

MEMORANDUM

TO: Transfer Files #5089 & #5090

FROM: Corey Skinner *CS*

DATE: July 15, 1997

SUBJECT: Office Visit

This day, Woody Anderson and Fred Parke came by the office to visit about the recently filed transfer applications (#5089 and #5090) involving the water out of Lake Cleveland (water rights 45-00294A & 45-00294B).

Mr. Anderson and Mr. Parke wanted to discuss the "Summary of Known Transactions of Lake Cleveland Water" that I sent with my June 2nd, 1997 letter to the parties that had SRBA claims filed based on the Lake Cleveland water and rights 45-00294A & 45-00294B. Mr. Parke contended that the Lake Cleveland water has historically belonged to the De Naughel's and his father (who passed it on to Fred who then sold to Woody Anderson).

Mr. Parke contended that the 1945 transaction between Sterling and Ferl Adams and Ira and Anna May Parke actually pertained to water that was a part of the George Guiles decree. This would agree with Mr. Parke's 09/21/93 deposition that is included with the Anderson's transfer application (#5090). However, the 1945 quitclaim deed states that the water was "part of the 150 inches decreed to the John Parke Estate". I showed this document to Mr. Parke and explained that it appeared that this water came from the John Parke estate water as mentioned on the quitclaim deed. He stated that the 1945 quitclaim deed was incorrect and that the water was not actually part of the John Parke Estate water, but was actually part of the Guiles water that was used on the SESE $\frac{1}{4}$ of Section 01 and Lot #7 (SWSW $\frac{1}{4}$) of Section 06. Mr. Parke stated that Steve D. Parke owned this property at one time.

Mr. Parke also stated that he thought that the 1934 affidavit of Andrew H. Parke was in error. This error pertained to the description of property and the statement that the water was used **only** on that property. Mr. Parke contended that the water was also used on three other pieces of property that he could personally recall.

Mr. Parke also provided a "Lake Cleveland Flowchart" (copy attached) that he prepared showing the ownership chain, to the best of his knowledge, of the Lake Cleveland water throughout the ages. He also provided a copy of a 1961 affidavit of Julia Parke (copy enclosed) discussing how Ira Parke Sr.'s 50" portion of the John Parke Estate water was obtained by Ira Parke Jr. (Fred's father).

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I discussed various aspects of the Lake Cleveland water with Mr. Parke and Mr. Anderson, including the possibility of requesting the scheduling of a conference and/or hearing. I also provided copies of the 1942 decree involving 75" of the Lake Cleveland water.

MAP SHOWING DECREED PLACE OF USE FOR LAKE CLEVELAND WATER.

GEORGE GILES

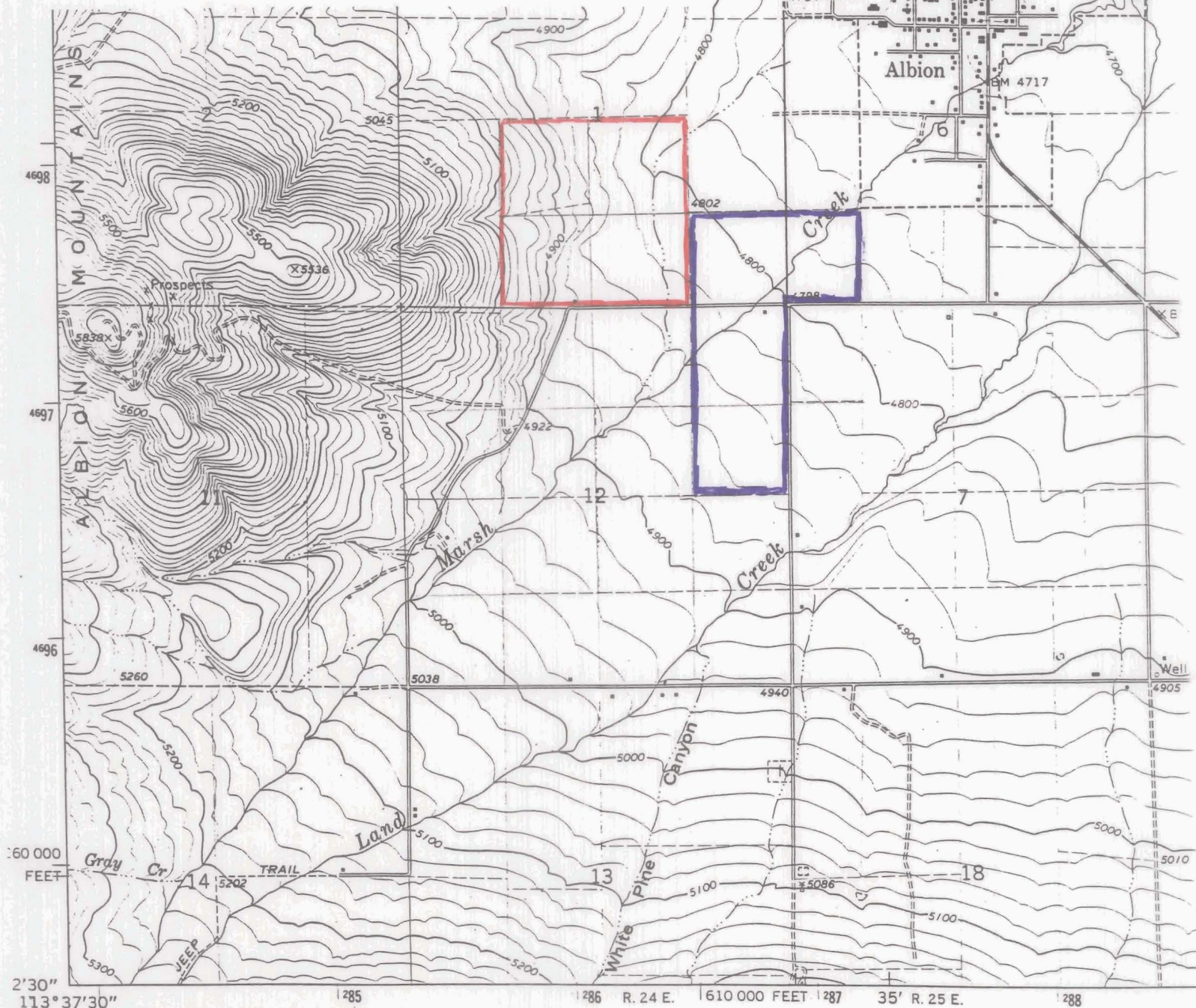


1.6 cfs

JOHN PARKE ESTATE



3.2 cfs



Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial
photographs taken 1967. Field checked 1968



T#5089

Lake Cleveland Water Flow Chart

Repaired by
Jesse Park

7-15-97

1892 - 80 in
decreed to
George Guiles

1892 160 in decreed
to est of John Park &
Andrew Parker ADM

GG
Died

1904? M. Guiles
sold 40 in to
Steve PARKER

1893? 50 in sold
to IRAC PARKER
SR

Steve
Died

M. Guiles sold
40 in to L.B.
Parker 1932?

L.B. Parker
inherited
50 in

MORGAN
CO. 110 in

Melcher
M. Stares wife

HARRY PENNAUGH
110 in

M. died

HP died

Sterling Adams
bought Pannaugh
5' 40 in water

Sterling Adams
sold 40 in
to IRAC PARKER SR.

IRAC C PARKER SR
inherited &
 $40 + 50 = 90$
inches

Kyle Pennaugh
110 in

IRAC PARKER
died

FRED PARKER
 $40 + 90 =$
130 in

Sold to Woody
Anderson

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AFFIDAVIT OF JULIA PARKE BALLARD

STATE OF IDAHO)
) ss
County of Cassia)

JULIA PARKE BALLARD, being first duly sworn, deposes and says:

That she is 79 years of age and is a resident of Declo, Cassia County, Idaho; that she was the wife and surviving widow of ANSON PARKE; that ANSON PARKE, LYNN B. PARKE and CHESTER PARKE were brothers; that their father's name was IRA C. PARKE; that when the IRA C. PARKE estate was settled the three sons above named obtained all the property in said estate; later, ANSON PARKE and CHESTER PARKE purchased the interest of LYNN B. PARKE in the property, and at that time, LYNN B. PARKE reserved his one-third interest in the Lake Cleveland water; that the said LYNN B. PARKE transferred his interest in the Lake Cleveland water to the land now owned and operated by IRA C. PARKE, who is the grandson of IRA C. PARKE mentioned above; that later, IRA C. PARKE purchased CHESTER PARKE'S land, and the said IRA C. PARKE is now entitled to two-thirds of the Lake Cleveland water, which is fifty inches, for the land he now operates.

DATED this 1st day of June, 1961.

Julia Parke Ballard
Julia Parke Ballard

Subscribed and sworn to before me this 1st day of June, 1961.

A. H. Nielson
A. H. Nielson
Notary Public in and for Idaho
Residing at Burley, Idaho

My Commission Expires: Feb. 20, 1962

State of Idaho }
County of Cassia } ss.

I, Isaac Parke, do hereby certify that this instrument was
recorded on this 13th day of April, 1962, in my office and duly
as last No. 6293.

Isaac Parke
Notary Public
Fees: \$ 60.4
By Frank B. Nielson
Deputy

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