

T3052 T3053 T3054 T3055

PARKINSON

November 26, 1990

Ralph S. Parkinson
P O Box 228
Arco, ID 83213

Re: Application for Transfer No. 3052 of Water Right No. 34-02497,
Application for Transfer No. 3053 of Water Right No. 34-02505,
Application for Transfer No. 3054 of Water Right No. 34-02506,
Application for Transfer No. 3055 of Water Right No. 34-04008

Enclosed is a copy of the Order which sets aside the above referenced transfer. The change(s) proposed in the application for transfer which have been claimed on the related Snake River Adjudication claim(s) will be included in and considered by the department in the Director's report required by statute.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure: Order

c: IDWR - E. Reg. - Water Rights
- Adjudication
- Harold Jones

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
TRANSFER NO. 3052 OF RIGHT NO.	)	
34-02497, 3053 OF RIGHT NO. 34-02505,	)	
3054 OF RIGHT NO 34-02506 AND	)	ORDER
3055 OF RIGHT NO. 34-04008 IN THE	)	
NAME OF RALPH S. PARKINSON	)	

This matter having come before the Idaho Department of Water Resources (department) as a result of the review of pending applications for transfer and review of Snake River Adjudication claims filed in the Big Lost River Drainage, the department makes the following findings of fact, conclusions of law and order:

FINDINGS OF FACT

1. On July 12, 1984, Ralph S. Parkinson (applicant) filed the following Applications for Transfer with the department:

3052 of water right no. 34-02497
3053 of water right no. 34-02505
3054 of water right no. 34-02506
3055 of water right no. 34-04008 (applications).

2. A review of the Snake River Adjudication claims filed in connection with the above captioned water rights shows that the proposed transfers do not agree with the later in time adjudication claims.

3. The adjudication claims have been filed pursuant to Section 42-1416A, Idaho Code, as if the change(s) proposed on the pending applications can be approved and decreed without the necessity of filing for a change as provided in Sections 42-108 and 42-222, Idaho Code.

4. On October 11, 1990, the department corresponded with the applicant to determine continued interest of the applicant and requested appropriate information from the applicant to justify separate consideration of the applications from the more recently filed Snake River Adjudication claims.

5. The applicant has not responded to the department and has not shown any reason why the applications should be considered separately from the adjudication claims.

CONCLUSIONS OF LAW

1. Section 42-1416A, Idaho Code, provides in part that:

(1) If any person entitled to the use of water has made a

change in point of diversion, place of use, period of use or nature of use of all or a part of the water, including a change as part of an exchange as defined in section 42-105, Idaho Code, prior to the entry of an order commencing a general adjudication pursuant to section 42-1408, Idaho Code, and the person entitled to the use of water has not complied with the requirements of sections 42-108 and 42-222, Idaho Code, regarding such changes, the following shall apply:

(a) the water right may be claimed in the general adjudication as changed and an application for change of the water right is not required to be filed pursuant to section 42-222, Idaho Code, and

(b) the water right may be determined by the director in the director's report pursuant to section 42-1411, Idaho Code, and decreed by the district court pursuant to section 42-1412, Idaho Code, as changed, if the change meets the substantive criteria of section 42-222, Idaho Code, for approval of such changes, provided that the change may be approved subject to conditions necessary to satisfy the substantive criteria of section 42-222, Idaho Code, for approval of such changes.

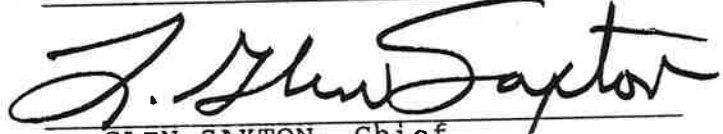
2. The department should set aside the captioned applications for transfer and should consider the change(s) proposed in the applications which have been claimed in the related adjudication claims as being combined with and included in the review and recommendation of the adjudication claims in the Director's report as required by Section 42-1411, Idaho Code.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Applications for Transfer No. 3052 in connection with water right no. 34-02497, 3053 in connection with water right no. 34-02505, 3054 in connection with water right no. 34-02506 and 3055 in connection with water right no. 34-04008 are set aside and will not be separately considered by the department.

IT IS FURTHER, HEREBY ORDERED, that the change(s) proposed in the applications for transfer which have been claimed on the related Snake River Adjudication claims be included in and considered by the department in the Director's report required by Section 42-1411, Idaho Code.

Dated this 23rd day of November, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 11, 1990

Ralph S. Parkinson
P.O. Box 228
Arco, ID 83213

RE: APPLICATIONS FOR TRANSFER NOS.

3052 OF RIGHT NO. 34-02497

3053 OF RIGHT NO. 34-02505

3054 OF RIGHT NO. 34-02506

3055 OF RIGHT NO. 34-04008

Dear Mr. Parkinson:

On July 12, 1984, you submitted the above referenced applications for transfer which are still pending in department files. Final action to either approve or deny the applications has not occurred.

A review of department records shows that the Snake River Basin adjudication claims which you filed on these water rights claim the right differently than the original rights and differently from the pending applications for transfer.

Since the adjudication claims are likely the more current representation of the water rights than the applications for transfer, the department intends to void the applications for transfer and allow the adjudication claims to be the documents to represent the water rights unless you can show within thirty (30) days why the applications for transfer should be considered separately by the department.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in cursive script that reads 'L. Glen Saxton'.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region - Water rights
- Adjudication
- Harold Jones