

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81797**

This is to certify that: **JOSEPH L PARKINSON**
123 W HIGHLAND VIEW DR
BOISE, ID 83702

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
57-10493	WR/DECREED	6/15/1910	0.230 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
57-10493	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
57-10493	57-10493	0.230 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.230 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 20th day of September, 2017.



Chief, Water Allocation Bureau

WATER RIGHT NO. 57-10493**As Modified by Transfer No. 81797**

In accordance with the approval of Transfer No. 81797, Water Right No. 57-10493 is now described as follows:

Right Holder: JOSEPH L PARKINSON
123 W HIGHLAND VIEW DR
BOISE, ID 83702

Priority Date: 6/15/1910

Source: GROUND WATER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
DOMESTIC	1/01	to 12/31	0.040 cfs
STOCKWATER	1/01	to 12/31	0.230 cfs
			0.230 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L5 (NESESW)	Sec 15 Twp 04S Rge 02E OWYHEE County
GROUND WATER	L5 (NESESW)	Sec 15 Twp 04S Rge 02E OWYHEE County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	02E	15												X					
														L 5					

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	02E	15												X					
														L 5					
04S	02E	22					X												
							L 2												0

CONDITIONS OF APPROVAL

- Domestic use is for 2 homes.
- The quantity of water under this right shall not exceed 13,000 gallons per day.
- The quantity of water decreed for this water right is not a determination of historical beneficial use.
- The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 81797

WATER RIGHT NO. 57-10493
As Modified by Transfer No. 81797

CONDITIONS OF APPROVAL

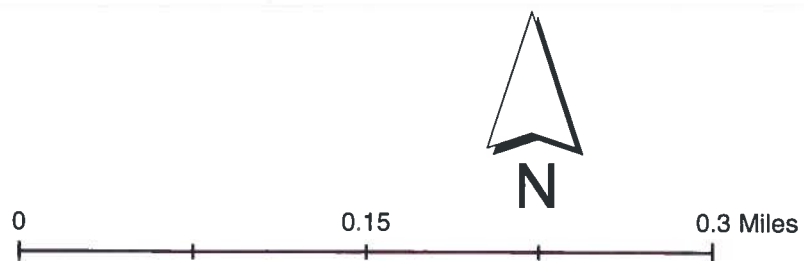
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 8/26/2014.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Attachment to Transfer No. 81797
Water Right: 57-10493

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



JUL 06 2017

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81797

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Joseph L. Parkinson

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED
JUL 06 2017
WATER RESOURCES
WESTERN REGION

Name of Applicant(s) Joseph L Parkinson Phone 208-250-1033
Mailing address 123 W Highland View Dr., Boise, ID, 83702 Email parkinson.joe@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

 Joseph L. Parkinson July 6, 2017
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
This transfer intends to correct the POU description for the stockwater component of right 57-10493. The correction is to add the gov lot 2 designation to the stockwater use in the NENW of Sec 22, T04S, R02E, B.M. There is no change to the right as it is practiced. POU shapefile was updated prior to the transfer during a meeting with IDWR.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	57-10493	0.23 cfs	Stockwater	01/01 to 12/31	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.23 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	02E	15												L5					
		22					L2												
Total Acres (for irrigation use)																			

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing diversion from well

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

N/A

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

There is also domestic use from the same well.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

7/5/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOSEPH L PARKINSON 123 W HIGHLAND VIEW DR BOISE, ID 83702 (208) 250-1033

Status: Active

Tributary

Volume

0.230 CFS

0.040 CFS

0.230 CFS

Sec. 15, Twp 04S, Rge 02E, OWYHEE County

STOCKWATER within OWYHEE County

[illegible]

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	02E	15												X L5					

1.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2.		2 POINTS OF DIVERSION LOCATED IN T04S, R02E, S15, SESW.
3.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4.		STOCKWATER, 1,300 RANGE CATTLE, 30 HORSES RIGHT NO. 57-10496 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/5/2017

1. HOWERTON 11/15/1991 STOCK WATER
 RUSS RUTAN SAID THAT ONLY UP TO 1000 OF CATTLE AT A TIME COULD BE
 WATERED AT THESE CORRALS. (RANCH MANAGER) THIS QUESTION CAME UP WHEN I
 LOOKED AT THE SIZE OF THESE CORRALS AND QUESTIONED THE AMOUNT OF 5000
 CATTLE CLAIMED. OWNERSHIP BOTH HOMES ARE WORKER HOMES UNDER SINGLE
 OWNERSHIP
2. SCHULTZ 8/24/1992 NOTICE OF ERROR (NOE)
 RECEIVED NOE 8/19/92. CHANGED NOE FLAG FROM BLANK TO A.
3. HOWERTON 9/17/1992 CHANGES FROM NOTICE OF ERROR
 ADDED ADDITIONAL CFS FOR 2ND DOMESTIC, CLAIMANT DIDN'T CLAIM ENOUGH FOR
 BOTH HOMES. GOVERNMENT LOT WAS ADDED FOR ADDITIONAL CLARIFICATION OF
 P/D AND POU. COMPROMISED ON ADDITIONAL AMOUNTS FROM 5000 HD CATTLE
 CLAIMED, TO 1000 HD CATTLE RECOMMENDED TO: 1300 HD CATTLE, 30 HORSES AT
 MAX. OF 0.23 CFS.
4. DSMITH 1/17/1996 NAME AND/OR ADDRESS CHANGE
 THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE
 ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
 K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER
 CHANGE. *NAME/ADDRESS CORRECTED TO AVOID DUPLICATE MAILING LABELS
5. D&S-DSHA 10/2/1996 D&S CONDITION CODE UPDATE
 CONDITION CODE N11 ADDED CONDITION CODE N13 ADDED
6. LHARRIS 1/9/1997 NAME AND/OR ADDRESS CHANGE
 THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN
 OWNERSHIP CHANGE.
7. cparker 7/5/2017 P/D shapefiles
 The shapefile for the POD was updated per information provided by the right owner during an
 office visit on 06/29/17.
8. cparker 7/5/2017 POD
 Updated Shape

Dates and Other Information

Decreed Date: 11/15/1996
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/5/2017

Water Supply Bank:

N/A

81797

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains 2 pages and 1 attachments.

Received by CP Date 7/6/17 Preliminary check by CP Date 07-24-17

Fee paid \$500⁰⁰ Date 7/6/17 Receipted by CP Receipt # W045448

Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



Proposed P/U and P/D Changes to Water Right No. 57-10493

 Stockwater Place of Use prior to change

 Stockwater Place of Use after change

 Point of Diversion prior to change

 Point of Diversion after change

0 0.1 0.2 Miles



* No changes to the Domestic use P/U

81797



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 20, 2017

JOSEPH L PARKINSON
123 W HIGHLAND VIEW DR
BOISE ID 83702

Re: Transfer No: 81797
Water Right No(s): 57-10493

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,

 Rachel Neely for:

Nick Miller
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 81797
Water Right No(s): 57-10493

JOSEPH L PARKINSON
123 W HIGHLAND VIEW DR
BOISE ID 83702



Rachel Neely
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held.
- ii. The final agency action was taken.
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer Application No 81797 File
FROM: Cody Parker
RE: Sufficiency of Information Submitted
DATE: 07/24/17

Application for Transfer No. 81797 was submitted by the owner, Joseph Parkinson, on July 6, 2017. The application proposes minimal changes to the description of the stockwater component of the right. The proposed change is to include the government lot (No. 2) in the legal description for the stockwater place of use in the NENW of Sec. 22, T04S, R02E, B.M.

The proposed change does not affect the implementation of the right in any way. The right was decreed in 1996 without the Gov Lot No. 2 designation. The description of the right is being updated as the result of improved methodology for interpreting the PLSS. According to Admin TP Memo No. 24, “[an] application for transfer is not required when a change in the description of the location of the point of diversion or place of use is only the result of improved methodology for referencing and displaying the location, which results in a more accurate description of the same physical location.” The memo suggests that a transfer is not needed because the Department would not initiate an enforcement action due to the discrepancy. However, the water right record cannot be updated without a transfer proceeding. If the right owner wants to update the record, they must apply for transfer of the right.

The right owner has been informed that a transfer proceeding is not required in this case because the discrepancy in the legal description is the result of improved methodology. However, he *does* want to update the record so it will be correct if he decides to sell the land. Therefore, the transfer application should be processed according to the information summarized below.

Summary of Information Submitted

Authority to File: Water Right No. 57-10493 was decreed in 1996 in the name of Joseph L Parkinson. Mr. Parkinson has signed the application and is authorized to apply for this change.

Water Right Validity: Aerial imagery confirms that livestock have been present at the place of use within the last 5 years. It is unclear if there are the full 1300 head authorized by the right, and imagery is not taken frequently enough to say for sure. Mr. Parkinson leases use of the land and the water right to a separate rancher, and does not know for sure how many livestock are watered. Therefore, because the aerial imagery is insufficient and the number of livestock watered is out of the owner’s control, the right is presumed valid.

Injury to Other Water Rights: The proposed change does not affect the implementation of the right as it was historically practiced. Thus no injury can result from the change.

Enlargement of Use: Again, there is no change in implementation so no enlargement is anticipated.

Local Public Interest: No conflict anticipated. Updating the record to reflect the actual use is in the interest of the public as it allows for more efficient administration of the right in the case of a water call. The change is minimal and will not require advertisement.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I.C. §42-222 and should be processed.

Overlap: The POD is also used to provide groundwater for domestic use as part of the same right. A condition of the original cites POD overlap with water right no. 57-10496. The owner also has the option to water cattle in-stream from the reach adjacent to the place of use.

Parker, Cody

From: Joe Parkinson <parkinson.joe@gmail.com>
Sent: Friday, July 21, 2017 11:45 AM
To: Parker, Cody
Subject: RE: Transfer

It has been leased out, and I don't know his maximum numbers. I know when I was running it and had my own cattle, we well over 1,500 cows and in addition bulls, calves and horses

From: Parker, Cody [mailto:Cody.Parker@idwr.idaho.gov]
Sent: Friday, July 21, 2017 10:54 AM
To: Joe Parkinson <parkinson.joe@gmail.com>
Subject: Transfer

I have one quick question for you. Can you tell me the maximum # of cattle that you have had at the Snake River Ranch over the last 5 years?

Thanks

Cody Parker

Idaho Dept. of Water Resources
Water Resource Agent
208.334.2190
cody.parker@idwr.idaho.gov