

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-2110
Date Received: 8/1/1989
Receipt No: C008687
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WALKER PLOW LLP Phone: (480)988-3828

PO BOX 650
QUEEN CREEK AZ USA 85242

2. Date of Priority: 08/10/1916

3. Source: JENKINS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	06W	13	SE NE SW	WASHINGTON	

5. Description of diverting works:

TEMP DIV.DAM WITH SMALL DITCH TO 3-AC.HOLD.POND,PUMP FR.POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.56	

7. Total Quantity Appropriated is:
1.56 C.F.S.

8. Total consumptive use: ~

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	06W	13	SW	NE	IRRIGATION	35
			SE	NW	IRRIGATION	39
			NW	SE	IRRIGATION	4
					Section Acres	78
					Total Acres	78

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT ORIGINALLY LICENSED WITH A POINT OF DIVERSION AND PLACES OF USE DIFFERENT FROM THOSE CLAIMED HERE. THE RIGHT HAS BEEN USED AS CLAIMED HERE FOR THE PAST 25 YEARS.

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 24, 2006

WALKER PLOW LLP
PO BOX 650
QUEEN CREEK AZ 85242

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #67-2095, 67-2110, 67-2244, 67-2313,
67-7009, 67-7712, 67-7718, and water rights #67-7540 and #67-10711

Dear Claimant:

We have processed your change in ownership of Notices of Claim referenced above.

Enclosed are copies of your water rights for your file. Please refer to these record numbers in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Technical Section

SS:region

Enclosures:

Copies of Water Rights Referenced Above

SCANNED

AUG 24 2006

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-02110
Date Received: 7/31/1989
Receipt No: C008687
Received By: GA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALAN D. SAITO 503-262-3473
Address: 5387 HWY 201
ONTARIO, OR 97914

OR

Name: RAYMOND G. SAITO 503-262-3473
Address: 5387 HWY 201
ONTARIO, OR 97914

2. Date of Priority: AUG 10, 1916

3. Source: JENKINS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	06W	13	SE	NE	SW		WASHINGTON

5. Description of diverting works:
TEMP DIV.DAM WITH SMALL DITCH TO 3-AC.HOLD.POND,PUMP FR.POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.560		

7. Total Quantity Appropriated is:
1.560 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 273.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

A67-02110

Page 1

Date: 07/31/89

SCANNED
MAY 10 2004

MICROFILMED
OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	06W	13	SW	NE		IRR	35.0
			SE	NW		IRR	39.0
			NW	SE		IRR	4.0
						Section Acres	78.0
						Total Acres	78.0

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
WEISER IRR. RIGHTS

14. Remarks:
THIS RIGHT ORIGINALLY LICENSED WITH A POINT OF DIVERSION AND
PLACES OF USE DIFFERENT FROM THOSE CLAIMED HERE. THE RIGHT
HAS BEEN USED AS CLAIMED HERE FOR THE PAST 25 YEARS.

15. Basis of Claim: LICENSE
Water Right Number: 12509

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Alan D. Saito Date: Aug. 1, 1989

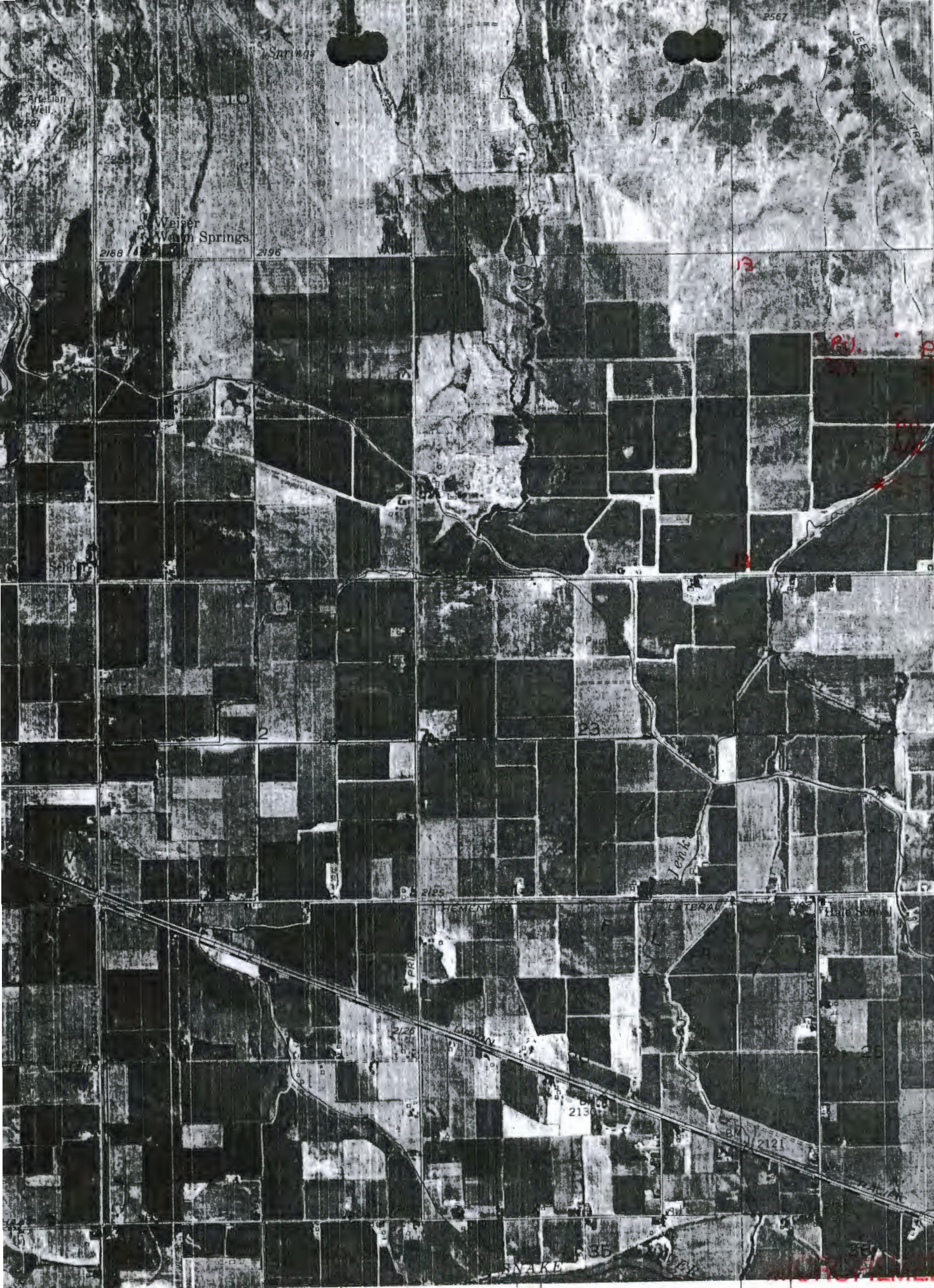
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of August 19 89 Donna E. Lally
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994



A67-02110 T11N R06W SEC 13

OCT 01 1992

09/30/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-2110

NAME AND ADDRESS: WALKER PLOW LLP
PO BOX 650
QUEEN CREEK AZ 85242

SOURCE: JENKINS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.560 CFS

PRIORITY DATE: 08/10/1916

POINT OF
DIVERSION:

T11N R06W S13 SENESW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/01 11/15	1.560 CFS
PLACE OF USE:	<u>IRRIGATION in WASHINGTON County</u>		
	T11N R06W S13	SWNW 40.00	T11N R06W S13 SENW 16.00
	T11N R06W S13	NESW 9.30	T11N R06W S13 NWSW 20.00
	T11N R06W S14	SENE 15.00	T11N R06W S14 NESE 7.10

107.4 ACRES TOTAL

Right Nos. 67-2313, 67-2110, 67-2244, 67-7009, and 67-7718 are limited to the irrigation of a combined total of 412 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Use of this right is combined with water from Institute Canal Co. Inc.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, September 30, 2009 10:14 AM
To: Sherman, Sally
Subject: NCAP needed for 67-2110
Attachments: 67-2110 NCAP c-o.doc

Hey Sally,

Could we send in a NCAP for an ownership change for 67-2110. When we processed a change of ownership back in 2006, we changed the claim record, but for some reason not the recommendation record. This is to fix that error. Nothing else weird is going on. No real rush on this either.

Thanks,

C

9/30/2009

05/05/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-2110
NAME AND ADDRESS: ALAN D SAITO
5387 HWY 201
ONTARIO OR 97914

RAYMOND G SAITO
5387 HWY 201
ONTARIO OR 97914

SOURCE: JENKINS CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 1.560 CFS

Right Nos. 67-2313, 67-2110, 67-2244, 67-7009, and 67-7718 are limited to a total combined diversion rate of 12.19 cfs.

PRIORITY DATE: 08/10/1916

POINT OF DIVERSION:
T11N R06W S13 SENESW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.560 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T11N R06W S13	SWNE	35.00	T11N R06W S13	SENEW	39.00
T11N R06W S13	NWSE	4.00			

78 ACRES TOTAL

Right Nos. 67-2313, 67-2110, 67-2244, 67-7009, and 67-7718 are limited to the irrigation of a combined total of 609.7 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



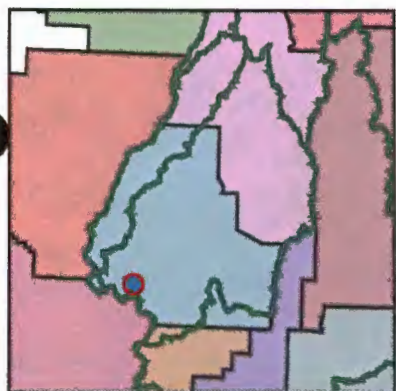
Idaho Department of Water Resources

SRBA Recommendation:

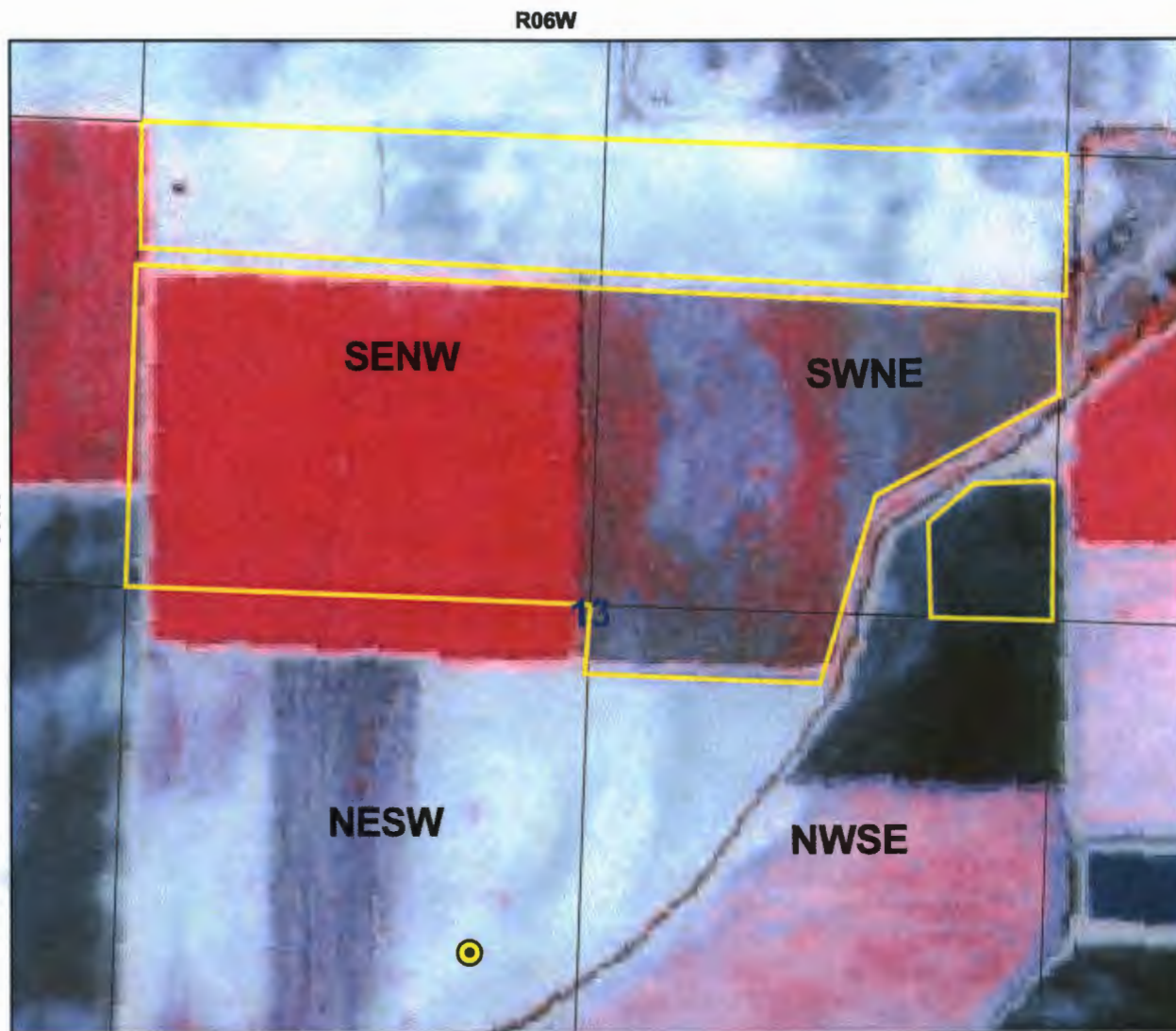
67-2110

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



0 0.2 0.4 Miles

Prepared by M. Mount
On Friday, May 5, 2006
1987/88 Aerial Photography

8-16-05: Conversation w/ Dan Nelson

67-2110

Map in Claim file - Send to Dan. Done

* Ventains Creek → 4 three claims. None are part of a decree as far as I can tell. No Decreed rights from this source.

67-2095 No SRBA Claim

Moved POD to Pond and made PPU with 67-2110 I think. Dan thinks 67-2095 was incorrectly described. He instructed Claimant to file claim as it is now

67-7713 Permit Dan Has:

Common Disallow as Covered in 67-2095 when Claim is filed.

Disallow SRBA claim for 67-7713 as it was never developed according to Dan Nelson

5-5-06

7713 has been rec'd as disallowed - permit was voided on 10-15-05 by Gary Spackman.

Misty M.

C. Spackman 8/16-05

MEMORANDUM

September 21, 1995

TO: 67-07713, A67-07713, A67-02110
FROM: Cindy Hodges
RE: SRBA exams

In May of 1991, a field exam was attempted for 67-07713. At that time the earth dam in Jenkins Creek had been washed out. On September 19, 1995, I attempted a second field exam and measurement, only to find that the dam was still not in place. The permit holder had mistakenly thought I was to look at the system under 67-02110. The diversion established under 67-07713 has apparently not been used since 1991. Before 1991, it is not clear when the system was last used, although the permit was issued in 1987 (see correspondence of 11/27/91).

67-02095 and 67-02110 are 1914 and 1916 rights originally licensed within NW S24, and which overlap the place of use in SWNW S24 under permit 67-07713. However, claim A67-02110 shows the point of diversion and place of use in Section 13, and states that use has occurred there for the past 25 years. This is the diversion that I was shown on 9/19. There was no claim filed for 67-2095; perhaps A67-02110 represents a combined claim.

Because of the overlap in recorded rights and the potential for accomplished transfer, I did not attempt to finalize 67-07713. Forfeiture could be an issue at the recorded P/U, however, the right may simply be diverted at the S13 diversion, or may legitimately be in use elsewhere on the Saito farm. There are several hundred acres irrigated and at least three sources of water which I suspect are co-mingled for distribution. And, there are only 78 acres under right 67-02110.

The best approach is to wait for SRBA verification, when the Saito's entire Jenkins Creek system may be analyzed and evidence of use at the new location can be solicited. If legitimate use may be found under 67-07713 at that time, any modifications may likely be made via license amendments. If not, then 67-07713 may be relinquished by permit holder or canceled by IDWR.

MICROFILMED
OCT 22 1996