IDWR Field Exam Form 12/30/2005

Priority Date Data Entry Form

Claim Number 67-4589

Claimed Priority Date: 6/18/1898 Claimed Basis: Statutory Claim

X **Use Claimed Priority Date and Basis as Recommended Priority Date and Basis**

Water Right Priority Date: 7/13/1920 Water Right Basis: Statutory Claim

Recommended Priority Date ___ ___ _____ Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

posted notice okayed by Legal

Reviewer: MVB Date: 12-30-2005

IDWR Field Exam Form 12/30/2005

Point of Diversion and Source Data Entry Form

Claim Number 67-4589

Claimed Point of Diversion and Source

T11N R06W S25 SWSW Within WASHINGTON County Source: JENKINS CREEK SNAKE RIVER

X **Use Claimed POD and Source as Recommended POD and Source**

Water Right Point of Diversion and Source

T11N R06W S25 SWSW Within WASHINGTON County

Recommended Point of Diversion and Source

Source Information

Source	Tributary To

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? —

Document how the POD and Source were verified:

A0016792 - GPSd by Roger Meyer, 10-24-05

Source - topo. maps

Reviewer: MVB

Date: 12-30-2005

IDWR Field Exam Form 12/30/2005

Place Of Use Data Entry Form

Claim Number 67-4589

Claimed Place Of Use

T11N R06W S35 Lot 1 NENE 26.0 T11N R06W S36 Lot 4 NWNW 38.0

Total Acres 64

__ **Use Claimed POU as Recommended POU**

Water Right Place Of Use

T11N R06W S35 Lot 1 NENE 26.0 T11N R06W S36 Lot 4 NWNW 38.0

Total Acres 64

Recommended Place of Use _____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
11N	06W	36	NE	NE		1	24	irr.
11N	06W	36	NW	NW		4	40	irr.

Total Acres 64

Document how the POU was verified:

field exam conducted by Roger Meyer 10-24-05,
imagery (2004 NAIP)

Reviewer: MVB

Date: ~~10-24-~~ 12-30-2005

Purpose of Use Data Entry Form

Claim Number 67-4589

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

X **Use Claimed Purpose of Use as Recommended Purpose of Use**

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

field exam 10-24-05 by Roger Meyer
2004 NAIP imagery shows irrigation

Reviewer: MVB

Date: 12-30-2005

IDWR Field Exam Form 12/30/2005

Period of Use and Quantity Data Entry Form

Claim Number 67-4589

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	03/15	11/15	2.5	

Overall Diversion Rate 2.5 Overall Diversion Volume

__ **Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	2.5	

Overall Diversion Rate 2.5 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
irr	03/01	11/15	1.28	

Overall Diversion Rate 1.28 Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

64 ac * 0.02 cfs / ac = 1.28 cfs

IDWR standard season of use

Reviewer: MVB Date: 12-30-2005

Contacts Data Entry Form

Claim Number: 67-4589

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	SHOZO WAKAGAWA	1615 W 7TH	WEISER	ID	83672	(208)549-0883
Current Owner	CHISATO WAKAGAWA	1615 W 7TH	WEISER	ID	83672	(208)549-0883

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

_____

_____

_____

_____

Reviewer: _____ Date: _____

MEMORANDUM

TO: File

FROM: Monica Van Bussum

DATE: November 30, 2005

RE: Weiser Irrigation District (WID) letter challenging SRBA claim 67-4589

Danielle Favreau received a letter on November 4, 2005, from Jay Edwards, Secretary of Weiser Irrigation District. In his letter, Jay states:

1. Wakagawa irrigates 26 acres in T11NR06WS35 and 44 acres in T11NR06WS36.
2. WID assesses Wakagawa for 9 acres.
3. Jenkins Creek (source for 67-4589) is naturally dry in June and WID provides all instream flow.
4. Wakagawa's land is covered under WID license 67-2169 and Wakagawa is using water supplied from Weiser R. and Crane Creek Reservoir through the Galloway Canal.

After some investigation and consultation with Craig Saxton and Danielle, I have the following evidence/questions:

1. If Wakagawa is irrigating 26 acres in S35 and 44 acres in S36, and WID is only assessing him for 9 acres, where is his additional water coming from if not from Jenkins Creek? All of the claimed POU is clearly irrigated according to the imagery. FE by Roger Meyer indicates POD is off of Jenkins Creek and diversion works is as described in posted notice (see #3 below).
2. Jenkins Creek extends on the topo maps a long way north of the Galloway Canal and appears to be a natural stream that may be used as a ditch by WID in its southerly reach. Jenkins Creek does cross Galloway Canal north of the Wakagawa piece. There are two reservoirs along Jenkins Creek, a northerly one that is dry in the NAIP imagery and a southerly one that has a scum covering over the water. There is heavy vegetation all along Jenkins Creek. In fact, we can follow Jenkins Creek along its entire reach by looking at the vegetative line. It is entirely possible Jenkins Creek used to run naturally but, because of stream alteration by WID and damming of the water at the reservoirs, Jenkins Creek is now dry at its southerly end. This would be through no fault of Wakagawa. The topo maps also show Jenkins Creek as a perennial stream, not an intermittent.
3. During his field exam with Roger Meyer on October 24, 2005, Sho Wakagawa provided Roger with a posted notice for the property in

67-4589 dated 1898. I took the posted notice to Becky Harvey in Legal and she agreed that it is a complete posted notice. Weiser Water Company, predecessor to Weiser Irrigation District, was around in 1890 and Danielle Favreau has a WID plat map dated 1902 (at x:\spatial\irrigation\decrees\weiser maps\10n11n5w_04-1902.sid). If WID (or its predecessor) was operating at that time and if the posted notice was for WID property, it is our understanding the posted notice would be in WID's name, not an individual's. Also, if this land was later incorporated into WID land, WID should provide evidence of annexation. At this time, there is no evidence this should be recommended in WID's name.

Based on this evidence, we have reached the following conclusions:

1. 67-4589 should be recommended for the acreage claimed from Jenkins Creek, as the posted notice supports. If WID can provide evidence of annexation, we will need to review the claim again.

67-4589

RECEIVED
NOV 08 2005
Department of Water Resources

WEISER IRRIGATION DISTRICT
P.O. BOX 591
WEISER, IDAHO 83672

NOVEMBER 4, 2005

DANIELLE FAVREAU
IDAHO DEPARTMENT OF WATER RESOURCES
322 EAST FRONT STREET
P.O. BOX 83720-0098
BOISE, IDAHO 83720-0098

RE: WATER RIGHT No. 67-4589 Wakagawa

Dear Danielle:

Our Ditch Manager, Bruce Gochnour brought this to my attention. Wakagawa irrigates 26 acres in Sec. 35, T11N,R6W and 44 acres in Sec. 36. They are all irrigated from Jenkins Creek which runs through the property. The Weiser Irrigation District currently assess Wakagawa 9 acres under customer No. 123. Wakagawa has applied for water under 67-4589 which uses the same system to deliver the Weiser Irrigation District assessed water.

Jenkins Creek is naturally dry in June. The Weiser Irrigation District provides all instream flow. We drop water to Wakagawa and several other users, who maintain check dams on the Creek.

This land is covered under our 1940 license 67-2169. Wakagawa is using water supplied from the Weiser River and Crane Creek Reservoir through the Galloway Canal. The balance of his land should be annexed into the District.

I am enclosing a map plus copies of the water right claims and our District billing.

Sincerely yours,

Jay Edwards
Sec.

Enc.

SCANNED
NOV 08 2005

/ / 04

Page: 1

WAKAGAWA, SHO
1595 W SEVENTH
WEISER, ID
83672

Detatch top part and return with payment -- AMOUNT PAID $_____

DESCRIPTION	NO. OF SHARES	NET	ASSESMENT
36-11-6, LOT 4, TRACT 11	3-09	18.75 $	73.13

TOTAL DUE: $ 73.13

/ / 04

Page: 1

WAKAGAWA, SHO
1595 W SEVENTH
WEISER, ID
83672

Detatch top part and return with payment -- AMOUNT PAID $_____

RECEIVED
NOV 0 8 2005

☺ DESCRIPTION	NO. OF SHARES	NET	ASSESMENT
36-11-6, TRACT 12 LOT 4	5-01	18.75 $	95.63↕

TOTAL DUE: $ 95.63

↕

/ / 04

Page: 1

WAKAGAWA, SHO
1595 W SEVENTH
WEISER, ID
83672

Detatch top part and return with payment -- AMOUNT PAID $_____

☺ DESCRIPTION	NO. OF SHARES	NET	ASSESMENT
36-11-6, TRACT 12 LOT 4	5-01	18.75 $	95.63↕

SCANNED
NOV 0 8 2005

INVOICE DETAIL

CUSTOMER NUMBER: 123
NAME: WAKAGAWA, SHO
TOTAL BALANCE: $0.00

INVOICE #	DATE	AMOUNT	PAID	BALANCE	LAST PAYMENT DATE	LAST PAYMENT AMOUNT
04 372	11/18/04	73.13	73.13	0.00	02/08/05	73.13
04 373	11/18/04	95.63	95.63	0.00	02/08/05	95.63
			GRAND TOTAL:	0.00		



SCANNED
NOV 0 8 2005



SCANNED
NOV 08 2005

WARRANTY DEED

INSTRUMENT NO. 168963
PAGE 1 OF 1

For Value Received JOHN H. NAKAI, Personal Representative of the Estate of Minnie Nakai, Deceased, and JOHN M. NAKAI, of 11915 Hamrich Court, San Diego, California 92131, the grantors, do hereby grant, bargain, sell and convey unto SHOZO WAKAGAWA and CHISATO WAKAGAWA, husband and wife, of 1595 West Seventh Street, Weiser, Idaho 83672, the grantees, the following described real estate situated in Washington County, State of Idaho, to-wit:

IN TOWNSHIP 11 NORTH, RANGE 6 WEST OF THE BOISE MERIDIAN:

Section 35: Lot 1 SAVE AND EXCEPT the West 200 feet;
Section 36: Lot 4; EXCEPTING that portion of Lot 1 and the Westerly 32.5 acres of Lot 4 lying southerly of a fence, as set out in Warranty Deed dated November 17, 1944, granted by Ira Hopper et ux to John J. McCrea, recorded in Book 64 Deeds, Page 359 records of Washington County, Idaho.

SUBJECT TO a right-of-way for existing County Road along the northerly line.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, subject, however, to all easements and rights-of-way appearing on such premises or of record, all restrictions of record, and reservations in favor of the United States or the State of Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated this 8th day of February, 1984

OFFICIAL SEAL
ELIZABETH S VIRAY
NOTARY PUBLIC - CALIFORNIA
SAN DIEGO COUNTY
My comm. expires AUG 29, 1986

Estate of Minnie Nakai, Deceased
By: John H. Nakai
Personal Representative

John M. Nakai by John H. Nakai, Attorney in Fact

CALIFORNIA

STATE OF ~~IDAHO~~, COUNTY OF SAN DIEGO
On this 8th day of February, 1984, before me, a notary public in and for said State, personally appeared JOHN H. NAKAI, Personal Representative of the Estate of Minnie Nakai, Deceased, and JOHN H. NAKAI as Attorney in Fact for John M. Nakai,

known to me to be the person who se name is subscribed to the within instrument, and acknowledged to me that he executed the same. On behalf of said Estate and John M. Nakai.

Elizabeth S. Viray
Notary Public
Residing at Idaho Calif.
Comm. Expires August 29, 1986

STATE OF IDAHO, COUNTY OF WASHINGTON
I hereby certify that this instrument was filed for record at the request of WEISER VALLEY TITLE

at 50 minutes past FOURTEEN o'clock P.m., this 21ST day of MARCH 19 97, in my office, and duly recorded in ~~XXXX~~ M Deeds ~~XXXXX~~ BY #168963

SHARON WIDNER
Ex-Officio Recorder

By Lisa McKnight Deputy.

Fees $3.00
Mail to: WEISER VALLEY TITLE

INSTRUMENT No.

Cmp. Index
Cmp. Rel.
Film
Compare
Card Rel.
Bk. Rel.
Up-date
Return
Copy

Warranty Deed

SCANNED
NOV 0 8 2005

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

11/04/2005

WATER RIGHT NO. 67-4589

Owner Type	Name and Address
Current Owner	CHISATO WAKAGAWA 1595 W 7TH WEISER, ID 83672 (208)549-0883
Current Owner	SHOZO WAKAGAWA 1615 W 7TH WEISER, ID 83672 (208)549-0883

Priority Date: 07/13/1920
Basis: Statutory Claim
Status: Active

Source	Tributary
JENKINS CREEK	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	2.5 CFS	
Total Diversion			2.5 CFS	

Location of Point(s) of Diversion:

SCANNED
NOV 0 8 2005

JENKINS CREEK	SWSW	Sec. 25	Township 11N	Range 06W	WASHINGTON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION WASHINGTON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Trac
11N	06W	35	1	NENE	26								
		36	4	NWNW	38								

Total Acres: 64

Dates:
Licensed Date:
Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plantiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

SCANNED
NOV 0 8 2005

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.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 30, 2005

SHO WAKAGAWA
CHISATO WAKAGAWA
1595 W 7TH
WEISER ID 83672

RE: Amendment to Snake River Basin Adjudication (SRBA) claim 67-4589

Dear Claimant(s):

On October 24, 2005, you met with Roger Meyer for a field exam for the SRBA claim mentioned above. You expressed a desire to amend your date of priority from July 13, 1920, to June 18, 1898, to match a posted notice you gave Mr. Meyer at that time. In order to change the priority date for claim 67-4589, you need to file an amended claim. I am enclosing an amended claim for 67-4589 showing the new priority date. Please sign it, have it notarized, and send it back to me at this office.

Feel free to contact me at (208) 287-4907 if you have any questions.

Respectfully submitted,

Monica P VB

Monica P. Van Bussum
Water Resource Agent/GIS Technician
Adjudication Bureau

Enclosure(s)

Cash Purchase

OLSEN ENTERPRISES

The Mini Mall,445 State Street

Weiser, ID 83672

208 414 4488

INVOICE # 70848

DATE\TIME: 10/24/2006 9:51:26 AM

CASHIER: DI STATION: 01

2 - Lbr B/W Copy Full Service

22	@	$0.08	$0.16
SUBTOTAL			$0.16
Tax1			$0.01
GRAND TOTAL			$0.17
Amt Tendered			$0.17
Change Due			$0.00

Thank you for visiting.

BEAT THE RUSH!

Order your

2007 CALENDARS now.

Receipt for copies

11/01/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-4589

NAME AND ADDRESS: CHISATO WAKAGAWA
1615 W 7TH
WEISER ID 83672

SHOZO WAKAGAWA
1615 W 7TH
WEISER ID 83672

SOURCE: JENKINS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.280 CFS

PRIORITY DATE: 06/18/1898

Pursuant to a call in times of scarcity, this right is junior to Water Right Nos.: 67-2044, 67-2095, 67-2097A, 67-2097B, 67-2110, 67-4520, 67-14246, 67-14247, and 67-14251. Pursuant to a call in times of scarcity, this right is also junior to Weiser Irrigation District water rights out of the Galloway Ditch.

POINT OF DIVERSION:

T11N R06W S25 SWSW Within WASHINGTON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	1.280 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T11N R06W S35 Lot 1 NENE 24.00 T11N R06W S36 Lot 4 NWNW 40.00

64 ACRES TOTAL

Place of use is within the area served by Weiser Irrigation District.

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 - Beneficial Use

File in 67-4589

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4589 V1

WATER RIGHT NUMBER: 67-4589 V1

Owner Type	Name and Address
Current Owner	CHISATO WAKAGAWA 1615 W 7TH WEISER, ID 83672 (208)549-0883
Current Owner	SHOZO WAKAGAWA 1615 W 7TH WEISER, ID 83672 (208)549-0883

Priority Date: 06/18/1898

Basis: Beneficial Use

Status: Active

Source	Tributary
JENKINS CREEK	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/01 to 11/15	1.280 CFS	
	Total Diversion:	1.280 CFS	

Location of Point(s) of Diversion

JENKINS CREEK SW1/4SW1/4 Sec. 25, Twp 11N, Rge 06W, B.M.
WASHINGTON County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N 06W 35	24.0 L 1																24.0
11N 06W 36					40.0 L 4												40.0

Total Acres: 64

Conditions of Approval:

1. C18 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.
2. 129 Place of use is within the area served by Weiser Irrigation District.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4589 V1

3. D10 Pursuant to a call in times of scarcity, this right is junior to Water Right Nos.: 67-2044, 67-2095, 67-2097A, 67-2097B, 67-2110, 67-4520, 67-14246, 67-14247, and 67-14251. Pursuant to a call in times of scarcity, this right is also junior to Weiser Irrigation District water rights out of the Galloway Ditch.

Remarks:

Comments:

1. mvanbussum 12/30/2005 Place of Use
Comment: Per Carter Fritschle, posted notices rarely describe places of use and this one may be incorrect or reduced based on the diversion rate given.

2. mvanbussum 12/30/2005 Place of Use
Comment: Metsker maps show single ownership of S35 NENE and NWNE, as well as S36 NWNW. Based on our conclusion regarding the posted notice, we are recommending place of use for 67-4589 as claimed. This is a logical conclusion based on diversion rate of 15 cfs for posted notice, single ownership of land from Metsker maps and flow path of Jenkins Creek.

3. mvanbussum 4/14/2006 Source
Comment: Per conversation with claimants on 67-2044 and 67-2097A and B, there is no water in Jenkins Creek in their area after mid-July at the latest.

4. mvanbussum 4/14/2006 Source
Comment: Per field exam notes from 1915 for 67-2095, "No filings on [Jenkins] Creek below this point, so that no one is injured in any way. Only about 35 inches in Creek at present - all used." Point being referred to is T11N R06W Sec 13 SENE, which is north of the Galloway Ditch - Jenkins Creek intersection.

5. mvanbussum 4/14/2006 Source
Comment: It appears that Weiser Irrigation District drops water from the Galloway Ditch into Jenkins Creek to supply downstream users with irrigation water. The Wakagawa headgate is the last headgate on Jenkins Creek and WID does not have control of the water past that point. We are treating this as extra, or waste, water in Jenkins Creek. We will put a condition on this recommendation making it junior to other rights on Jenkins Creek, as well as WID claims for the Galloway Ditch, pursuant to times of scarcity. Add D10 condition.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4589 V1

Contacts	12/30/2005 11:29:31 AM	mvanbussum			Active
Priority Date	12/30/2005 11:29:52 AM	mvanbussum			Active
POD	12/30/2005 11:32:59 AM	mvanbussum			Active
Source	12/30/2005 1:07:32 PM	mvanbussum			Active
POU	12/30/2005 1:10:25 PM	mvanbussum			Active
Use	12/30/2005 1:11:02 PM	mvanbussum			Active
Season	12/30/2005 1:11:26 PM	mvanbussum			Active
Quantity	12/30/2005 1:38:58 PM	mvanbussum			Active
Summary			12/30/2005	mvanbussum	Active
Summary			04/14/2006	mvanbussum	Active
Summary			04/14/2006	mvanbussum	Active
Summary			04/14/2006	mvanbussum	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
Summary	4/14/2006 9:39:26 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Summary	4/14/2006 2:44:30 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4589 V1

Summary	4/14/2006 9:45:42 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	12/30/2005 11:29:31 AM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam conducted 10-24-05.
POD	12/30/2005 11:32:59 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
General	12/30/2005 11:29:53 AM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (Yes) 8. Is the basis of claim a posted notice? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POU	12/30/2005 1:08:06 PM	mvanbussum	Updated PLS for Active POU
Season	12/30/2005 1:11:26 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4589 V1

Quantity	12/30/2005 1:38:58 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
POD	12/30/2005 11:33:12 AM	mvanbussum	Updated shape
Source	12/30/2005 1:07:32 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (Yes) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field exam 10/24/2005.
POU	12/30/2005 1:07:54 PM	mvanbussum	Updated shape for Active POU
POU	12/30/2005 1:10:25 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field exam 10/24/05.
Use	12/30/2005 1:11:02 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field exam 10/24/05.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4589 V1

Summary	12/30/2005 1:41:17 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

RECEIVED
DEC 05 2006
DEPARTMENT OF
WATER RESOURCES

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-4589

CHISATO WAKAGAWA
1615 W 7TH
WEISER ID 83672
Telephone Number: (208)549-0883

SHOZO WAKAGAWA
1615 W 7TH
WEISER ID 83672
Telephone Number: (208)549-0883

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

✓ **I AGREE with this proposed recommendation: no changes need to be made.**

DATE: Nov. 30. 2006 **SIGNATURE:** Sho Wakagawa

Please print your name: SHO WAKAGAWA

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC - 8 2006

04/14/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-4589

NAME AND ADDRESS: CHISATO WAKAGAWA
1615 W 7TH
WEISER ID 83672

SHOZO WAKAGAWA
1615 W 7TH
WEISER ID 83672

SOURCE: JENKINS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.280 CFS

PRIORITY DATE: 06/18/1898

Pursuant to a call in times of scarcity, this right is junior to Water Right Nos.: 67-2044, 67-2095, 67-2097A, 67-2097B, 67-2110, 67-4520, 67-14246, 67-14247, and 67-14251.

POINT OF DIVERSION:

T11N R06W S25 SWSW Within WASHINGTON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	1.280 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T11N R06W S35 Lot	1 NENE	24.00	T11N R06W S36 Lot	4 NWNW	40.00

64 ACRES TOTAL

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

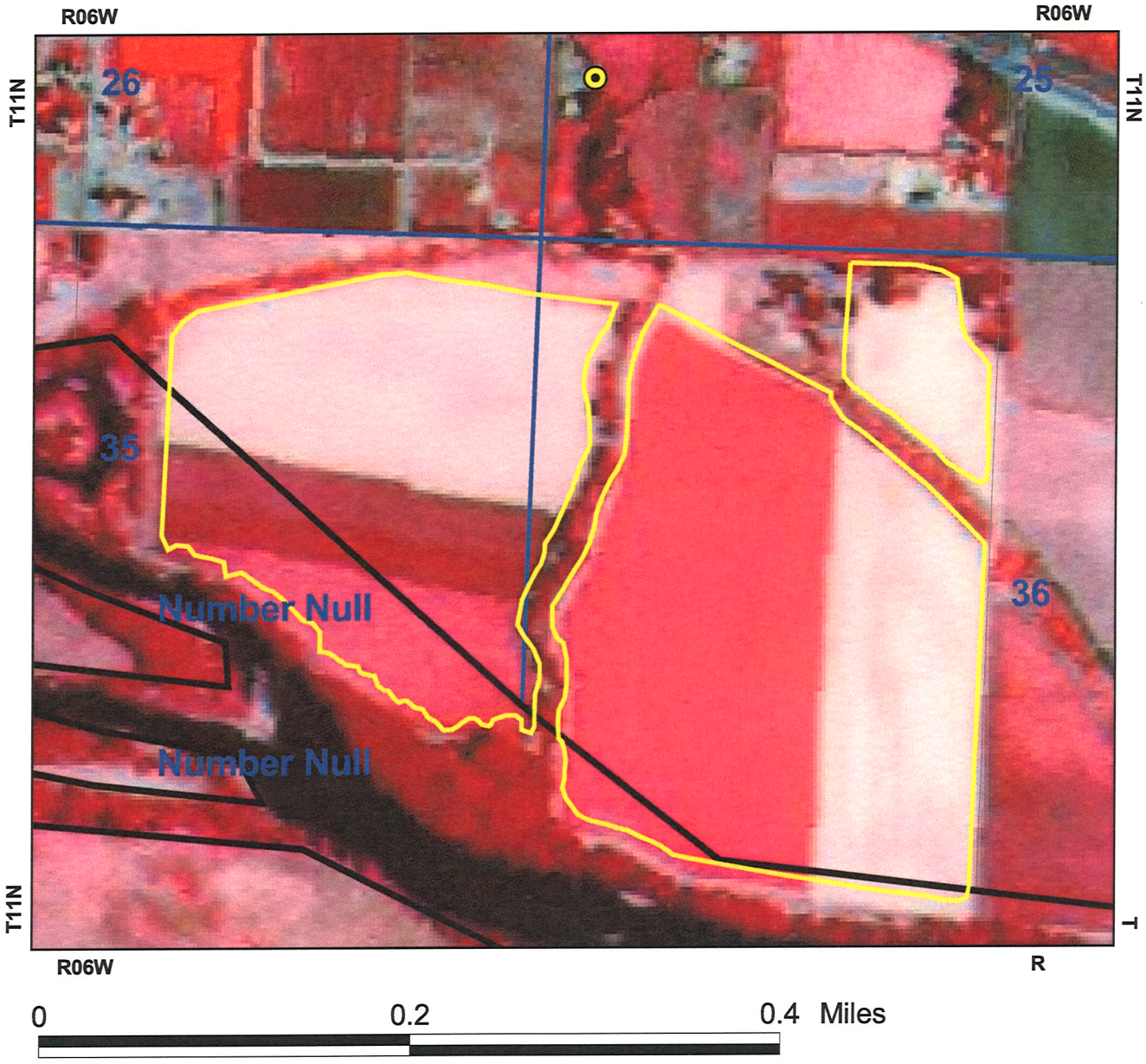
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources

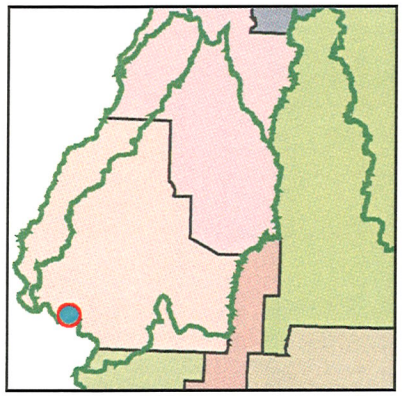
Adjudication Claim:

67-4589



Legend

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



Washington County
IDWR Basin 67

N

Prepared by M. Van Bussum
On Friday, April 14, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4589 V1

WATER RIGHT NUMBER: 67-4589 V1

Owner Type	Name and Address
Current Owner	CHISATO WAKAGAWA 1615 W 7TH WEISER, ID 83672 (208)549-0883
Current Owner	SHOZO WAKAGAWA 1615 W 7TH WEISER, ID 83672 (208)549-0883

Priority Date: 06/18/1898

Basis: Beneficial Use

Status: Active

Source	Tributary
JENKINS CREEK	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/01 to 11/15	1.280 CFS	
	Total Diversion:	1.280 CFS	

Location of Point(s) of Diversion

JENKINS CREEK SW1/4SW1/4 Sec. 25, Twp 11N, Rge 06W, B.M.

WASHINGTON County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N 06W 35	24.0 L 1																24.0
11N 06W 36					40.0 L 4												40.0

Total Acres: 64

Conditions of Approval:

1. C18 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.
2. D10 Pursuant to a call in times of scarcity, this right is junior to Water Right Nos.: 67-2044, 67-2095, 67-2097A, 67-2097B, 67-2110, 67-4520, 67-14246, 67-14247, and 67-14251.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4589 V1

Comments:

1. mvanbussum 12/30/2005 Place of Use
Comment: Per Carter Fritschle, posted notices rarely describe places of use and this one may be incorrect or reduced based on the diversion rate given.

2. mvanbussum 12/30/2005 Place of Use
Comment: Metsker maps show single ownership of S35 NENE and NWNE, as well as S36 NWNW. Based on our conclusion regarding the posted notice, we are recommending place of use for 67-4589 as claimed. This is a logical conclusion based on diversion rate of 15 cfs for posted notice, single ownership of land from Metsker maps and flow path of Jenkins Creek.

3. mvanbussum 4/14/2006 Source
Comment: Per conversation with claimants on 67-2044 and 67-2097A and B, there is no water in Jenkins Creek in their area after mid-July at the latest.

4. mvanbussum 4/14/2006 Source
Comment: Per field exam notes from 1915 for 67-2095, "No filings on [Jenkins] Creek below this point, so that no one is injured in any way. Only about 35 inches in Creek at present - all used." Point being referred to is T11N R06W Sec 13 SENE, which is north of the Galloway Ditch - Jenkins Creek intersection.

5. mvanbussum 4/14/2006 Source
Comment: It appears that Weiser Irrigation District drops water from the Galloway Ditch into Jenkins Creek to supply downstream users with irrigation water. The Wakagawa headgate is the last headgate on Jenkins Creek and WID does not have control of the water past that point. We are treating this as extra, or waste, water in Jenkins Creek. We will put a condition on this recommendation making it junior to other rights on Jenkins Creek, as well as WID claims for the Galloway Ditch, pursuant to times of scarcity. Add D10 condition.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	12/30/2005 11:29:31 AM	mvanbussum			Active
Priority Date	12/30/2005 11:29:52 AM	mvanbussum			Active
POD	12/30/2005 11:32:59 AM	mvanbussum			Active
Source	12/30/2005 1:07:32 PM	mvanbussum			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4589 V1

POU	12/30/2005 1:10:25 PM	mvanbussum			Active
Use	12/30/2005 1:11:02 PM	mvanbussum			Active
Season	12/30/2005 1:11:26 PM	mvanbussum			Active
Quantity	12/30/2005 1:38:58 PM	mvanbussum			Active
Summary			12/30/2005	mvanbussum	Active
Summary			04/14/2006	mvanbussum	Active
Summary			04/14/2006	mvanbussum	Active
Summary			04/14/2006	mvanbussum	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
Summary	4/14/2006 9:39:26 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Summary	4/14/2006 2:44:30 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4589 V1

Summary	4/14/2006 9:45:42 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	12/30/2005 11:29:31 AM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam conducted 10-24-05.
POD	12/30/2005 11:32:59 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
General	12/30/2005 11:29:53 AM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (Yes) 8. Is the basis of claim a posted notice? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POU	12/30/2005 1:08:06 PM	mvanbussum	Updated PLS for Active POU
Season	12/30/2005 1:11:26 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4589 V1

Quantity	12/30/2005 1:38:58 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
POD	12/30/2005 11:33:12 AM	mvanbussum	Updated shape
Source	12/30/2005 1:07:32 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (Yes) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field exam 10/24/2005.
POU	12/30/2005 1:07:54 PM	mvanbussum	Updated shape for Active POU
POU	12/30/2005 1:10:25 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field exam 10/24/05.
Use	12/30/2005 1:11:02 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field exam 10/24/05.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4589 V1

Summary	12/30/2005 1:41:17 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

RECEIVED
DEC 13 2005
DEPARTMENT OF
WATER RESOURCES

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

AMENDED

Ident. Number 67-4589
Date Received: 10/18/1989
Receipt No: W006375
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHISATO WAKAGAWA Phone: (208)549-0883
1615
~~1595~~ W 7TH
WEISER ID USA 83672

SHOZO WAKAGAWA Phone: (208)549-0883

1615 W 7TH
WEISER ID USA 83672

2. Date of Priority: 06/18/1898

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	25	SW SW	WASHINGTON	

5. Description of diverting works:

CEMENT DIVERSION DAM, DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2.5	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

SCANNED
DEC 13 2005

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
11N	06W	35	NE	NE	1	IRRIGATION	26
						Section Acres	26
11N	06W	36	NW	NW	4	IRRIGATION	38
						Section Acres	38
						Total Acres	64

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:

15. Basis of Claim: Statutory Claim

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 ___✓___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): Shozo Wakagawa Date: 12-5-05

Chisato Wakagawa Date:

State of Idaho)
) SS.
County of Washington)

Subscribed and sworn (or affirmed) before me this 5 Dec of 2005

Sonia L Skelton

Notary Public

Residing at Weiser, Id

My commission Expires 8/1/06

STATE OF IDAHO NOTARY PUBLIC SONIA L. SKELTON

SCANNED

DEC 1 3 2005

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: **A67-04589**
Date Received: 10/18/1989
Receipt No: W006375
Received By: _____

COPY FOR YOUR FILES | **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** | **COPY FOR YOUR FILES**

1. Name: SHO WAKAGAWA
   Address: 1595 W 7TH
   WEISER ID 83672-0000

   Name: CHISATO WAKAGAWA
   Address: 1595 W 7TH
   WEISER ID 83672-0000

2. Date of Priority: JUL 13, 1920

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	25	SW SW		WASHINGTON

5. Description of diverting works:
   CEMENT DIVERSION DAM, DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S (or)	A.F.A.
IRRIGATION	03/15	11/15	2.500	

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	06W	35	NE NE	1	IRR	26.0

MICROFILMED AUG 05 1994
SCANNED APR 14 2004

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
						Section Acres	26.0
		36	NW	NW	4	IRR	38.0
						Section Acres	38.0
						Total Acres	64.0

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:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
AUG 0 5 1994

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

RECEIVED
OCT 18 1989

Ident. Number: **A67-04589**
Date Received: 6/13/1989
Receipt No: W006375
Received By: DE MH

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHO WAKAGAWA
   Address: 1595 W. 7TH
   WEISER, ID 83672-0000

   Name: CHISATO WAKAGAWA
   Address: 1595 W. 7TH
   WEISER, ID 83672-0000

2. Date of Priority: JUL 13, 1920

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	25	SW SW		WASHINGTON

5. Description of diverting works:
   CEMENT DIVERSION DAM, DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
AUG 05 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
11N	06W	35	NE	NE	1	IRR	26.0
					Section Acres		26.0
		36	NW	NW	4	IRR	38.0
					Section Acres		38.0
					Total Acres		64.0

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:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
AUG 0 5 1994

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 ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): Sho Wakagawa Date: 9-13-89

Chiaki Wakagawa Date: 9-13-89

State of Idaho)
) SS.
County of Washington)

Subscribed and sworn (or affirmed) before me this 13th day of September 19 89

Lorna L. Courgnard
Notary Public

Seal

Residing at Payette, Idaho

My Commission Expires 11/17/92

MICROFILMED
AUG 0 5 1994

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Jan Shute.

Right Number 67 - 4589 Applicant WAKAGAWA

NOTE: *IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.*

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion. NO LOTS IN Sec. 25
- ☐ Location of use. NO LOTS IN Sec. 25
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. THE WEISER SIGNAL 6/4 & 6/11/87
- ☒ Claim published correctly.
- None ☐ N/A Exceptions processed.

By Dms Date 7/13/87

STATE OFFICE PROCESSING:

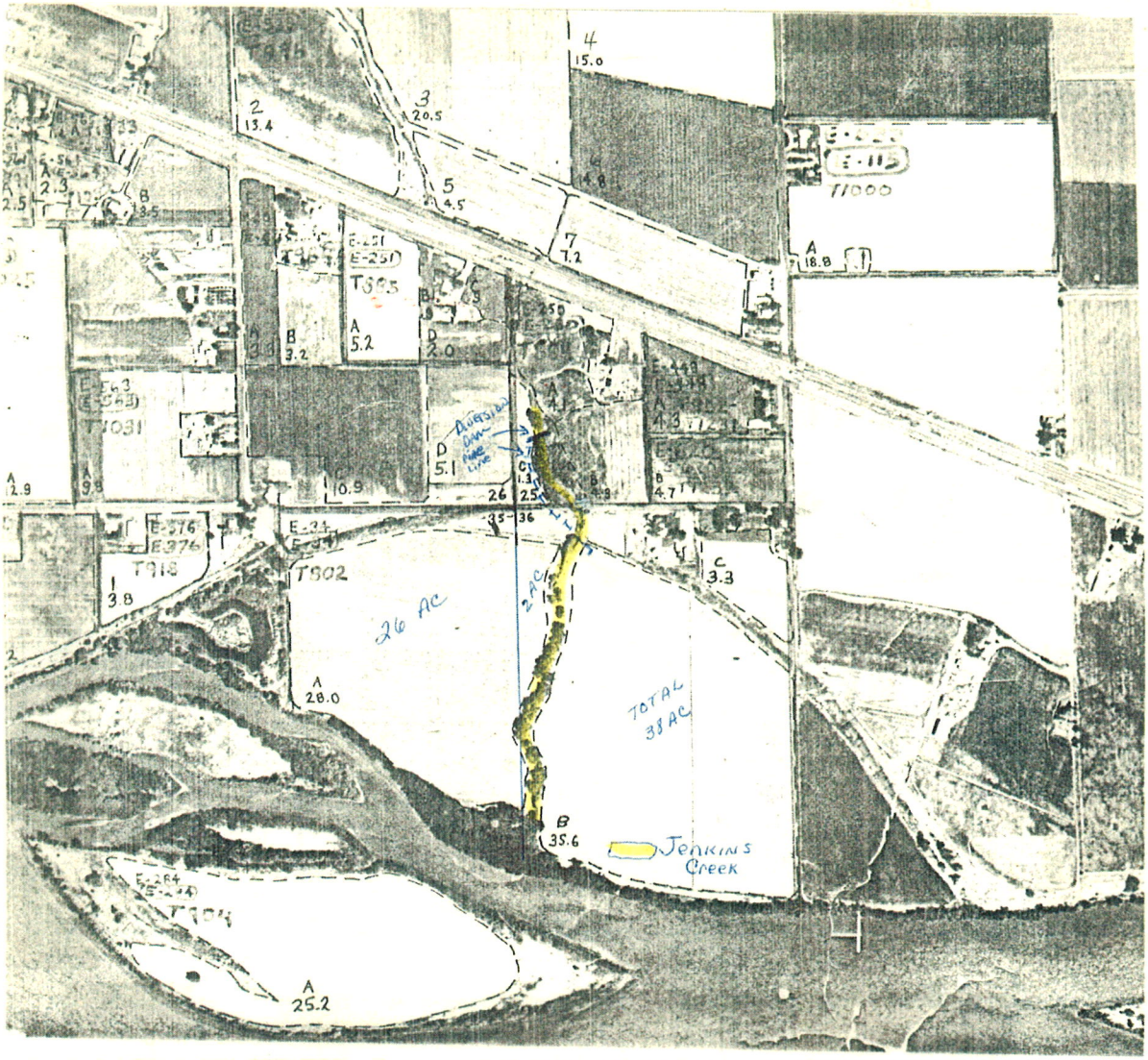
- ☑ Claim review complete.

By SC Date 8/7/87

MICROFILMED
AUG 21 1987

RECEIVED
AUG 07 1987
Department of Water Resources

(8) Remarks



State of Idaho)
) ss.
County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sho Wakogawa
(Claimant)

Sworn to before me this 14th day of May, 1987.

David R Tuthill
Notary Public
Residing at Boise Id

My commission expires Sept 10, 1988

MICROFILMED
AUG 21 1987

FOR DEPARTMENT USE ONLY

Received by _____ Date 5/14/87 Exception filed by: Fowarded to claimant by: Date
Prelim. check by _____ Date 5/19/87
~~$30.00~~ $200.00 fee received by _____ Date 5/14/87 # 44835
Published in THE WEISER SIGNAL
Dates 6/4 & 6/11/87

Form No. 243
9/81

Claim No. 07-4589

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that SHO WAKAGAWA &/OR CHISATO WAKAGAWA
(Name of Claimant)

1595 W. 7TH, WEISER, ID 83672 Telephone No. 549-0883
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 7/13/1920

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
JENKINS CREEK tributary to SNAKE RIVER

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) Period of Use From (Mo., Day)	To (Mo., Day)
Quantity	2.5 CFS	Use IRRIGATION	3/15	11/15
Quantity		Use		
Quantity		Use		
Quantity		Use		
Quantity		Use		

(4) 2.5 CFS (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 25 Twp. 11N Rge. 6W B.M., County of WASHINGTON
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. CEMENT DIVERSION DAM W/12" MAINLINE INTO CEMENT DITCHES WITH SYPHON TUBE IRRIGATION

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11N	6W	35	15.1 26																26
		36						4.4 38											38

No. of acres 64

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

MICROFILMED
AUG 21 1987

NO ANSWER.

67-4589 Shozo Wakagawa 549-0883

Diversion Jenkins Creek.

Cement Dam POD #96 2259461
0016792 1454739
Ditches 2 Pictures
Flood Ier. Yes

POU. See Map.

2.5 CFS = 125"

26 + 38 Ac = 64 Ac.

PE/Date. 7/30/1920

IDWR Field Exam Form 02/28/2005

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	CHISATO WAKAGAWA	1595 W 7TH	WEISER	ID	83672	(208)549-0883
Current Owner	SHOZO WAKAGAWA	1615 W 7TH	WEISER	ID	83672	(208)549-0883

Date of Field Exam: 10-24-05 Time: 0930

Accompanied By: SHOZO OWNER Phone Number: 208-549-0883

Relationship to Claimant: OWNER

Directions to Property (if different from above) and/or update owner information:

Reviewer: [signature] Date: 10-24-05

IDWR Field Exam Form 02/28/2005

Priority Date Data Entry Form

Claim Number 67-4589

Claimed Priority Date: 7/13/1920 Claimed Basis: Statutory Claim

__ **Use Claimed Priority Date and Basis as Recommended Priority Date and Basis**

Water Right Priority Date: 7/13/1920 Water Right Basis: Statutory Claim

Recommended Priority Date 6-18-1898 Recommended Basis See letter

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

NOTICE OF APPROPRIATION OF WATER Signed By MARK R. KULP, State Reclamation Engineer. Dated ~~6-22-1898~~ 3-11-1948

Reviewer: [signature] Date: 10-24-05

IDWR Field Exam Form 02/28/2005

Point of Diversion and Source Data Entry Form

Claim Number 67-4589

Claimed Point of Diversion and Source

T11N R06W S25 SWSW Within WASHINGTON County Source: JENKINS CREEK SNAKE RIVER

__ **Use Claimed POD and Source as Recommended POD and Source**

Water Right Point of Diversion and Source

T11N R06W S25 SWSW Within WASHINGTON County

Recommended Point of Diversion and Source

Source Information

Source	Tributary To
Jenkins Creek	SNAKE River

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
#96 # 00	16	92			Washington	Jenkins Creek
					2 Pictures 1- Head Gate.	
						2 - Dam.

2259461
1454739

Other rights from this POD? NO

Document how the POD and Source were verified:

Reviewer: Roger D. Mayer

Date: 10-24-05

IDWR Field Exam Form 02/28/2005

Place Of Use Data Entry Form

Claim Number 67-4589

Claimed Place Of Use

T11N R06W S35 Lot 1 NENE 26.0 T11N R06W S36 Lot 4 NWNW 38.0

Total Acres 64

__ **Use Claimed POU as Recommended POU**

Water Right Place Of Use

T11N R06W S35 Lot 1 NENE 26.0 T11N R06W S36 Lot 4 NWNW 38.0

Total Acres 64

Recommended Place of Use _____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
					See MAP			

Total Acres ____

Document how the POU was verified:

_____

_____

Reviewer: _____ Date: 10-24-05

Purpose of Use Data Entry Form

Claim Number 67-4589

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

__ **Use Claimed Purpose of Use as Recommended Purpose of Use**

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
IRR.	0	0		0

Document how the Purpose of Use was verified:

Reviewer: _____ Date: 10-24-05

IDWR Field Exam Form 02/28/2005

Period of Use and Quantity Data Entry Form

Claim Number 67-4589

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	2.5	

Overall Diversion Rate 2.5 Overall Diversion Volume

✓ **Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	2.5	

Overall Diversion Rate 2.5 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

_____

_____

_____

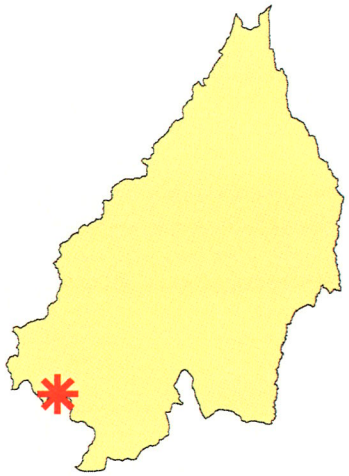
_____

Reviewer: _____ Date: 10-24-05

Idaho Department of Water Resources

Water Right Claim No:

67-4589





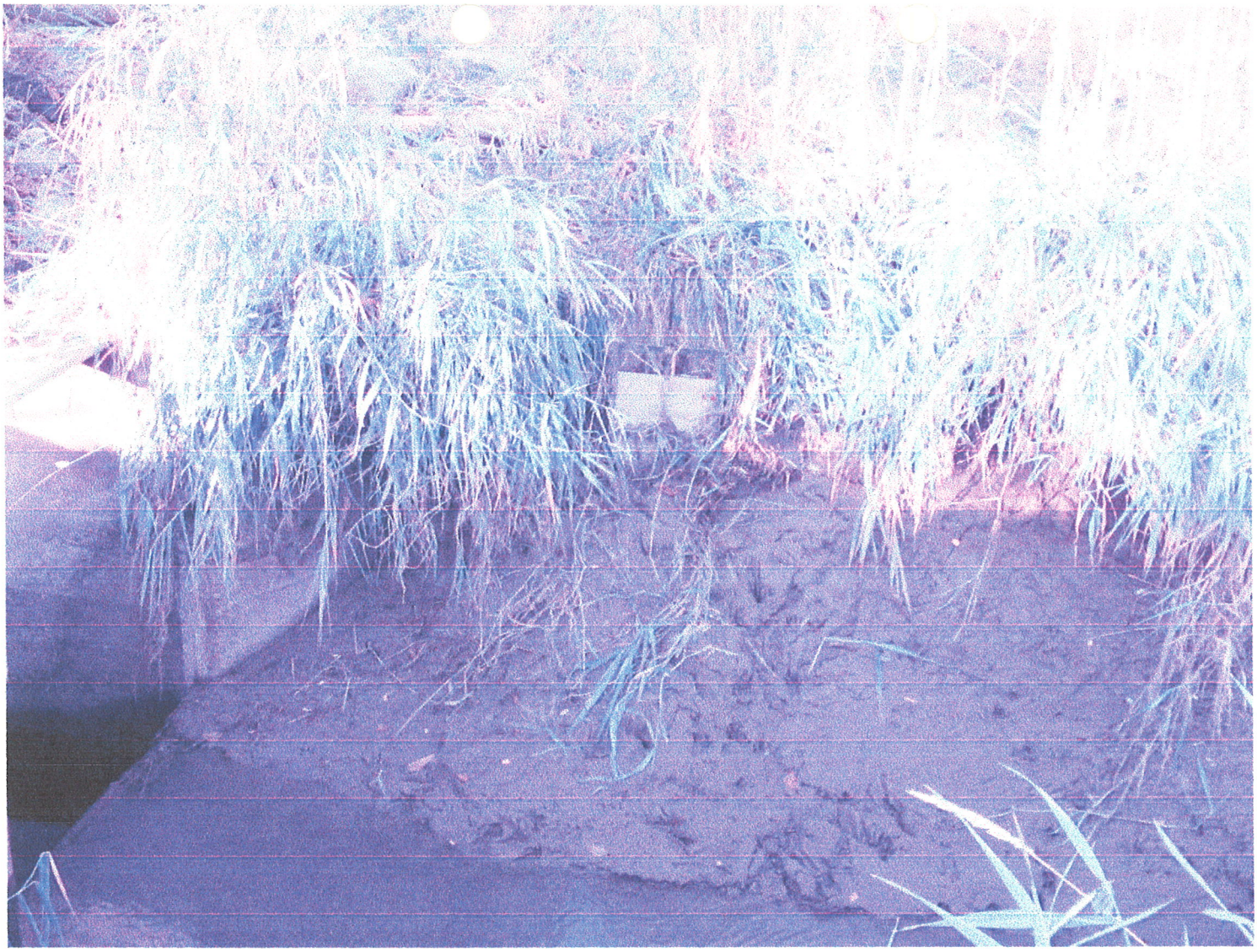
Legend

- Place of Use
- Section Lines
- Quarter Quarters

N

0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 Miles

Prepared by: Dan Narsavage
On: February 28, 2005
1987 False-Color Infrared Photography



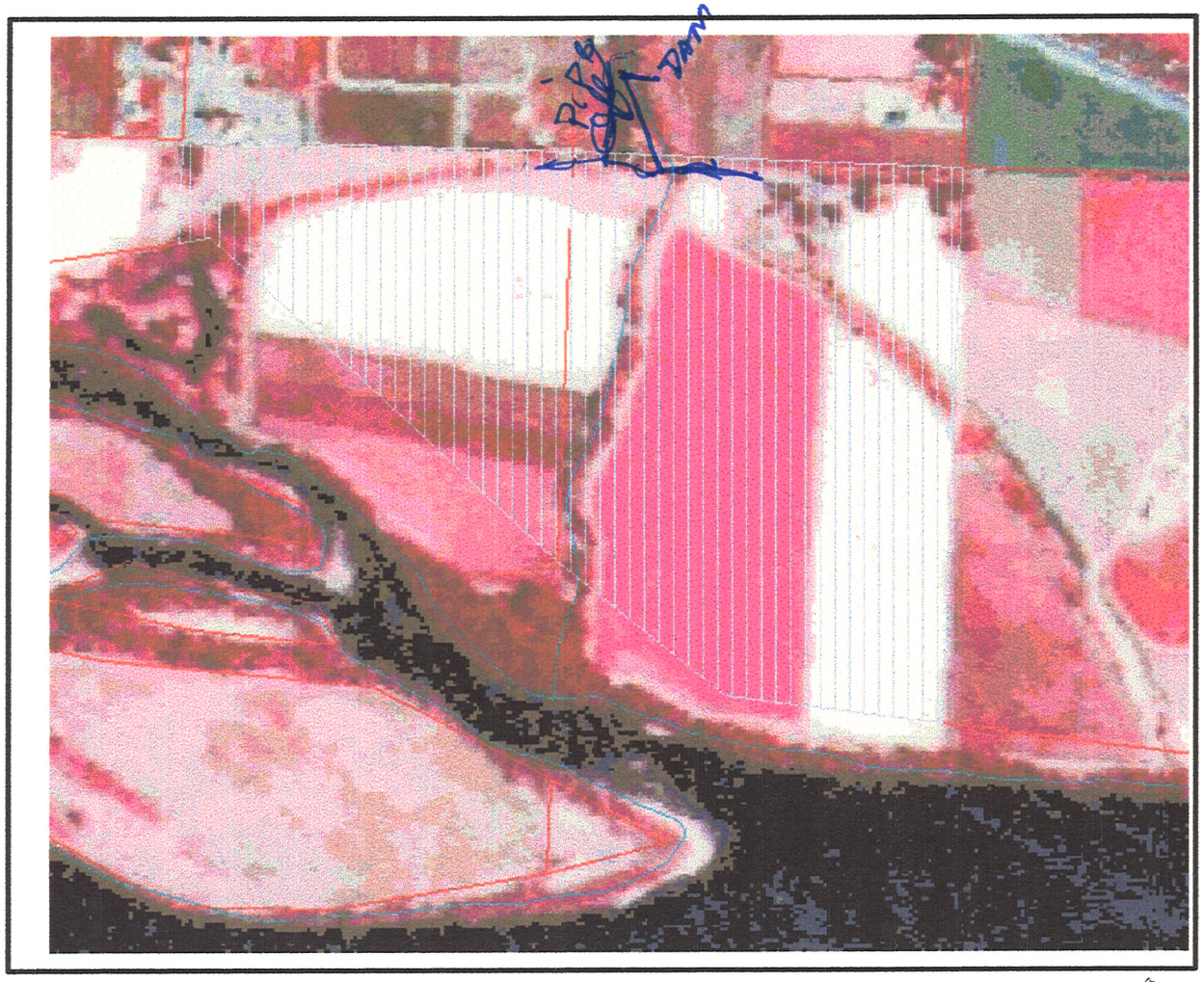
#A0016792-2 headgate Wakagawa.JPG



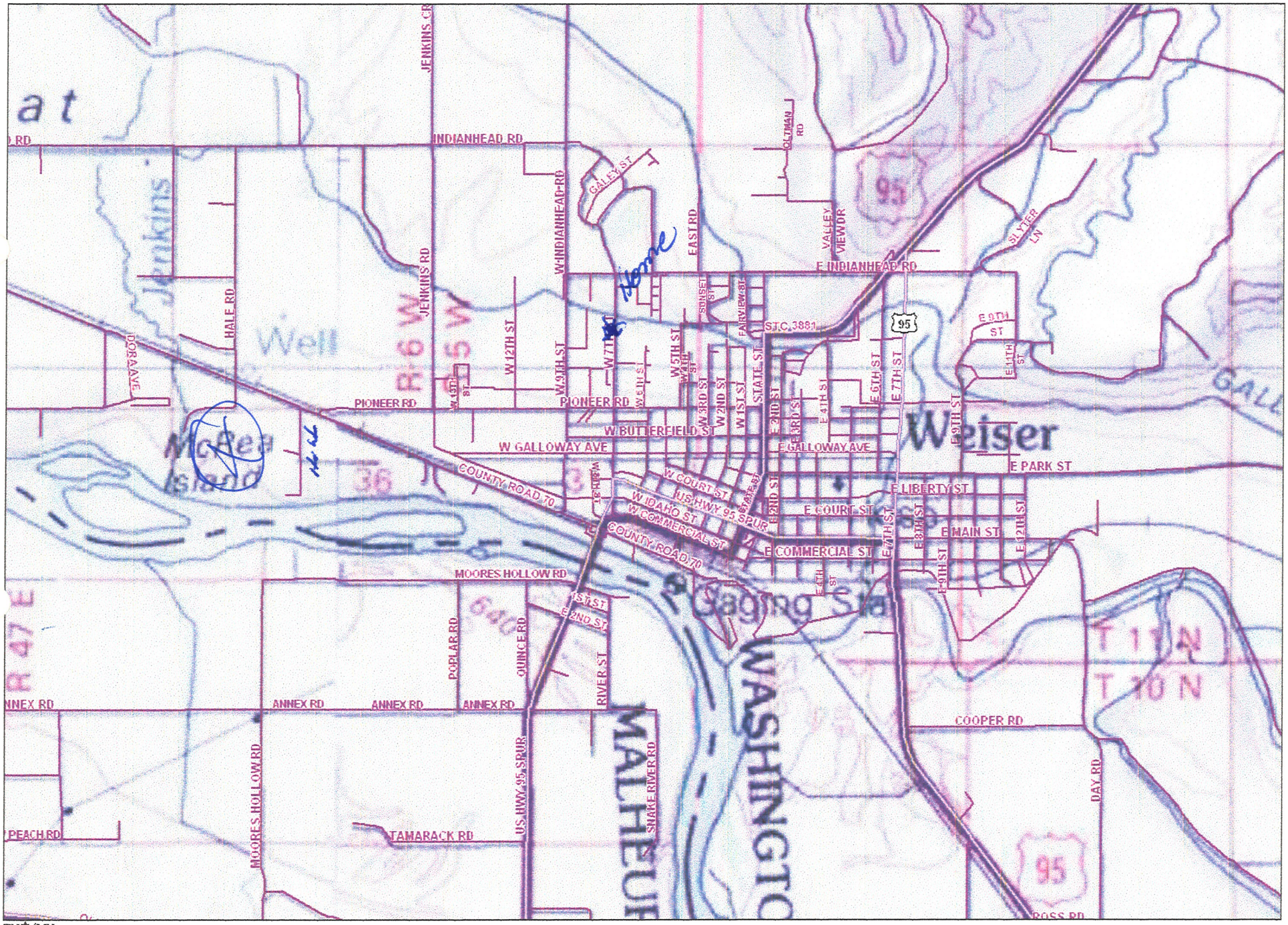
Wakagawa
#A0016792-1-Dam.JPG

ESRI ArcExplorer 2.0

WAKAGAWA



Friday, Mar 11 2005



TN 16° MN

Map created with TOPO!® ©2003 National Geographic; ©2003 GDT, Inc., Rel. 9/2003 (www.nationalgeographic.com/topo)

NOTICE OF APPROPRIATION OF WATER

Notice is hereby given, That the undersigned has appropriated and claims under the Laws of the State of Idaho, Fifteen Cubic Feet per second of this Stream, known as Jenkins Creek.

Said water is intended to be diverted from said Creek, at the point where this Notice is posted, to wit: Three Hundred Feet East and Eighty Three feet South of the North-West corner of Lot Numbered Four, in Section Thirty Six, in Township Eleven, North and Range Six, West of B. M. in Washington County, Idaho.

Said water will be used for the purpose of Irrigation and Domestic purposes.

And the place of said Use will be on Lots Numbered One and Two in Section Thirty Five, in Township Eleven, North and Range Six, West of B. M. in said County and State.

Said diversion will be accomplished by means of a Head gate and ditch, as follows, the head gate will be 12 x 30 inches. The ditch will be 18 inches deep, Two feet on bottom and three and one half feet wide at top.

That said ditch and head gate is now about completed, and that one years time will be required to fully complete the same. Also the water is to be stopped and held for use by a dam across said Jenkins Creek at place of head gate or diversion mentioned.

That said ditch will be about 300 feet long and run in a weserly direction, from place of diversion.

Mrs. F. R. Agnew

State of Idaho)
)
County of Washington) F. R.Agnew of lawful age being first duly sworn on her oath says, "That she has heard read the matters and things contained in above and foregoing Notice, and that they are true of her own knowledge, and that the appropriation is made by her in good faith, and for her sole benefit, and to be used upon the land above described, same being here,

F. R. Agnew

Subscribed and sworn to before me this 18th,day of June, 1898

John W. Ayers

(Seal)

Notary Public

STATE OF IDAHO)
(ss.
COUNTY OF ADA)

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, do hereby certify that the attached and foregoing is a full, true and correct copy of "Notice of Water Right" of Mrs. F. R. Agnew, filed in the Department of Reclamation of the State of Idaho, at Boise, Idaho, on June 22, 1898, being Location Number 198 for the year 1898.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 11th day of March, 1948.

Mark R Kulp

MARK R. KULP

State Reclamation Engineer

Idaho Department of Water Resources

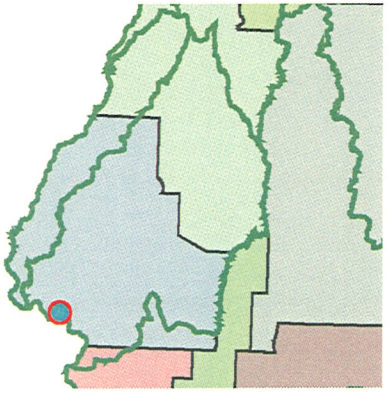
Adjudication Claim Number: **67-4589**

T11N R06W



Legend

- Point(s) of diversion
- Place of Use
- Quarter Quarter Lines
- Section Lines



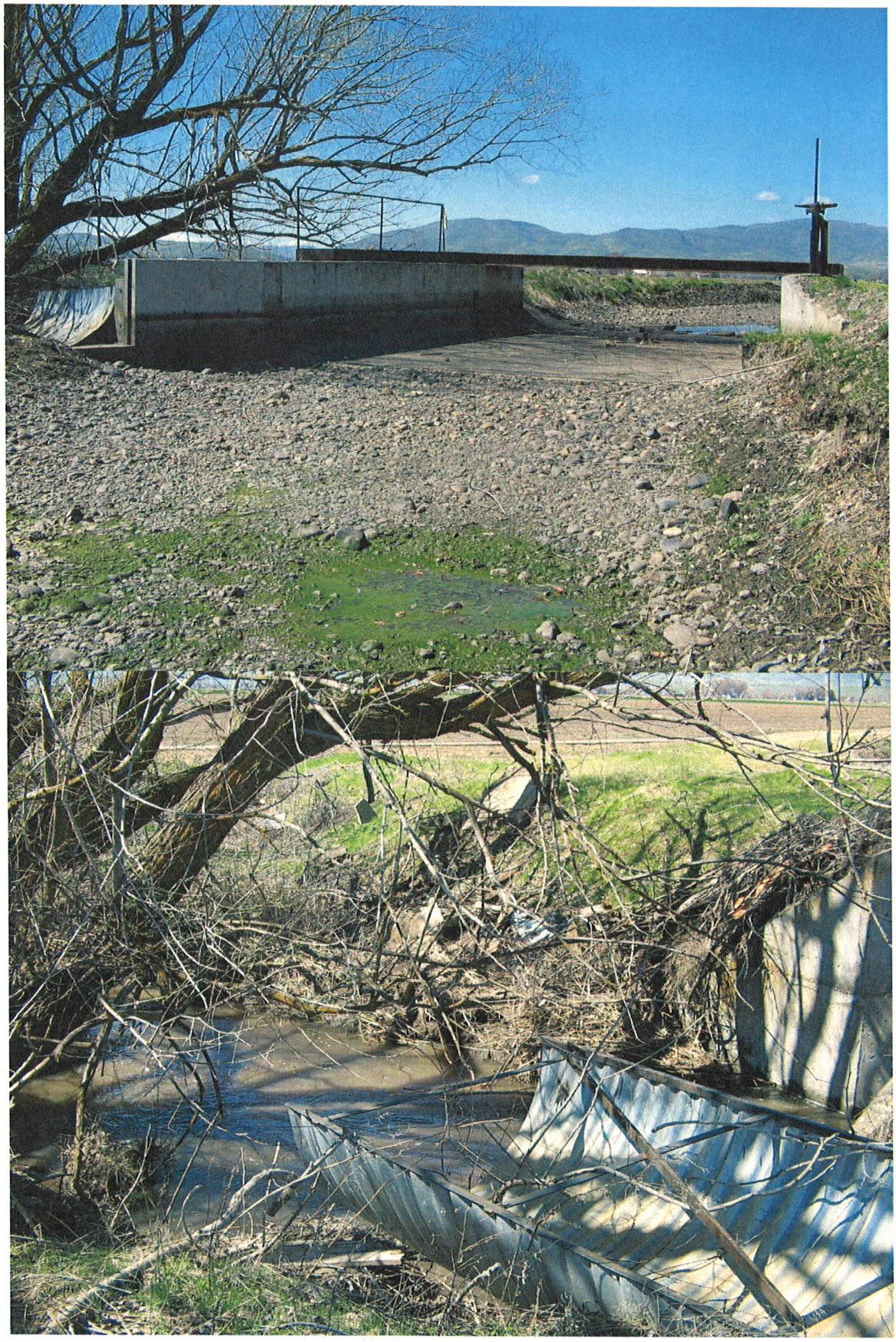
Washington County
IDWR Basin 67

N

Irrigated acres: 64

0 0.3 0.6 Miles

Prepared by M. Van Bussum
On Friday, December 30, 2005
2004 NAIP Aerial Photography







The previous pictures are of where Jenkins Creek and Galloway Ditch meet, taken 4-6-2006. Galloway Ditch is the wide, shallow ditch with the headgate on it. Jenkins Creek can be seen flowing in most of the pictures. There are two ways to drop water into Jenkins Creek from the Galloway – through the metal headgate or through the culvert. Both are shown.



Jenkins Creek at Wakagawa POD, 67-4589. The headgate for 67-4589 can be seen in the top middle portion of the picture. Jenkins Creek can be seen flowing in the foreground, from right to left. This picture was taken 4-6-2006 while the Weiser area was flooding. Jenkins Creek is flowing extremely high – water depth is near 6 feet. Typical water depth in summer according to Wakagawa is 6 inches.