desk.

REQUEST FOR WITHDRAWAL OF APPLICATION FOR PERMIT

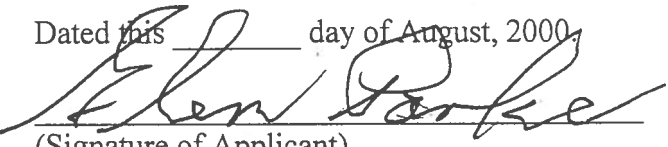
To: State of Idaho Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, ID 83301-3380

Gentlemen:

I/We wish to withdraw Application for Permit to appropriate the Public Waters of the
State of Idaho, No. 43-07220.
The application is filed in the name of Glen & Ada Burke.

I/We request a refund of the filing fee paid for said application.

Dated this 15 day of August, 2000


(Signature of Applicant)

(Title)

HC 72 Box 2008, Ma/tt, ID 83342
(Address)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Glen & Ada Parke Phone 645-2595
Post office address Malta, Idaho, 83342
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 7 Township 13S. Range 27E. B.M. Cassia County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.98 for Irrig. purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.98 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Existing well
delivering to an existing sprinkler system.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

8. Description of proposed uses *irrigation only, go to item 9*:

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13S.	27E.	7				13									29			6	48

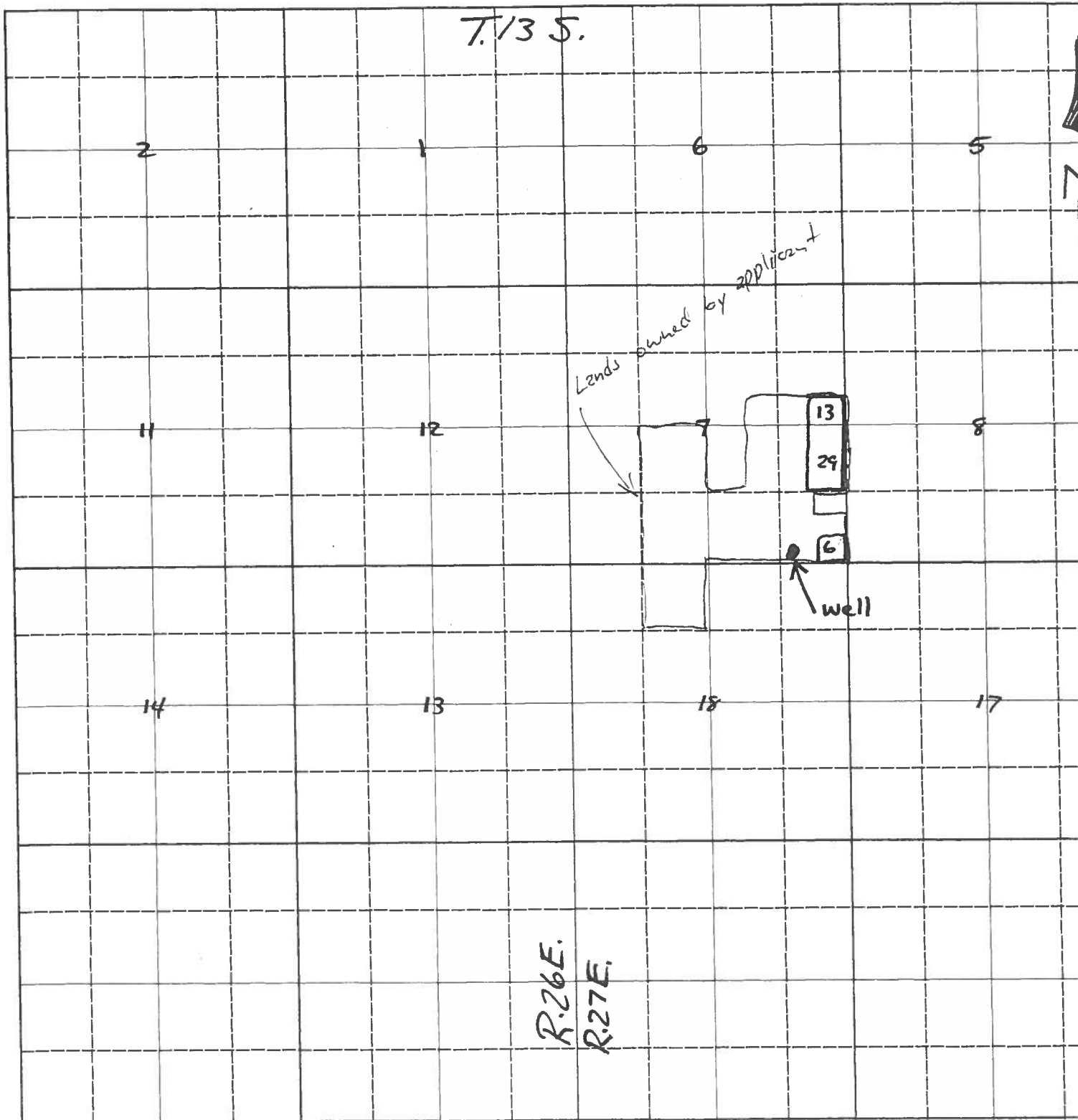
Total number of acres to be irrigated 48

10. Describe any other water rights used for the same purposes as described above. 43-2550 & 43-4196 are used out of same well on adjacent lands.

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: This filing is being made to insure that the benefits of subordination per the Swan Falls Agreement are obtained since these lands expended prior to 10/1/1984.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Alan Parker
(Applicant)

Received by ADM Date 6/28/85 Time 9:45 Preliminary check by YB
Fee \$ 45⁰⁰ Received by ADM # 3664C Date 6/28/85
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

MALTA ID 83342
(208) 645-2595

Stage: LICENSE

CASSIA County

NE

TOTAL ACRES

Other Rights: A43-00233, D4215, 00127A

Remarks: GEN TRANS. 3126.
RAFT RIVER WATER & CASSIA CREEK WATER ALSO USED ON ACRES, ALONG
WITH AN ADDITIONAL WELL. 208 ACRES FARNED.

Dates:	Exam Made Date:	Verified Date:	09/23/1985	Objection Filed Date:
--------	-----------------	----------------	------------	-----------------------

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

Audit: 05/11/89 WHITE 03/30/95 POST-STD

CASSIA County

SE

TOTAL ACRES	196.0
-------------	-------

43-02250 43-02329 43-02424 43-02485 43-02508

Priority Date: 08/02/1962

USE PERIOD		DIVERSION	DIVERSION
FROM	TO	RATE	VOLUME
04/01	11/01	2.140 CFS	
11/01	03/01	0.050 CFS	

CASSIA County

TOTAL ACRES

43-02550A