

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Abandonment of Water Right

RECEIVED
JUL 06 2017
WATER RESOURCES
WESTERN REGION

Print Name of Water Right Owner(s): Joseph L Parkinson

Mailing Address: 123 W Highland View Dr., Boise, Idaho, 83702

Phone: 208-250-1033

Note: If you are not listed as the current owner of the water right in the Idaho Department of Water Resources' records, you must include evidence of ownership of the water right (or portion of the water right) with this form. Evidence may include a warranty deed, quitclaim deed, court decree, contract of sale, etc.

I am the current owner of X all, or part of, the water right described in the Idaho Department of Water Resources' records as Water Right No. 2-10137.

I hereby abandon all, or X part of the water right designated above. This abandonment is intentional and voluntary. I recognize that this abandonment permanently eliminates the right to divert and use water under the water right designated above.

If this abandonment applies to a portion of the water right, please indicate which part is abandoned by describing the diversion rate, annual diversion volume or storage volume, and place of use (include acres if the use is irrigation) and by attaching a detailed map identifying the specific locations.

Stockwater use east of the Snake River described as Gov. Lots 3 & 4 of Sec. 15, T04S, R02E, B.M.

Joseph L Parkinson
Signature of Water Right Owner(s) or Authorized Representative

July 6, 2017
Date

Joseph L. Parkinson
Print Name and Title of Authorized Representative
(Complete if applicable and include your authority to act on behalf of the water right owner)

State of Idaho)
County of Ada) ss

On this 6th day of July, 2017, the signer(s) of the above instrument appeared before me and duly acknowledged to me that he/she executed the same.

SEAL



Sandra Stogsdill
Notary Public

My commission expires: 01/27/21

MEMORANDUM

TO: Water Right No. 2-10137 File
FROM: Cody Parker
RE: Notice of Abandonment of Water Right
DATE: July 12, 2017

Right No. 2-10137 is an in-stream stockwater right which was decreed to Joseph Parkinson on March 3, 2013. Mr. Parkinson requested that changes be made to the P/U and P/D shapefiles for this right to more accurately reflect the in-stream stockwater use authorized by this right. Upon review, I found that the original decree for this right included land east of the Snake River in the place of use description. This land east of the Snake River is not owned, nor was it owned, by Mr. Parkinson, at the time of the decree and he expressed a desire to remove this part of the place of use from the description on the right.

I suggested that Mr. Parkinson submit a notarized Notice of Abandonment of Water Right form to remove the area in question from the place of use description. Admin Transfer Memo. No. 24 states that

An application for transfer is required if a change in the location of use between 40-acre legal subdivisions is proposed that would result in an increase in the number of acres within a 40-acre legal subdivision or in use of water at a new 40-acre legal subdivision that is not included within the recorded place of use element for the right.

And later

An application for transfer is not required to relinquish a portion of a water right such as elimination of a purpose of use or a point of diversion *or a reduction in acres and proportional rate*. The water right owner should provide a notarized statement of relinquishment including specific identification of the water right(s) and the specific reduction(s). (emphasis added)

Though the language in these sections of Transfer Memo No. 24 considers changes to irrigation rights specifically, it is clear to me from the information above that the proposed change does not require a transfer proceeding as it does not propose to move the place of use to a new description nor will it increase the size of the place of use. Instead the change can be seen as a reduction in acres as such a concept applies to stockwater rights and the change would therefore require a partial relinquishment. The Dept. does not have a standard relinquishment notice for water rights in their licensed or decreed form. Therefore, the Notice of Abandonment of Water Right submitted by Mr. Parkinson serves as notice of partial relinquishment for the stockwater place of use east of the Snake River. An equivalent reduction in rate is not applicable in this instance as the diversion rate is not related to the size of the POU as is the case with irrigation rights. There is no beneficial use being relinquished *per se*. Rather it is the area on which the beneficial use is authorized that is being given up. Therefore, the right after the change will be described as stockwater use on Mr. Parkinson's property on the west shore of the Snake River with the same diversion rate limitation as prior to the change. The shapefile for the place of use will be updated to illustrate the reach of the river where in-stream stockwatering occurs. The points of diversion will be moved to the beginning and end of the river reach on the west shore.