

RECEIVED

NOV 22 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: 67-7304

MITSURU NAKAMURA

979 HAAS RD

WEISER ID 83672

Telephone Number: (208)549-1286

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: 11/20/2006

SIGNATURE: Mitsuru Nakamura

Please print your name: MITSURU NAKAMURA

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

SCANNED
NOV 27 2006

10/10/2006

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

RIGHT NUMBER: 67-7304

NAME AND ADDRESS: MITSURU NAKAMURA
979 HAAS RD
WEISER ID 83672

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.600 CFS
676.000 AFY

PRIORITY DATE: 03/17/1977

POINT OF DIVERSION:

T11N R06W S15 NESE Within WASHINGTON County

T11N R06W S15 SESE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 10/31

1.600 CFS

676.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within WASHINGTON County

T11N R06W S15	NESE	39.00	T11N R06W S15	NWSE	40.00
T11N R06W S15	SWSE	39.00	T11N R06W S15	SESE	36.00

154 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 Weiser Irrigation District.



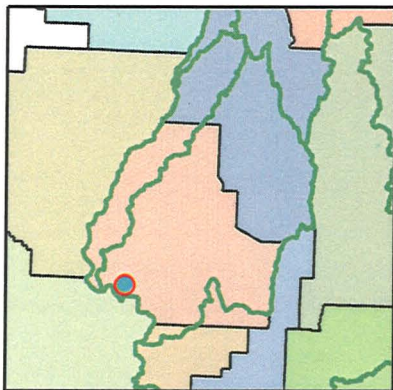
Idaho Department of Water Resources

SRBA Recommendation:

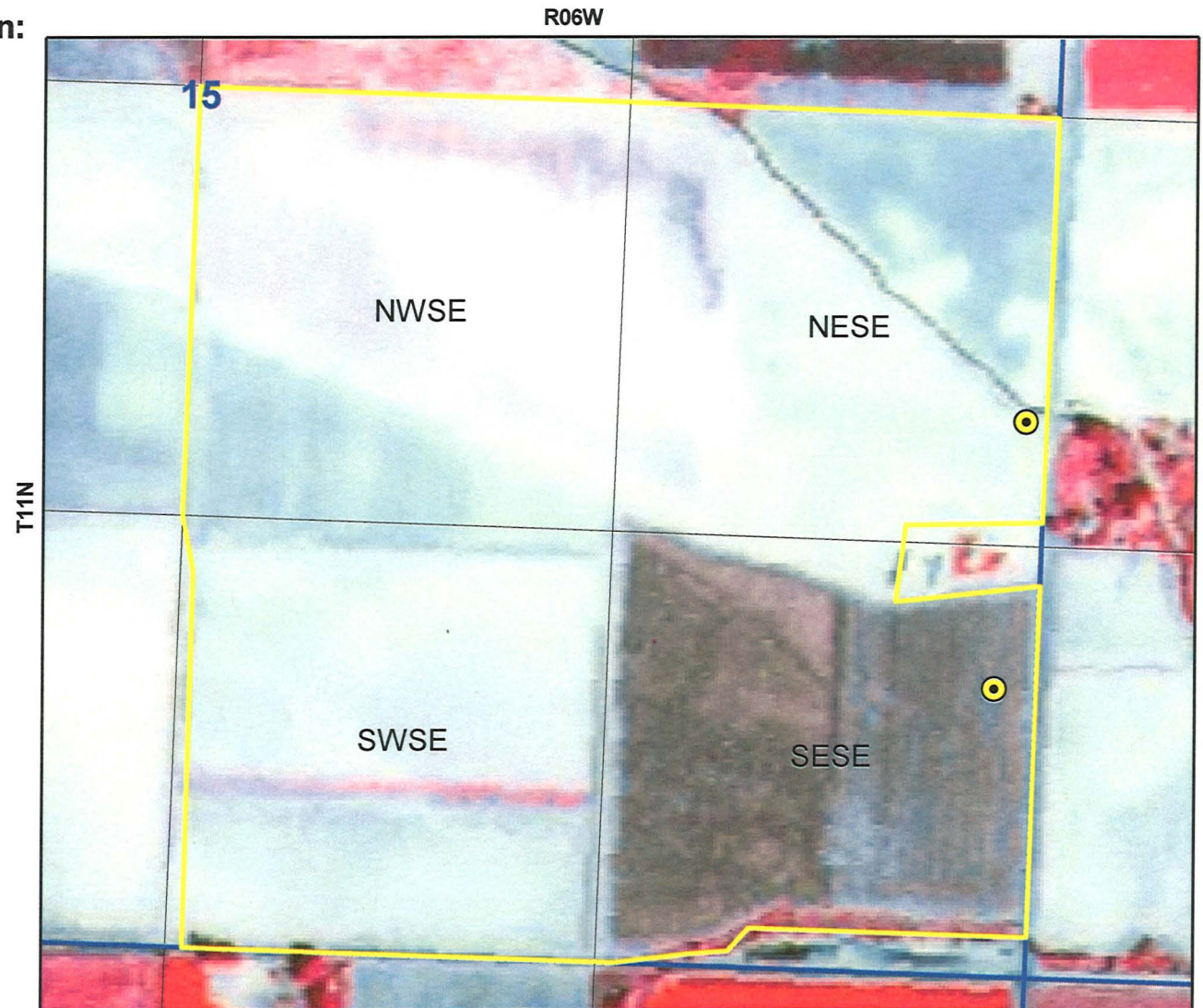
67-7304

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 Tuesday, October 10, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7304 V1

WATER RIGHT NUMBER: 67-7304 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MITSURU NAKAMURA 979 HAAS RD WEISER, ID 83672 (208)549-1286

Priority Date: 03/17/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	1.600 CFS	676.00 AF
	<u>Total Diversion:</u>	1.600 CFS	676.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 15, Twp 11N, Rge 06W, B.M.
WASHINGTON County		
GROUND WATER	NE1/4SE1/4	Sec. 15, 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	15													39.0	40.0	39.0	36.0	154.0

Total Acres: 154

Conditions of Approval:

1. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. F14 Use of this right is combined with water from Weiser Irrigation District.
3. 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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7304 V1

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 10/10/2006 POU/POD

Comment: POU and POD from licensing field exam map.

3. jdean 10/10/2006 Recommended as Licensed

Comment: This claim was recommended as licensed with a shoulder remark added for the season of use.

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	4/9/2004 10:11:32 AM	mcase			Active
POD	4/9/2004 10:22:46 AM	mcase			Active
Source	4/9/2004 10:23:00 AM	mcase			Active
POU	4/9/2004 10:24:40 AM	mcase			Active
Use	4/9/2004 10:24:56 AM	mcase			Active
Season	4/9/2004 10:26:49 AM	mcase			Active
Quantity	4/9/2004 10:27:19 AM	mcase			Active
Season	5/12/2004 3:14:48 PM	mcase			Active
Summary			10/10/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7304 V1

Summary	10/10/2006 5:04:36 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? (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?
POU	2/26/2004 1:54:29 PM	awarntje	Edited shape boundary
POU	2/26/2004 1:59:46 PM	awarntje	Edited shape boundary
POD	4/9/2004 10:17:37 AM	mcase	Edited point location
Source	4/9/2004 10:23:01 AM	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	4/9/2004 10:24:40 AM	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	4/9/2004 10:20:09 AM	mcase	Edited point location
Season	4/9/2004 10:26:50 AM	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?
Quantity	4/9/2004 10:27:20 AM	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 676 AF.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7304 V1

POD	4/9/2004 10:22:46 AM	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?
Use	4/9/2004 10:24:56 AM	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?
Priority Date	4/9/2004 10:11:32 AM	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? (No) 16. Is a Priority Date remark and/or condition required?
POD	4/9/2004 10:16:38 AM	mcase	Edited point location
Season	5/12/2004 3:14:49 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?

Water Supply Bank:

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: A67-07304
Date Received: 9/27/1989
Receipt No: M004708
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MITSURU NAKAMURA 208-549-1286
Address: 979 HAAS RD.
WEISER, ID 83672

2. Date of Priority: MAR 17, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	06W	15		NE	SE		WASHINGTON
				SE	SE		WASHINGTON

5. Description of diverting works:
WELL, PUMP & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.600		676.00

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) 676.00 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	15	NE	SE		IRR	39.0
			NW	SE		IRR	40.0
			SW	SE		IRR	39.0

A67-07304

Page 1

Date: 09/27/89

SCANNED
APR 19 2004

MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	06W	15	SE	SE	IRR	36.0

Section Acres 154.0

Total Acres 154.0

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. DIST.

14. Remarks:
SUPPLEMENTAL WTR.

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: 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): Mitsum Nakamura Date: Sept 27, 1989
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 27 day
of Sept 19 89

Linda Werner
Notary Public

Seal

Residing at Boise ID
My Commission Expires 12-8-94

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

6 West

11 North

15

40 39 30 39

P.D.'s

That no one will be injured by such change, and that such change will be made at permit
 holder's own risk. *2/11/2000 8/00*

Mr. Nakamura
Nakamura Bros
(signature)
by M. Nakamura

Chief, Operations Bureau

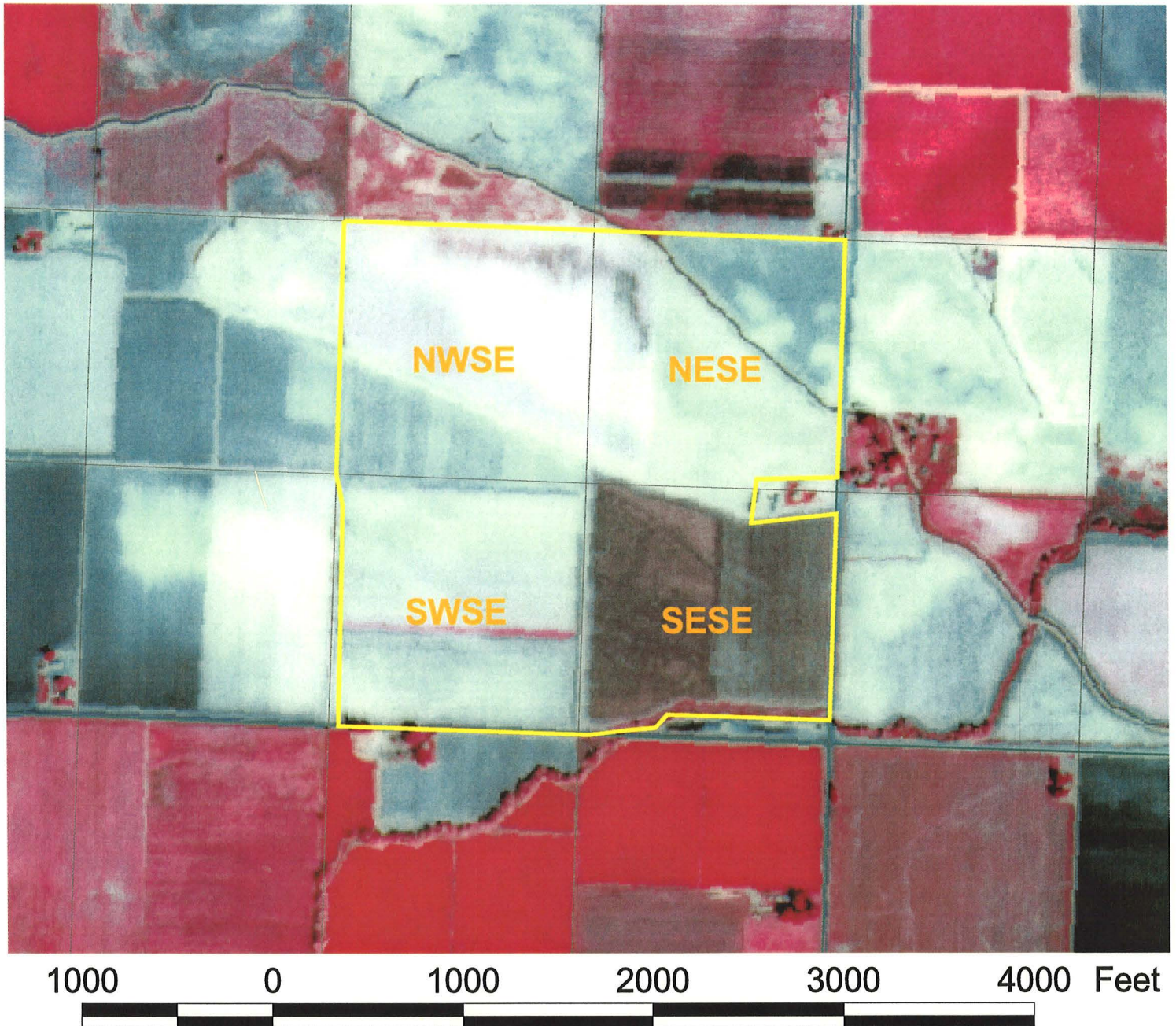
GLEN SAXTON,  of the Department of Water Administration.

approve the above application for amendment for Permit No. 67-7304.

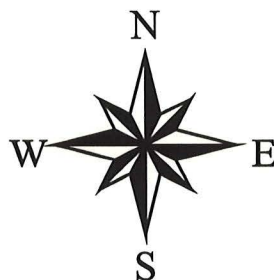
Administration,
MICROFILMED
14,
JUL 12 1992

Idaho Department of Water Resources

67-7304



T11N, R06W, S15



Prepared by Anita L. Warntjes
February 26, 2004
1993/94 True Color Photo

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7304 V1

WATER RIGHT NUMBER: 67-7304 V1

Owner Type Name and Address
Current Owner MITSURU NAKAMURA
979 HAAS RD
WEISER, ID 83672
(208)549-1286

DRAFT

Priority Date: 03/17/1977

Basis:

Status:

Source Tributary

GROUND WATER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/01 to 10/31	1.600 CFS	676.00 AF
	<u>Total Diversion:</u>	1.600 CFS	676.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 15, Twp 11N, Rge 06W, B.M.
WASHINGTON County		
GROUND WATER	NE1/4SE1/4	Sec. 15, Twp 11N, Rge 06W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11N	06W	15													
															154.0

Total Acres: 154

Conditions of Approval:

Remarks:

Comments:

Period of Use shorter than standard. Rec. Shoulder Rimade.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7304 V1

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
Priority Date	4/9/2004 10:11:32 AM	mcase			
POD	4/9/2004 10:22:46 AM	mcase			
Source	4/9/2004 10:23:00 AM	mcase			
POU	4/9/2004 10:24:40 AM	mcase			
Use	4/9/2004 10:24:56 AM	mcase			
Season	4/9/2004 10:26:49 AM	mcase			
Quantity	4/9/2004 10:27:19 AM	mcase			

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POU	2/26/2004 1:54:29 PM	awarntje	Edited shape boundary
POU	2/26/2004 1:59:46 PM	awarntje	Edited shape boundary
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Source	4/9/2004 10:23:01 AM	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?
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POD	4/9/2004 10:20:09 AM	mcase	Edited point location

WATER RIGHT LICENSE


Director