

received
9-8-93

8
RECEIVED

SEP 13 1993

Department of Water Resources
Adjudication Bureau

1993 SEP -9 AM 8:21

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 the General Adjudication)
of Rights to the Use of Water)
From the Snake River)
Basin Water System)

Case No. 39576

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

ORDER GRANTING THE MOTIONS
OF JOSEPH L. PARKINSON TO
AMEND NOTICE OF CLAIM NOS.
57-00093, 57-00141,
AND 57-00165

Petitioner,)

vs.)

57-00093 -0001
57-00141 -0001
57-00165 -0001/
93-09-0054

United States; State of Idaho;)
and all unknown claimants to)
the use of water from the)
Snake River Drainage Basin)
Water System,)

Respondents.)

Joseph L. Parkinson, Boise, Idaho

David J. Barber, Deputy Attorney General, on behalf of the
Idaho Department of Water Resources.

The Motions to Amend Notice of Claim Nos. 57-00093,
57-00141, and 57-00165 by Joseph L. Parkinson came on for hearing
and determination on August 24, 1993 at 1:30 p.m. Based on the
hearing and record in this matter, the court makes the following
findings of fact and conclusions of law:

ORDER GRANTING THE MOTIONS OF JOSEPH L. PARKINSON TO AMEND NOTICE
OF CLAIM NOS. 57-00093, 57-00141, AND 57-00165 -- PAGE 1

RECEIVED
JUL 13 1993

FINDINGS OF FACT

1. Mr. Joseph L. Parkinson filed motions to amend Notice of Claim Nos. 57-00093, 57-00141, and 57-00165. The motions ask that 2.5 acres of land be added to the place of use for each designated water right. Mr. Parkinson represented that he would pay any necessary fee.

2. Mr. Parkinson served the following persons with copies of his motions:

- a. Chief, Natural Resources Division, Office of the Attorney General, State of Idaho;
- b. The United States Department of Justice; and
- c. The United States Department of the Interior, Bureau of Land Management.

The Motion to Amend Notice of Claim also appeared on the Docket Sheet for the month of July 1993.

3. The Idaho Department of Water Resources (IDWR) filed a *Response of the Idaho Department of Water Resources to Motion to Amend Notice of Claim No. 57-00093* and identical responses for Notices of Claim Nos. 57-00141 and 57-00165. The IDWR did not oppose the proposed amendment.

6. Mr. Parkinson appeared at the hearing by telephone conference call.

7. Mr. Barber argued on behalf of the Idaho Department of Water Resources.

CONCLUSIONS OF LAW

1. Adequate notice of this proceeding was provided.

2. Mr. Parkinson's Motions to Amend Notice of Claim Nos. 57-00093, 57-00141, and 57-00165 should be granted. Since these changes add land to the designated place of use, an additional Notice of Claim fee is required under Idaho Code § 42-1414.

IT IS ORDERED that Mr. Parkinson's Motions to Amend Notice of Claim Nos. 57-00093, 57-00141, and 57-00165 are granted. Mr. Parkinson shall pay the required Notice of Claim fee for this addition of land to the place of use. Attachment I contains the revised Notices of Claim.

DATED this 9 day of September, 1993.



DANIEL C. HURLBUTT, JR.
Presiding Judge
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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A57-00093
Date Received: 1/19/1989
Receipt No: C005201
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JAMES W GARRETT 208-338-1412
Address: 4492 KELDOON
BOISE ID 83702
OR
Name: ANNETTA J GARRETT 208-338-1412
Address: 4492 KELDOON
BOISE ID 83702
OR
Name: JOSEPH L PARKINSON
Address: 123 WEST HIGHLAND VIEW DRIVE
BOISE ID 83702

2. Date of Priority: APR 1, 1884

3. Source: CASTLE CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	01W	16	SE	SW	NE		OWYHEE

5. Description of diverting works:
ROCK AND GRAVEL DAM AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.160		
STOCKWATER	04/01	10/15	0.160		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 700 HD CATTLE, 30 HORSES

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A57-00141
Date Received: 1/19/1989
Receipt No: C005201
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ANNETTA J GARRETT 208-338-1412
Address: 4492 KELDOON
BOISE ID 83702

OR

Name: JOSEPH L PARKINSON
Address: 123 WEST HIGHLAND VIEW DRIVE
BOISE ID 83702

OR

Name: JAMES W GARRETT 208-338-1412
Address: 4492 KELDOON
BOISE ID 83702

2. Date of Priority: APR 1, 1904

3. Source: CASTLE CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	01W	16	SE	SW	NE		OWYHEE

5. Description of diverting works: ROCK AND GRAVEL DAM AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.040		
STOCKWATER	04/01	10/15	0.040		

7. Total Quantity Appropriated is: 0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 700 HD CATTLE, 30 HORSES

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

State of Idaho)
) SS.
County of _____)

Seal

Residing at _____

My Commission Expires _____

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: A57-00165
Date Received: 1/19/1989
Receipt No: C005201
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JAMES W GARRETT 208-338-1412
Address: 4492 KELDOON
BOISE ID 83702
OR
Name: ANNETTA J GARRETT 208-338-1412
Address: 4492 KELDOON
BOISE ID 83702
OR
Name: JOSEPH L PARKINSON
Address: 123 WEST HIGHLAND VIEW DRIVE
BOISE ID 83702

2. Date of Priority: APR 1, 1911

3. Source: CASTLE CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	01W	16	SE	SW	NE		OWYHEE

5. Description of diverting works:
ROCK AND GRAVEL DAM AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.030		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

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

9. Non-irrigation uses:
STOCKWATER, 700 HD CATTLE, 30 HORSES

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____