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April 3, 1997

Department of Water Resources
Attn: Mr. Cory Skinner
1341 Fillmore
Twin Falls, Idaho 83301

Re: Deposition of Frederick L. Parke

Dear Mr. Skinner:

Enclosed you'll find a copy of the Deposition of Mr. Frederick L. Parke. If you have any questions please contact Mr. Stone.

Sincerely,

PARSONS, SMITH, STONE & FLETCHER, LLP

Lisa A. Barnoske

Lisa A. Barnoske
Secretary

/lab

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Department of Water Resources
Southern Region

T # 5090

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June 28, 1991

Mr. Randy Stone
PARSONS, SMITH, STONE & FLETCHER
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P.O. Box 910
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PARSONS, SMITH, STONE & FLETCHER

Re: Parke - Lake Cleveland Rights

Dear Randy:

The original rights to the storage water in Lake Cleveland are set forth in the Wood v. Stokes Decree, a copy of which I have provided to you. This right has been assigned the number 45-0294 by the Department of Water Resources. Under the Decree, George Giles (Guiles) and Andrew Parke, as the administrator of the estate of John Parke, deceased were awarded the 4.8 cfs of water (240 miners inches) from Lake Cleveland, with a priority of March 31, 1888. George Giles received 80 inches of this water and Andrew Parke received 160 inches of this water, less transportation loss to the point where they divert the water from Marsh Creek. One of the places of use for Parke contained an erroneous legal description. It should have described Lot 7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) in Section 6, Township 12 South, Range 25 East of the Boise Meridian. It appears that the Department of Water Resources has split this water right, giving the Giles right the number 45-0294A and the Parke right number 45-0294B. The Giles right was for 1.6 cfs and the Parke right was for 3.2 cfs, for a total of 4.8 cfs.

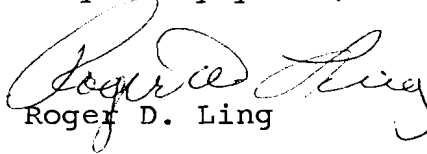
On October 5, 1892, Ira C. Parke purchased from the estate of John Parke, deceased 50 inches of the water decreed to the John Parke Estate. On October 18, 1945, Ira Parke received by a Quitclaim Deed 40 inches of the waters of Lake Cleveland, being a part of the 150 inches decreed to the John Parke Estate. This Deed to the 40 inches of water would be 42.67 inches of the 160 inches decreed to the John Parke Estate, as the 150 inches referred to in the Quitclaim Deed is the water delivered at the diversion from Marsh Creek, after transportation losses to the 160 inches decreed. Therefore, Ira Parke has had since 1945, 92.67 inches of the 160 inches decreed to the John Parke Estate,

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or 1.8534 cfs. In addition to these rights in Lake Cleveland, L.B. Parke, the previous owner of the property now owned by Fred and his sister purchased 40 inches of storage water from Mary A. Guiles on July 9, 1932. This water would have been a part of the 80 inches decreed to George Giles. These documents would show that Ira C. Parke, the father of Fred and his sister therefore own 2.6534 cfs of the 4.8 cfs of water from Lake Cleveland. It appears that the reason that Fred has always considered this to be a right of 2.6 cfs is that he failed to recognize that the Deed to 40 inches was 40 of the 150 inches decreed, which was the net amount of the Decree after transportation losses. I have provided copies of all these documents.

I intend to write to the Department of Water Resources in regard to these matters and will provide them copies of the documents I have referred to in this letter. It appears to me that the department's records were not accurate and they have allowed people to file based upon the ownership of the land in the original Decree, without investigating to determine whether or not any of that water had been transferred and the place of use changed.

Very truly yours,


Roger D. Ling

RDL:rah