

11/15/2006

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

RIGHT NUMBER: 67-7238
NAME AND ADDRESS: GLENN M WILLIAMS
506 E LIBERTY
WEISER ID 83672

DYKE NAGASAKA
1081 W 1ST
WEISER ID 83672

SOURCE: WEISER RIVER
QUANTITY: 0.800 CFS
180.000 AFY
PRIORITY DATE: 02/28/1975
POINT OF DIVERSION:

T10N R05W S3 NESWNW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.800 CFS 180.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in WASHINGTON County

T10N R05W S04	SWNE	13.00	T10N R05W S04	SENE	13.00
T10N R05W S04	NESE	14.00			

40 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 - License

Use of this right is combined with water from Lower Payette Ditch Company.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Use of this right is combined with water from Weiser Cove Irrigation District.

Nagasaka Farms Inc
1081 W 1st
Weiser ID 83672

Present Owner

67-2186, 67-7238

Using DYKE Nagasaka
@ same address.



Idaho Department of Water Resources

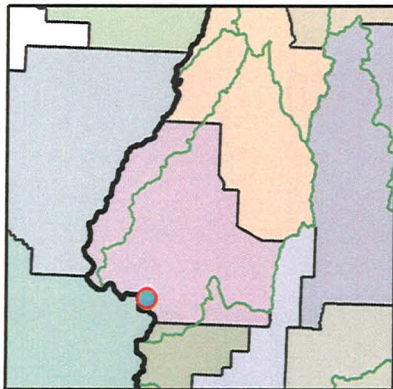
SRBA Recommendation:

67-7238

(Irrigation)

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 J. Dean
On Wednesday, November 15, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7238 V1

WATER RIGHT NUMBER: 67-7238 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GLENN M WILLIAMS 506 E LIBERTY WEISER, ID 83672 (208)549-0553
Present Owner	DYKE NAGASAKA 1081 W 1ST WEISER, ID 83672 (208)549-3841

Priority Date: 02/28/1975

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
WEISER RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.800 CFS	180.00 AF
	<u>Total Diversion:</u>	0.800 CFS	180.00 AF

Location of Point(s) of Diversion

WEISER RIVER	NE1/4SW1/4NW1/4	Sec. 3,	Twp 10N,	Rge 05W, B.M.
WASHINGTON County				

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
10N 05W 4			13.0	13.0									14.0				40.0

Total Acres: 40

Conditions of Approval:

1. F14 Use of this right is combined with water from Lower Payette Ditch Company.
2. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
4. Use of this right is combined with water from Weiser Cove Irrigation District.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7238 V1

5. 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.

Remarks:Comments:

1. mcase 5/12/2004 Period of Use

Comment: Licensed Period of Use shorter than Standard Season of Use. Recommend shoulder remark.

2. jdean 11/15/2006 Present Owner

Comment: Dyke Nagasaka was added as a present owner. Tax lot information shows Nagasaka Farms as the owner. Nagasaka Farms was not listed in our database of owners, but Dyke Nagasaka (at the same address as Nagasaka Farms tax lot information) was in the database. He was added as a present owner.

3. jdean 11/15/2006 Overlap Review

Comment: This license initially appeared to overlap with 67-2186. It appears that the quarter quarter line dividing the acres for this claim was drawn in the incorrect location when the acres for this claim were determined. Because of this, there were extra acres allotted in S4 SENE and not enough acres allotted in S4 NESE. When these acres are correctly distributed there is no overlap between these rights.

4. jdean 11/15/2006 POU

Comment: The acres for this claim were re-aligned based on GIS data. It appears that this is the way the acres should have been licensed originally. From the field exam map, the qq line dividing this was incorrectly drawn and so the acres were split incorrectly.

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:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	4/8/2004 2:37:14 PM	mcase			Active
POD	4/8/2004 2:41:02 PM	mcase			Active
Source	4/8/2004 2:41:19 PM	mcase			Active
POU	4/8/2004 2:48:08 PM	mcase			Active
Use	4/8/2004 2:48:59 PM	mcase			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7238 V1

Season	4/8/2004 2:50:54 PM	mcase	Active
Quantity	4/8/2004 2:51:38 PM	mcase	Active
Season	5/12/2004 2:48:56 PM	mcase	Active
Contacts	11/15/2006 2:15:16 PM	jdean	Active
Summary	11/15/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Season	5/12/2004 2:48:57 PM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?
POU	11/15/2006 2:15:57 PM	jdean	Updated shape for Active POU
Contacts	11/15/2006 2:15:17 PM	jdean	(No) 1. Do you want to schedule an appointment? Comment for 1: Desk Review
Summary	11/15/2006 2:27:00 PM	jdean	(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?
Season	4/8/2004 2:50:54 PM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7238 V1

Priority Date	4/8/2004 2:37:15 PM	mcase	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
Use	4/8/2004 2:48:59 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
POU	2/25/2004 10:40:51 AM	awarntje	Edited shape boundary
POU	2/25/2004 10:44:24 AM	awarntje	Edited shape boundary
POU	2/25/2004 10:47:12 AM	awarntje	Edited shape boundary
POU	2/25/2004 10:48:02 AM	awarntje	Edited shape boundary
POU	11/15/2006 2:16:07 PM	jdean	Updated PLS for Active POU
POD	4/8/2004 2:41:03 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
Source	4/8/2004 2:41:19 PM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	4/8/2004 2:48:09 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
POD	4/8/2004 2:40:23 PM	mcase	Edited point location
POU	4/8/2004 2:47:27 PM	mcase	Edited shape boundary
Quantity	4/8/2004 2:51:39 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? Description for Question 10 - Diversion licensed for 180 AF.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7238 V1

Water Supply Bank:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 67-7238 Priority Feb. 28, 1975 Amount 0.80 cfs

THIS IS TO CERTIFY, that GLENN M. WILLIAMS
of Weiser, Idaho, has complied with the terms and conditions of Permit
No. 67-7238 issued pursuant to Application for Permit dated February 28, 1975,
and has submitted proof to the Department of Water Resources on April 6, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.23 cfs of water from the Weiser River,
tributary to the Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>Nov. 15</u>	at <u>0.80</u> cfs and	<u>180</u> acre feet or
	from _____ to _____	_____ cfs and	<u>4.5</u> af per acre
	from _____ to _____	at _____ cfs and	
	(both dates inclusive)		

Subject, however, to the condition that no more than 0.80 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
180 acre feet per year, said waters to be diverted within the SW 1/4 NW 1/4 of Sec. 3,
Twp. 10 N, Rge. 5 W, B. M. in the County of Washington.

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10 N	5 W	4			15	19									6				40

Total number of acres irrigated 40

The maximum rate of diversion and volume per year shall not exceed 0.02 cfs/
4.5 af per acre when combined with other rights from the same source.

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

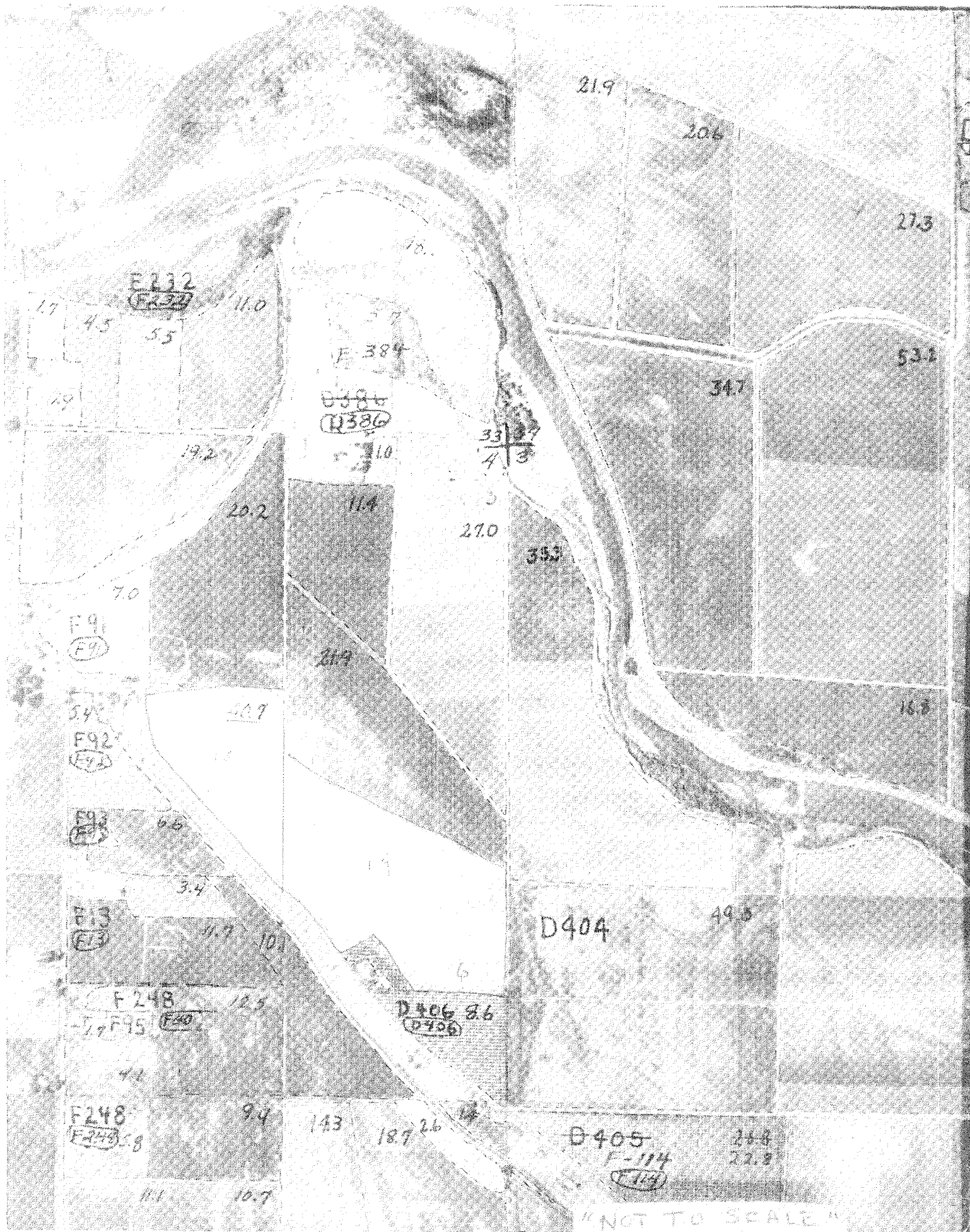
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2 day of

March

, 19 76.

Director



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: A67-07238
Date Received: 5/04/1989
Receipt No: 4004943
Received By: Jrc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GLENN M. WILLIAMS 208-549-0553
Address: 506 E. LIBERTY
WEISER, ID 83672

2. Date of Priority: FEB 28, 1975

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	05W	3	NE	SW	NW		WASHINGTON

5. Description of diverting works:
PUMP WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10N	05W	4	SW	NE		IRR	15.0
			SE	NE		IRR	19.0
			NE	SE		IRR	6.0

Section Acres 40.0

A67-07238

Page 1

Date: 10/13/89

SCANNED
APR 19 2004
MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Total Acres 40.0

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:
A67-2186

14. Remarks:

15. Basis of Claim: LICENSE

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): Ann Williams Date: 10-13-89

Date: _____

State of Idaho)
County of Washington) SS.

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

John Dale Carter
Notary Public

Seal

Residing at Bain Id

My Commission Expires 6/2/94

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 67-7238 Priority Feb. 28, 1975 Amount 0.80 cfs

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of Weiser, Idaho, has complied with the terms and conditions of Permit
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and has submitted proof to the Department of Water Resources on April 6, 1976,
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capacity for the diversion of 2.23 cfs of water from the Weiser River,
tributary to the Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>Nov. 15</u> at <u>0.80</u> cfs and	<u>180 acre feet or</u>	
	from <u>to</u> at <u>cfs</u> and	<u>4.5 af per acre</u>	
	from <u>to</u> at <u>cfs</u> and		
	(both dates inclusive)		

Subject, however, to the condition that no more than 0.80 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
180 acre feet per year, said waters to be diverted within the SW 1/4 NW 1/4 of Sec. 3,
Twp. 10 N, Rge. 5 W, B. M. in the County of Washington.

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10 N	5 W	4			15	19									0				40

Total number of acres irrigated 40

The maximum rate of diversion and volume per year shall not exceed 0.02 cfs/
4.5 af per acre when combined with other rights from the same source.

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

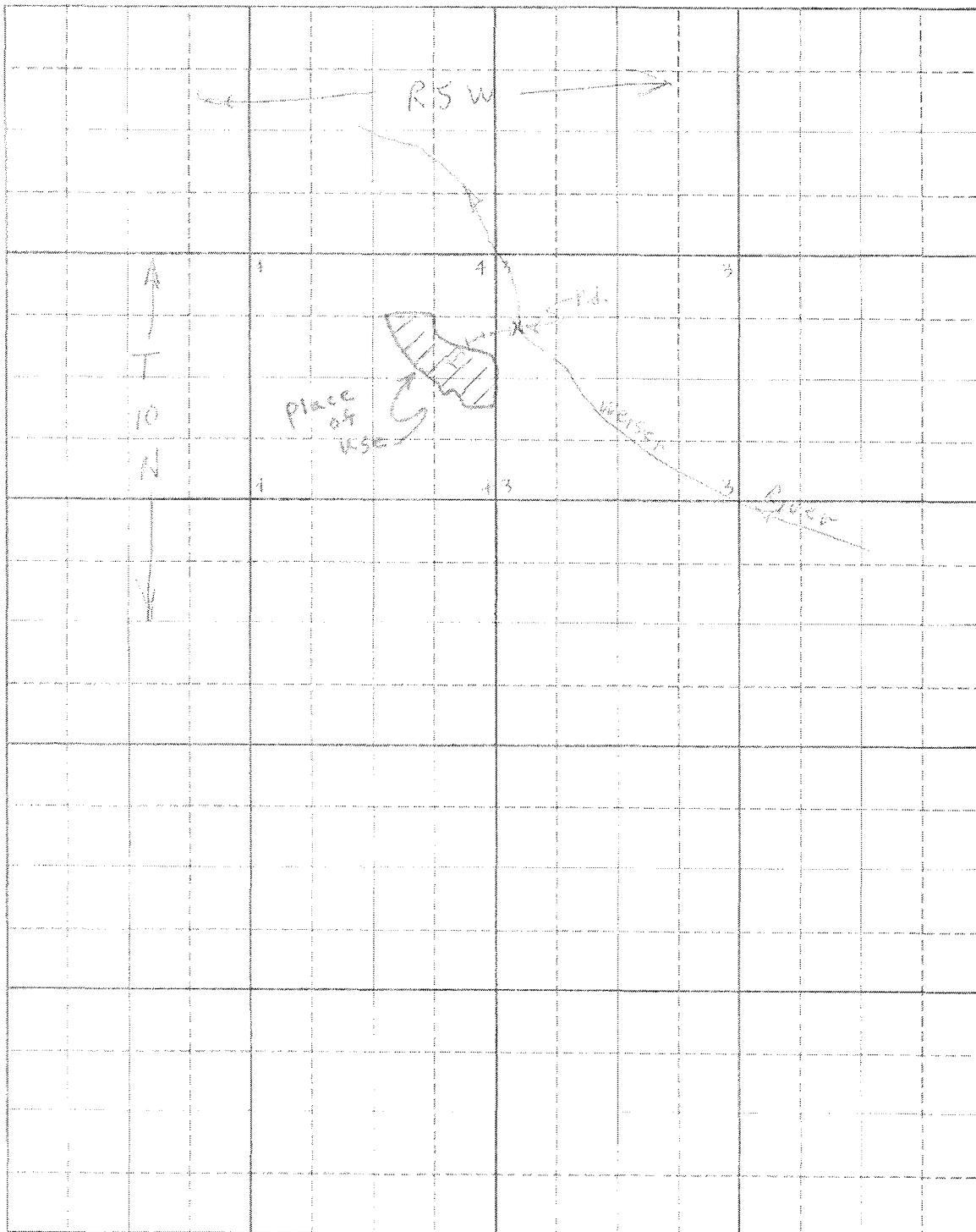
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2 day of

March, 19 76.

Director

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth

Eden McMillan
(Applicant)