

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 37-525B
Date Received: 8/9/1988
Receipt No: S001367
Received By:

**AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DAVID PARKE Phone: (208)823-4640

PO BOX 276
CAREY ID USA 83320

TASHA PARKE Phone: (208)823-4640

PO BOX 276
CAREY ID USA 83320

2. Date of Priority: 05/05/1883

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	21E	34	SW SE SW	BLAINE	R
01N	21E	30	NW SW SE	BLAINE	
02S	21E	3	SE SW NW	BLAINE	R

5. Description of diverting works:

HEADGATE & WEST CANAL TO P/U, PUMP IN WEST CANAL TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.38	

7. Total Quantity Appropriated is:
0.38 C.F.S. and/or 292.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
02S	21E	3	NE	NW	3	IRRIGATION	19
Section Acres							19
Total Acres							19

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

SHARES IN LITTLE WOOD IRRIGATION DISTRICT

14. Remarks:

37-525B AMENDED TO DELETE ENLARGEMENT ACRES. SEE SRBA CLAIM 37-21270 FOR ACRES ORIGINALLY CLAIMED IN E1/2 SECTION 4 UNDER THIS CLAIM. THIS CLAIM AND CLAIM 37-21270 IS LIMITED TO THE DIVERSION OF .38 CFS.

PUMP IN WEST CANAL IS LOCATED WHERE ORIGINAL HEADGATE IN CANAL WAS. ROBB PECK OWNS THE PUMP, WHICH ALSO SERVES 37-0525A. I IRRIGATED 19 ACRES WHEN THE GROUND WAS UNDER GRAVITY.

THE LAND IN SEC. 4 WAS PUT UNDER THIS RIGHT IN 1974 OR 1975 TO SUPPLEMENT THE CANAL SHARES & STORED WATER I HAVE ON THIS LAND. I OPERATE MY OWN PUMP IN THE WEST CANAL TO TAKE THIS WATER TO 4 SPRINKLER LINES.

CLAIMANT HAS 103.6 AC. FT. OF STORAGE WATER IN LITTLE WOOD RES. AND 4.5 SHARES OF LITTLE WOOD RIVER CANAL COMPANY STOCK.

15. Basis of Claim: Decreed

16. Signature(s)

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct. Signature of Claimant(s):

David M. Peck Date: 2-23-04

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 23 of Feb 2004



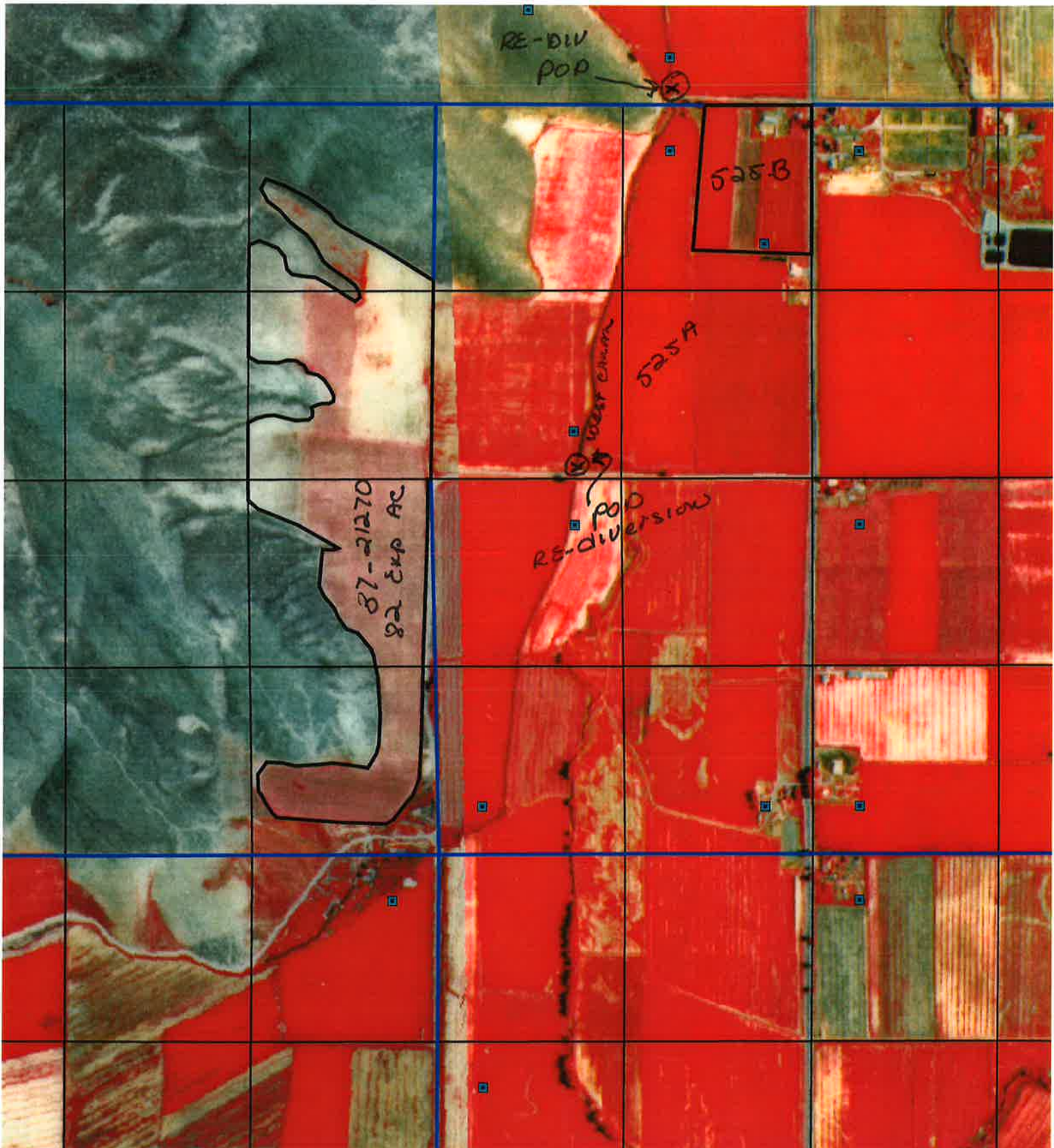
Vikie Hancock

Notary Public

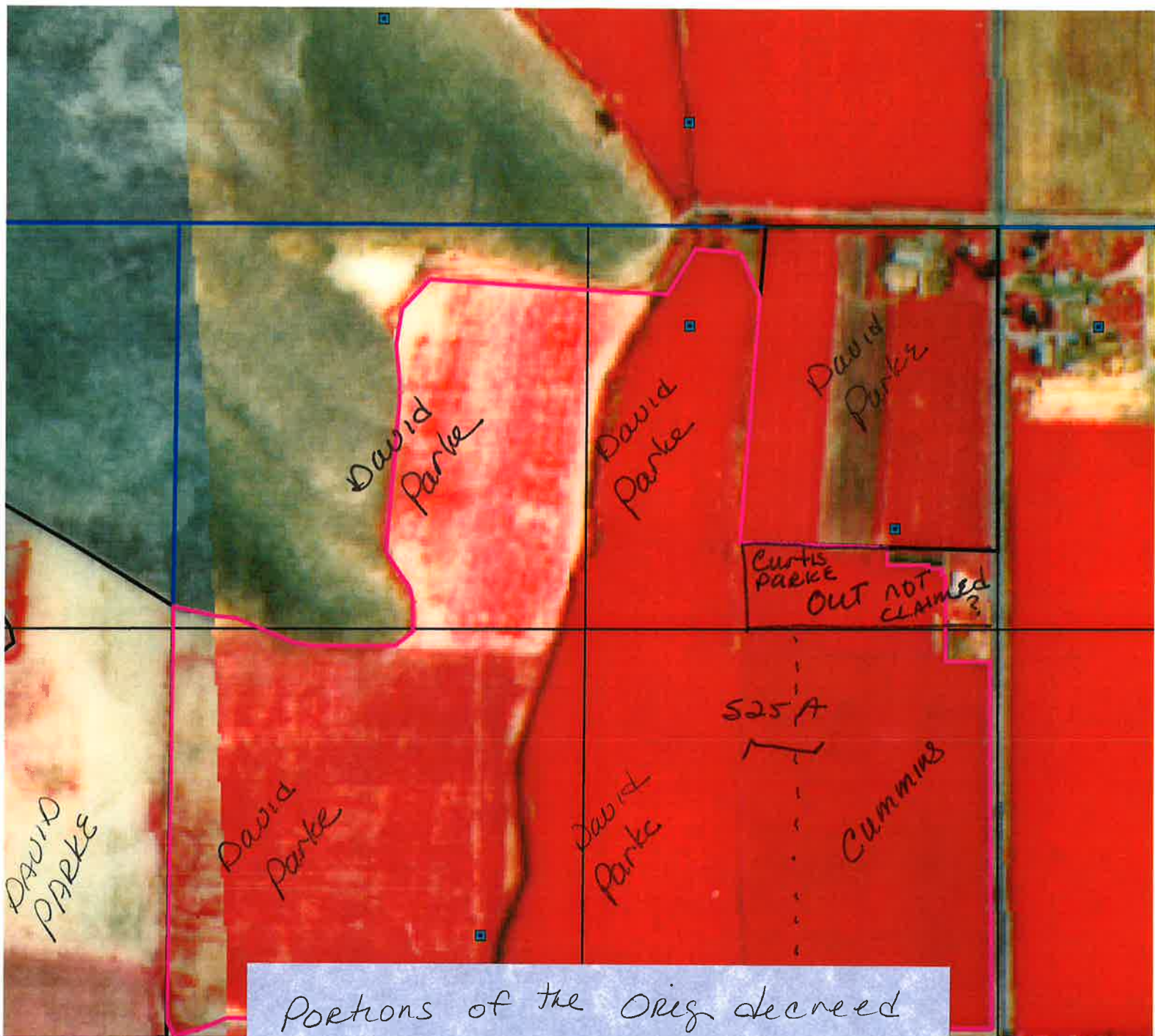
Residing at Buhl, Idaho

My commission Expires 5-7-2009

Correction to Diversion Legal at dam per Quad Y27
Re-diversion points per claimant 2/23/04



37-525A, -525B -21270



Portions of the Orig decreed
DOU of 37-525 are now owned
by 3 parties

≈ 20 AC SE NW = Cummins Farms

≈ 7 AC SW NE NW = Curtis Parke

Balance owned by David Parke
(Curtis Parke is in phone book
Cummins = 432-6675 Martaugh

RECEIVED
AUG 14 2003
Department of Water Resources

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IN AND FOR THE COUNTY OF TWIN FALLS

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1. Name of Claimant(s)

DAVID PARKE Phone: (208)823-4640
PO BOX 276
CAREY ID 83320

TASHA PARKE Phone: (208)823-4640
PO BOX 276
CAREY ID 83320

2. Date of Priority: 05/05/1883

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER
LITTLE WOOD RIVER MALAD RIVER
LITTLE WOOD RIVER MALAD RIVER

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01N	21E	30	NE SW NE	BLAINE	
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7. Total Quantity Appropriated is:
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8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
02S	21E	3	NE	NW	3	IRRIGATION	19
						Section Acres	19
02S	21E	4	SE	NE		IRRIGATION	26
			NE	SE		IRRIGATION	28
			SE	SE		IRRIGATION	16
			NE	NE	1	IRRIGATION	9
						Section Acres	79
						Total Acres	98

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

PUMP IN WEST CANAL IS LOCATED WHERE ORIGINAL HEADGATE IN CANAL WAS. ROBB PECK OWNS THE PUMP, WHICH ALSO SERVES 37-0525A. I IRRIGATED 19 ACRES WHEN THE GROUND WAS UNDER GRAVITY.

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15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 23, 2003

DAVID PARKE
TASHA PARKE
PO BOX 276
CAREY ID 83320-0276

Re: SRBA Claim(s) 37-525A, 37-525B

Dear Mr. and Mrs. Parke:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Enclosed you will also find your check number 1499 in the amount of \$50.00. Because the Snake River Basin Adjudication District Court has not yet decreed your claims, no fees are due to change ownership.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

RECEIVED

JAN 22 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-525B					
37-525B					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) NOEL E PARKE FAMILY TRUST
PO BOX 217 CAREY ID 83320
4. New Owner/Claimant(s) DAVID PARKE or TASHA PARKE
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO BOX 276
- City, State and ZIP Code CAREY ID 83320
- New Telephone Number (208) 823 4640
5. Date you acquired the property 1/9/98

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) *Jasha Parke*

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by <i>[Signature]</i>	Date <i>9/1/22/03</i>	Fee _____	
Received by _____	Date _____	Receipt No. _____	
Processed by <i>[Signature]</i>	Date <i>1/23/03</i>	WR _____	Date _____

Order No. 23741

WARRANTY DEED

FOR VALUE RECEIVED

~~2/9~~
VAL PARKE, DARWIN PARKE, and DARREL~~E~~ PARKE, TRUSTEES OF THE NOEL E. PARKE FAMILY TRUST

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

DAVID M. PARKE and TASHA C. PARKE, husband and wife

GRANTEE(s) whose address is: P.O. Box 276, Carey, ID 83320

the following described real property in Blaine County, Idaho, to wit:

PARCEL I:

TOWNSHIP 2 SOUTH, RANGE 21 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 3: COMMENCING at the Northeast corner of the Northwest quarter of said Section 3, thence running
S. 1100 feet; thence
W. 800 feet; thence
N. 1100 feet; thence
E. 800 feet to the POINT OF BEGINNING; (Tax Lot 4036)

EXCEPTING therefrom the following described parcel:

COMMENCING at the Northeast corner of the Northwest quarter of said Section 3, thence running
S. 258 feet; thence
W. 185 feet; thence
N. 258 feet; thence
E. 158 feet to the POINT OF BEGINNING; (Tax Lot 4034)

AND FURTHER EXCEPTING any portion of the Highway right-of-way.

PARCEL II:

TOWNSHIP 2 SOUTH, RANGE 21 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 4: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ (Tax Lot 2771)

EXCEPTING therefrom the following described parcel:

A tract of land being the Southerly 243 feet of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 4, more particularly described as follows:

COMMENCING at the Southeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 4, thence
N. along the East boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, a distance of 243 feet; thence
W. 1320 feet to the West boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence
S. 243 feet to the South boundary of the Southwest corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence
E. along the South boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, a distance of 1320 feet to the POINT OF BEGINNING. (Tax Lot 2770)

AND FURTHER EXCEPTING any portion of Shed Road.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Val Parke Trustee
VAL PARKE, TRUSTEE

DARRELL PARKE, TRUSTEE

DARWIN PARKE, TRUSTEE

State of Idaho }
 }ss.
County of Blaine }

WITNESS my hand and official seal.

Nancy L. Stallen

PARKE FAMILY TRUST

NAME OF GRANTOR

NAME OF GRANTEE

NOTARY PUBLIC

STATE OF IDAHO

State of Utah }
County of } ss.
County of }

On this 11 day of January in the year 1998 before me, the undersigned, personally appeared **DARRELL PARKE**, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as trustee(s) of the **NOEL E. PARKE FAMILY TRUST**, and acknowledged to me that he/she/they executed the same as such trustee(s).

WITNESS my hand and ~~official seal~~.

Notary Public
Commission Expires: X

..\\escrow\\forms\\wd

DP TCP

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 9, 1998

VAL PARKE, TRUSTEE

X Darrell Parke
DARRELL PARKE, TRUSTEE

DARWIN PARKE, TRUSTEE

State of Idaho }
County of Blaine } ss.

On this _____ day of January in the year 1998 before me, the undersigned, personally appeared VAL PARKE and DARWIN PARKE, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as trustee(s) of the NOEL E. PARKE FAMILY TRUST, and acknowledged to me that he/she/they executed the same as such trustee(s).

WITNESS my hand and official seal.

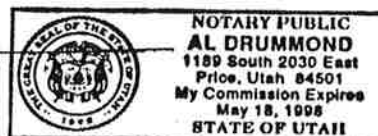
Notary Public
Commission Expires: 10-17-01

State of Utah }
County of DAVIS } ss.

On this 9th day of January in the year 1998 before me, the undersigned, personally appeared DARRELL PARKE, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as trustee(s) of the NOEL E. PARKE FAMILY TRUST, and acknowledged to me that he/she/they executed the same as such trustee(s).

WITNESS my hand and official seal.

X [Signature]
Notary Public
Commission Expires: X



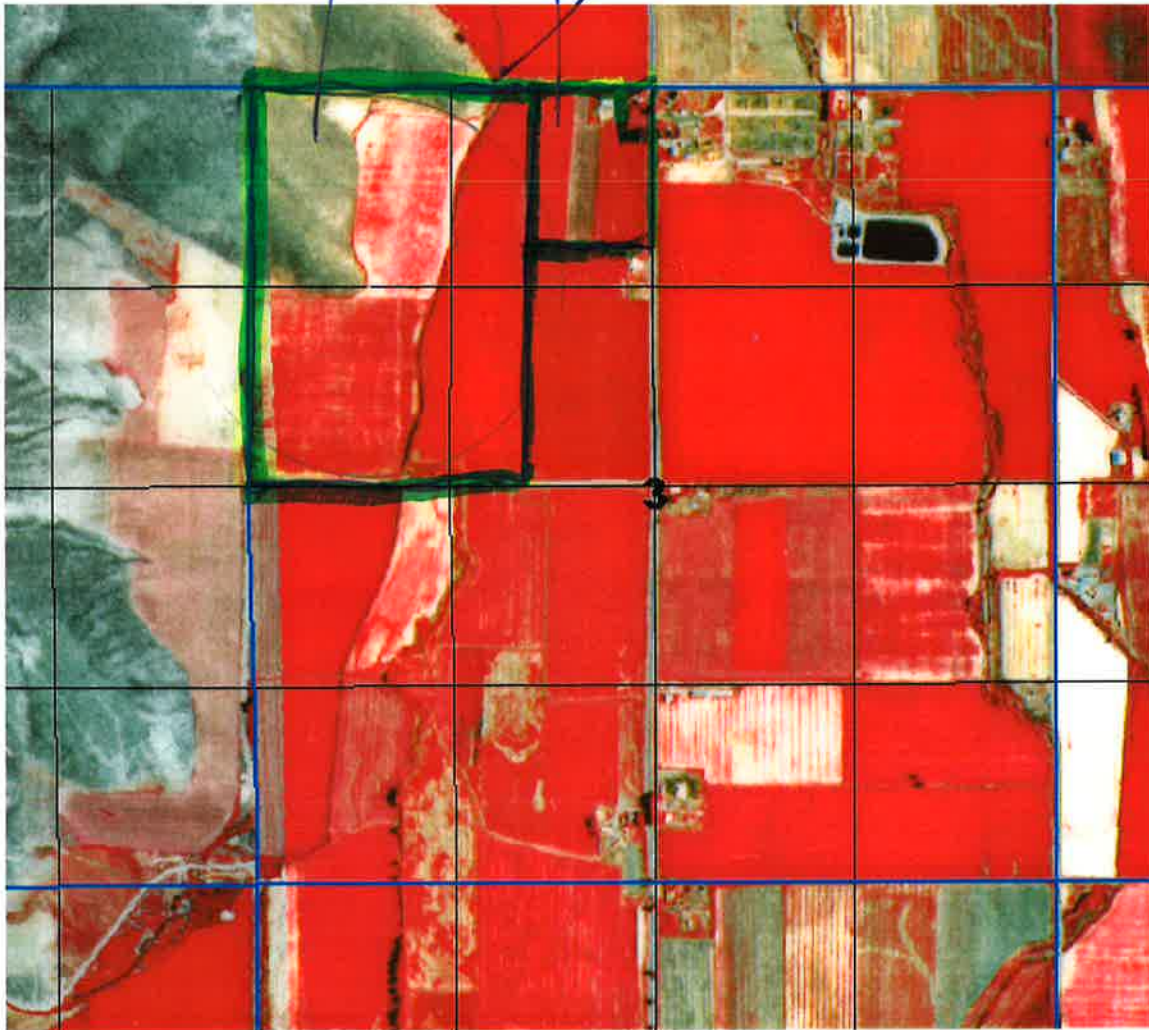
This document may be executed simultaneously in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

37-525A

37-525B

Twp 2S, Rng 21E Sec 3 & 4

POINT OF DIVERSION FOR BOTH PARCELS
PUMP IN CANAL



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

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Ident. Number: A37-00525B
Date Received: 8/09/1988
Receipt No: S001367
Received By: Adm

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: NOEL E. PARKE FAMILY TRUST 208-823-4404
Address: C/O DARWIN PARKE
P. O. BOX 217
CAREY, ID 83332-0

2. Date of Priority: MAY 05, 1883

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	21E	30	NE	SW	NE		BLAINE
01S	21E	34	SW	SE	SW	R	BLAINE
02S	21E	3	SE	SW	NW	R	BLAINE

5. Description of diverting works:
HEADGATE & WEST CANAL TO P/U, PUMP IN WEST CANAL TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.380		

7. Total Quantity Appropriated is:
0.380 C.F.S. (and/or) 292.50 A.F.A.

8. Total consumptive use is 292.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	21E	3	NE	NW	3	IRR	19.0

Section Acres 19.0

A37-00525B

Page 1

Date: 09/21/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	21E	4	NE	NE	1	IRR	9.0
			SE	NE		IRR	26.0
			NE	SE		IRR	28.0
			SE	SE		IRR	16.0
			Section Acres				79.0
			Total Acres				98.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

STORED WATER IN LITTLE WOOD RES. ALSO CANAL SHARES.

14. Remarks:

PUMP IN WEST CANAL IS LOCATED WHERE ORIGINAL HEADGATE IN CANAL WAS. ROBB PECK OWNS THE PUMP, WHICH ALSO SERVES 37-0525A. I IRRIGATED 19 ACRES WHEN THE GROUND WAS UNDER GRAVITY. THE LAND IN SEC. 4 WAS PUT UNDER THIS RIGHT IN 1974 OR 1975 TO SUPPLEMENT THE CANAL SHARES & STORED WATER I HAVE ON THIS LAND. I OPERATE MY OWN PUMP IN THE WEST CANAL TO TAKE THIS WATER TO 4 SPRINKLER LINES. CLAIMANT HAS 103.6 AC. FT. OF STORAGE WATER IN LITTLE WOOD RES. AND 4.5 SHARES OF LITTLE WOOD RIVER CANAL COMPANY STOCK.

15. Basis of Claim: DECREED

Case Number:

Court : FOURTH

Decree date: 12/13/1909

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am TRUSTEE of
Noel Farke Family Trust that I have signed the foregoing
Organization document in the space below as TRUSTEE of
Noel Farke Family Trust and that the statements contained in the
Organization foregoing document are true and correct.
Signature of Authorized Agent
Title and Organization
Date 9/21/88

State of Idaho)
County of Twink Falls) SS.

Subscribed and sworn (or affirmed) before me this 21 day
of Sept. 19 88
Notary Public

Seal

Residing at Kimberly, Id
My Commission Expires 6/30/94

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Receipt No: 500/367
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Address: C/O DARWIN PARKE
P. O. BOX 217
CAREY, ID 83332-0

2. Date of Priority: MAY 05, 1883

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Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02S	21E	3	NE	NW	3	IRR	19.0

Section Acres 19.0

A37-00525B

Page 1

Date: 08/09/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	21E	4	NE	NE	1	IRR	9.0
			SE	NE		IRR	26.0
			NE	SE		IRR	28.0
			SE	SE		IRR	16.0
						Section Acres	79.0
						Total Acres	98.0

11. Place of use in counties: BLAINE

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S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not x 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): *Doreen M. Torke*

trustee
Date: 8/9/88

Date: _____

State of Idaho)

County of Twin Falls)

SS.

Subscribed and sworn (or affirmed) before me this 9th day

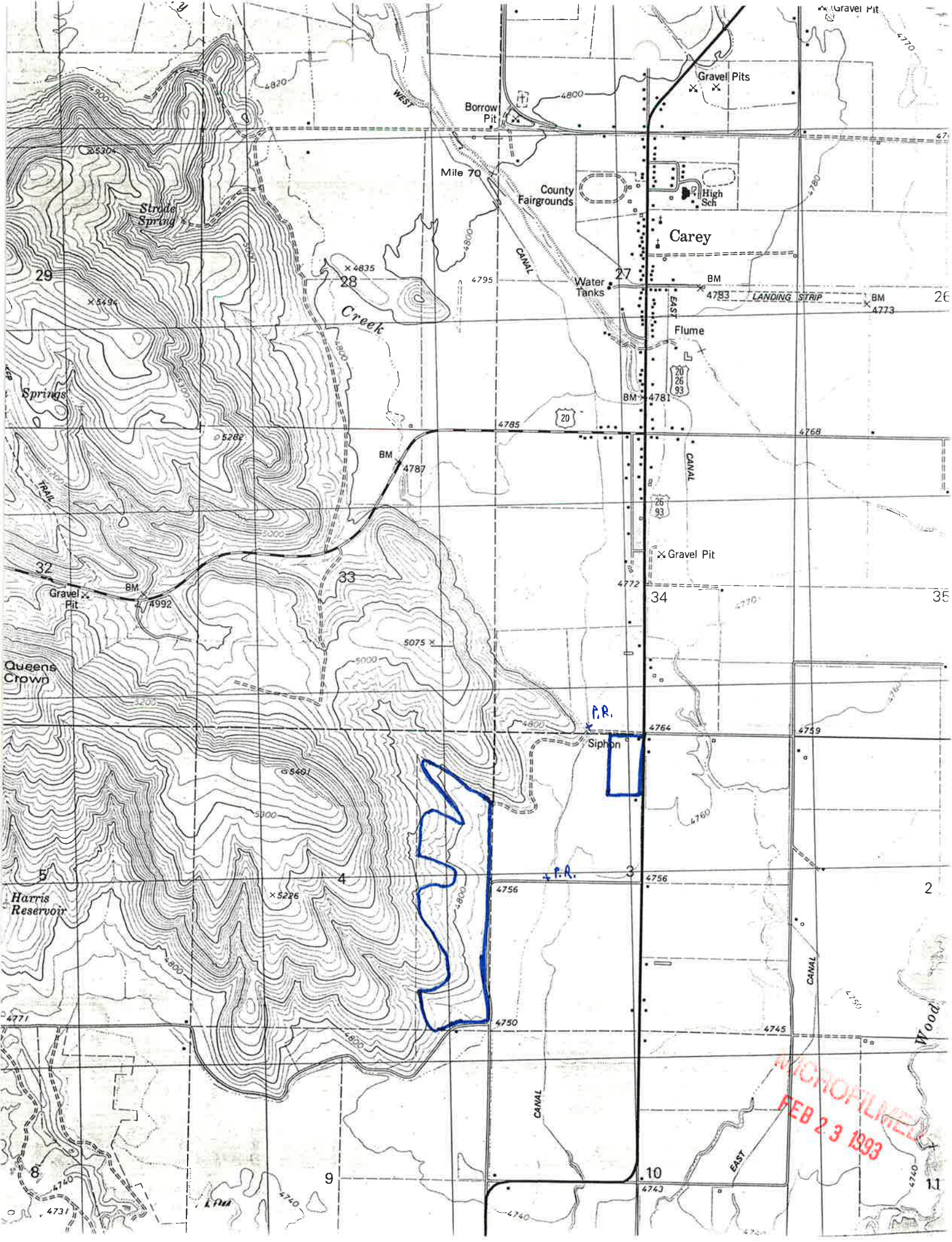
of August 19 88

Roxanne Story
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94



C-218

390

C-171-12

4380

①

A

46.2

R-4

6 acres

act

3.5

T-225

T-226

WICHITA
FEB 23 1950

TRUST AGREEMENT

1
2 This Trust Agreement made and entered into this 27th
3 day of February, 1988, between NOEL E. PARKE, hereinafter called
4 Grantor, and NOEL E. PARKE, VAL PARKE, DARWIN PARKE and DARREL
5 PARKE, hereinafter called Trustees.

6 1. Trust Property. The Grantor does hereby on this
7 date assign and deliver to the Trustees, in trust, all of his
8 property, which property is listed in Schedule A attached hereto,
9 with proper conveyances of the real and personal property to the
10 Trustees, the receipt of which is hereby acknowledged by the
11 Trustees. The Grantor and any other person shall have the right
12 at any time to make additions to the corpus of the trust and such
13 additions are to be held, administered and distributed as part of
14 the trust.

15 The Grantor hereto may reserve out of this trust his
16 personal checking account.

17 2. Dispositive Provisions. The Trustees shall hold,
18 administer, invest and re-invest the trust property, and shall
19 apply and distribute the income and corpus for the benefit of the
20 Grantor during his lifetime upon the following terms:

21 a. Income from the trust to cover the living ex-
22 penses of Noel E. Parke shall be paid to Noel E. Parke
23 or deposited to his personal checking account for his
24 needs.

25 b. Upon the death of Noel E. Parke, the Trustees
26 shall pay from the trust expenses of last illness,

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1 burial, death taxes and cost of administration and then
2 the corpus and accumulated income shall be distributed
3 fifteen years from the date of this Trust or on the
4 death of Noel E. Parke, whichever is later, to my said
5 sons, Val Parke, Darwin Parke and Darrel Parke, if they
6 survive me. If my said sons do not survive me, then to
7 their respective spouses if they survive me, if not,
8 then to their descendants by right of representation,

9 3. Spendthrift Provision. The interest of any bene-
10 ficiary in the income or principal of this trust shall be free
11 from the control or interference of any creditor of a beneficiary
12 or any spouse of a married beneficiary, and shall not be subject
13 to attachment or susceptible of anticipation or alienation.

14 4. Principal and Income Act. All receipts and ex-
15 penditures shall be administered by the Trustees, subject to any
16 limitations stated elsewhere herein and allocated as to principal
17 and income as provided in the Uniform Principal and Income Act,
18 being Chapter 10 of Title 68, Idaho Code, as now in effect and as
19 it may hereafter be amended.

20 5. Trustees' Powers. To carry out the purposes of the
21 trust created under this Trust Agreement, and subject to any
22 limitations stated elsewhere herein, the Trustees are vested with
23 all of the powers and authority as set forth in the Uniform
24 Trustee's Powers Act, being Chapter 1 of Title 68, Idaho Code, as
25 now in effect and as it may hereafter be amended.

26 6. Limitations on Powers.

Notwithstanding the

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provisions of paragraph 4, none of the powers accorded to a Trustee pursuant to the Uniform Trustees' Powers Act shall be construed to enable the Grantor, or the Trustees, or any other person to purchase, exchange, or otherwise deal with or dispose of the principal or income of this trust for less than an adequate or full consideration in money or money's worth. No person, other than the Trustees, shall have or exercise the power to vote or direct the voting of any corporate shares or other securities of this trust, to control the investment of this trust either by directing investments or reinvestments or by vetoing proposed investments or reinvestments, or to reacquire or exchange any property of this trust by substituting other property of any equivalent value. If the Trustees cannot agree on any particular investment decision, the decision of the majority of the Trustees shall govern and the non-concurring Trustee shall incur no liability whatsoever to any beneficiary or other person interested in this Trust, for the result of any action taken by the Trustees from which he dissented.

7. Provisions Regarding Trustees. In addition to to other provisions applicable to Trustees generally, the following provisions shall apply to the Trustees:

a. The Grantor retains the right to direct the Trustees on all investments.

b. No bond or surety shall be required of the Trustees or any successor Trustee who shall serve hereunder.

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1 c. The Trustees or any successor Trustee may
2 resign by an instrument in writing to the other
3 Trustees.

4 d. Any Trustee or any successor Trustee may
5 appoint any person, firm, or corporation, as successor
6 Trustee to serve with the other Trustees.

7 e. In the event of the resignation, death, or
8 incapacity of one of the Trustees or successor Trustee
9 and the failure to appoint a successor Trustee, the re-
10 maining Trustees shall act with full capacity to
11 transact all Trust business.

12 f. Any successor Trustee shall have and may
13 exercise all the rights, powers, duties, and
14 discretions conferred or imposed on the named Trustees.

15 g. No successor Trustee shall be obliged to
16 examine the accounts and actions of any previous
17 Trustees.

18 h. No successor Trustee shall be responsible in
19 any way for any acts or omissions of any previous
20 Trustees.

21 i. No Trustee shall be liable for any act or
22 omission, unless the same be due to such Trustee's own
23 willful default.

24 j. The Trustees may lease or rent trust assets to
25 any, all or a combination of the Trustees.

26 8. Revocability. This trust is revocable by vote of a

majority of the Trustees.

9. Situs. This trust shall be construed and regulated according to the laws of the State of Idaho.

10. Funding. The Grantor agrees to transfer the property listed on Schedule A to the Trustees on the execution of this Agreement.

11. Name of Trust. This Trust shall be known as THE NOEL E. PARKE FAMILY TRUST.

IN WITNESS WHEREOF, the Grantor and the Trustees have signed and sealed this Trust Agreement in duplicate on the day and year first above written.


NOEL E. PARKE

"Grantor"


NOEL E. PARKE


VAL PARKE


DARWIN PARKE


DARREL PARKE

"Trustees"

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FEB 23 1993

04/12/2005
RECEIVED
JUN 03 2005
DEPARTMENT OF
WATER RESOURCES

**NOTICE OF ERROR
REPLY**

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: June 3, 2005

Water right number: 37-525B

DAVID PARKE
~~PO BOX 276~~ 100 CATTLE DRIVE
CAREY ID 83320
Telephone Number: (208)823-4640

TASHA PARKE
~~PO BOX 276~~ 100 CATTLE DRIVE
CAREY ID 83320
Telephone Number: (208)823-4640

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: 5/31/05 SIGNATURE: David M. Parke
Please print your name: DAVID M. PARKE

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

PLEASE CHANGE MY ADDRESS
SEE ABOVE

SCANNED
JUN 03 2005

03/31/2005

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

RIGHT NUMBER: 37-525B
NAME AND ADDRESS: DAVID PARKE
PO BOX 276
CAREY ID 83320

TASHA PARKE
PO BOX 276
CAREY ID 83320

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.380 CFS
Use of this right with Right No. 37-21270 is limited to a total combined diversion rate of 0.38 cfs.

PRIORITY DATE: 05/05/1883

POINT OF DIVERSION:
T01N R21E S30 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.380 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T02S R21E S03 Lot 3 NENW	19.0	T02S R21E S04 Lot 1 NENE	9.9
T02S R21E S04 SENE	35.0	T02S R21E S04 NESE	23.0
T02S R21E S04 SESE	14.0		

100.9 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-21270 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 100.9 ACRES IN A SINGLE IRRIGATION SEASON.

This right is limited to the irrigation of 19 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

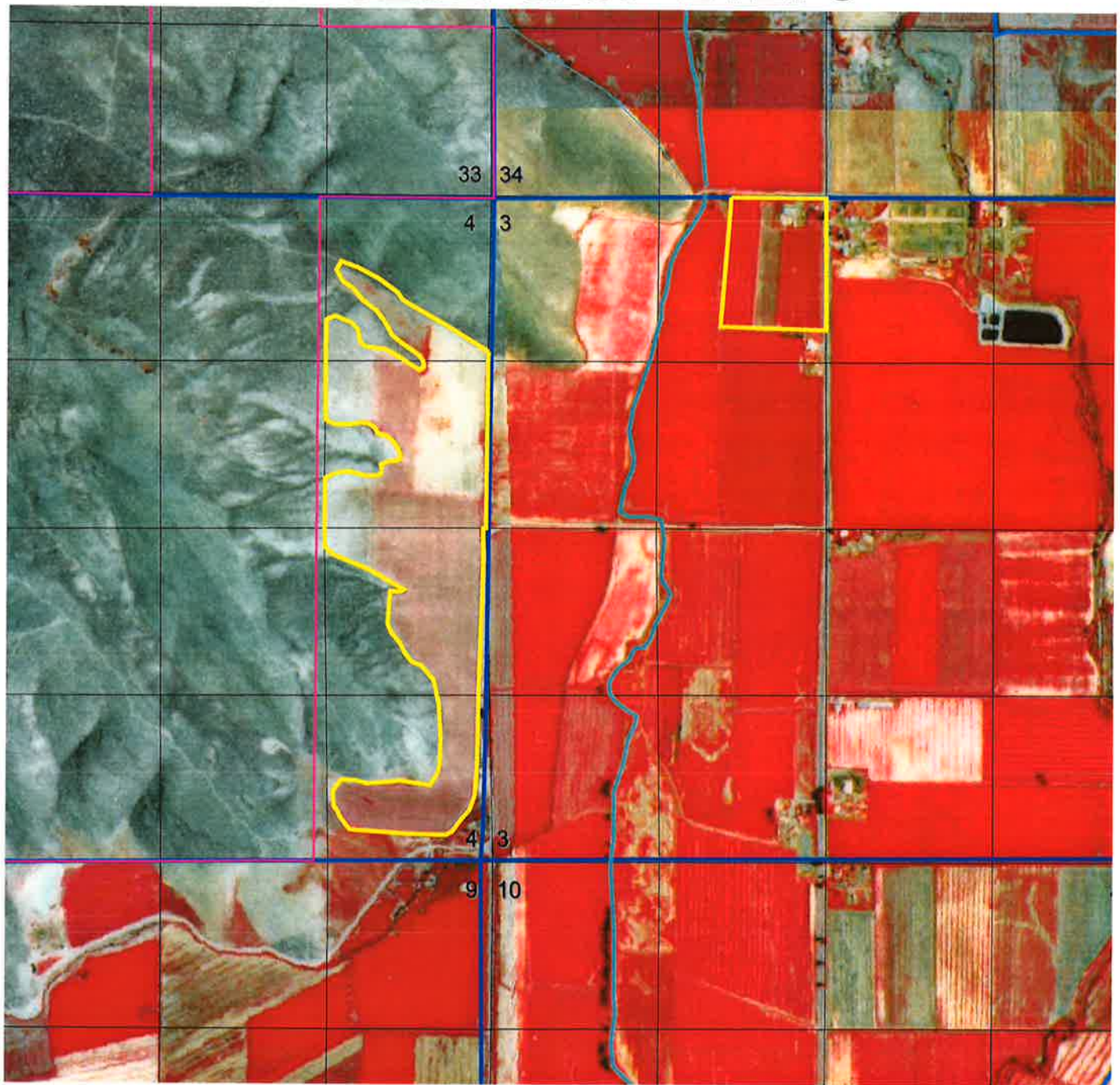
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

WATER IS DELIVERED THROUGH WEST CANAL.

RIGHT NO. 37-21270 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

IDAHO DEPT OF WATER RESOURCES

37-525B & 37-21270



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 2S
RNG: 21E
SEC. 3 & 4



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: MARCH 31, 2005

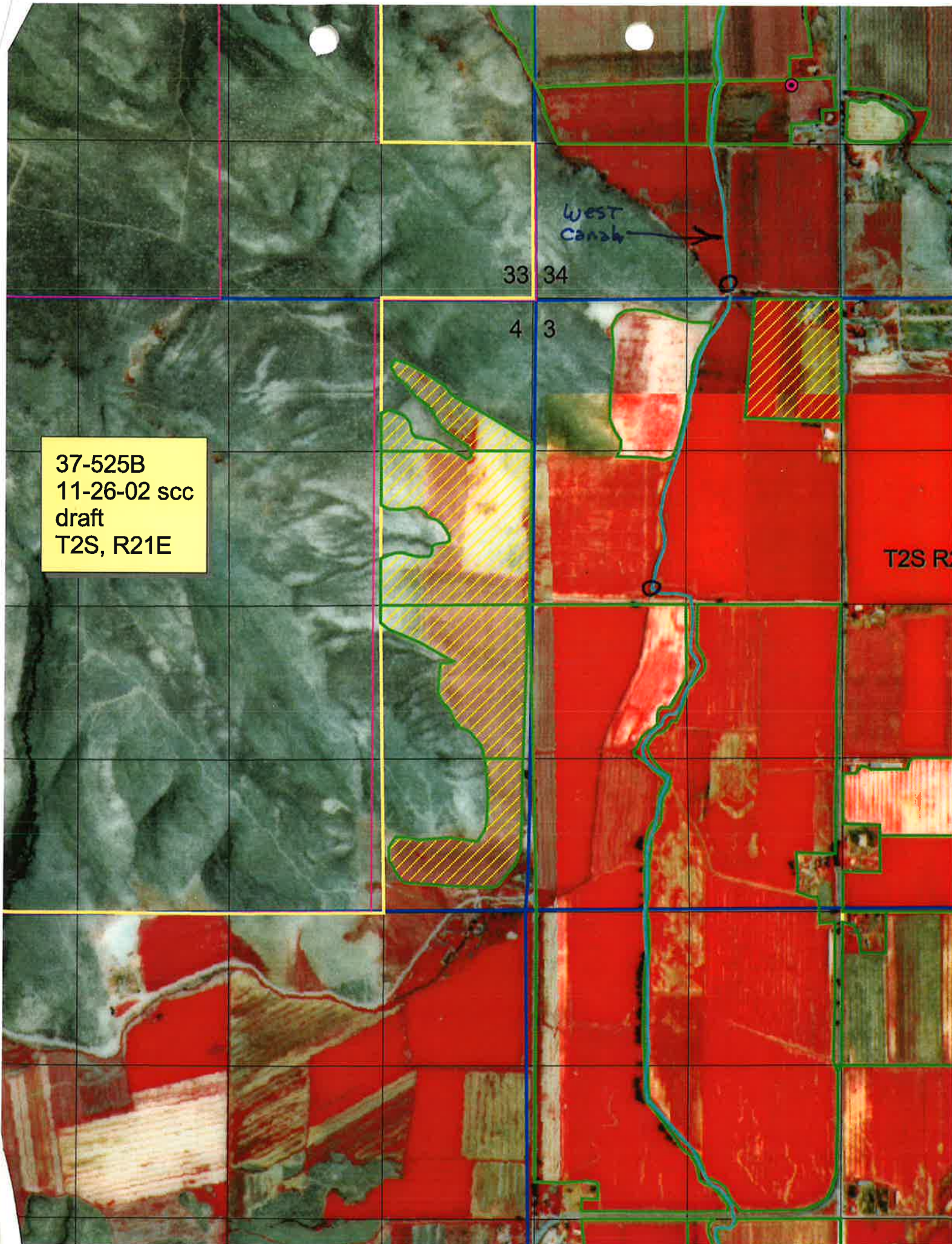
37-525B
11-26-02 scc
draft
T2S, R21E

33 34

4 3

West
Creek

T2S R21E



Water Right Report 37-525

WATER RIGHT NUMBER: 37-525

Priority Date: 05/05/1883
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	2.200 CFS	
	Total Diversion:		2.200 CFS	

Location of Point(s) of Diversion
LITTLE WOOD RIVER

Place of Use
IRRIGATION

[illegible]

Conditions of Approval:

Remarks:

1. General AC. IRRIG. NOT SPECIFIED. FARM = 159.07 AC.

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-525

Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37N
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False