

06/15/2006

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

RIGHT NUMBER: 1-36K

NAME AND ADDRESS: BURLEIGH TOMCHAK
202 BASSETT RD
ROBERTS ID 83444

MABEL TOMCHAK
202 BASSETT RD
ROBERTS ID 83444

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.800 CFS

PRIORITY DATE: 10/16/1890

POINT OF DIVERSION:
T04N R37E S22 NESESE Lot 3 Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.800 CFS

PLACE OF USE: IRRIGATION Within JEFFERSON County

T04N R37E S22	NESW	1.40	T04N R37E S22 Lot 2 NESE	28.00
T04N R37E S22	NWSE	37.00	T04N R37E S22 SWSE	20.00
T04N R37E S22 Lot 3 SESE		35.00	T04N R37E S23 Lot 5 SWSW	14.00
T04N R37E S23	SESW	0.30		

135.7 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 - Decreed

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

Water is delivered through Tomchak B pump 2

Use of water under this water right will be regulated by the watermaster of State Water District No.1.

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

06/15/2006

**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:

Water right number: 1-36K

BURLEIGH TOMCHAK
202 BASSETT RD
ROBERTS ID 83444
Telephone Number: (208)228-6871

MABEL TOMCHAK
202 BASSETT RD
ROBERTS ID 83444

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: 11-15-06 SIGNATURE: Burleigh Tomchak

Please print your name: Burleigh Tomchak

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

KMO
11/30



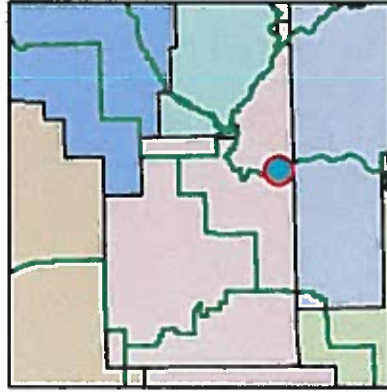
Idaho Department of Water Resources

Adjudication Claim:

1-36K

Legend

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



Jefferson County
IDWR Basin 1



R37E



T04N

0 0.3 0.6 Miles



Prepared by D. Dunn
On Wednesday, April 5, 2006
1987/88 Aerial Photography

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF DECREED WATER RIGHT

No. 198

THIS IS TO CERTIFY That REX LEE, of Roberts, Idaho, is the owner of a certain water right from Snake River in the amount of

2.8 Cubic Feet Per Second, with Priority of October 16, 1890.

said water being decreed to Butte and Market Lake Canal Company by Judge J. N. Stevens of the District Court of the Sixth Judicial District of the State of Idaho, in and for the county of Fremont, in the case of

Rexburg Irrigation Company, et al

Plaintiffs,

vs.

Teton Irrigation Canal Company, et al

Defendants

said decree bearing date of December 16, 1910, and being appurtenant to the following described lands, lying situate and being in the County of Fremont, and State of Idaho, to-wit:

W $\frac{1}{2}$ Sec. 2, lots 2 and 3 Section 22;
Lot 8 Section 23;
All in Township 4 N., Rge. 37 E. B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, beginning at Page 450.

That REX LEE has become the owner of said water right by purchase.

And that now, upon the application of REX LEE, of Roberts, Idaho, for a Certificate of Change of Point of Diversion for 2.8 cubic feet per second of said water right, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is HEREBY GRANTED.

That said change of point of diversion shall not modify in effect said decree, water right, or place of use. Said water is to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

2.8 Cubic Feet Per Second, with Priority of October 16, 1890

That said water right is appurtenant to the lands above described.

That the water right above described has heretofore been diverted from Snake River with point of diversion in the NE¹/₄ Section 21, Township 5 N., Range 38 East, B.M. through the Butte and Market Lake Canal.

That the water right above described will hereafter be diverted from Snake River with point of diversion in Lot 2, Section 22, Township 4 North, Range 37 East B.M. through a private ditch.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed, at Boise, Idaho, this 14th day of February, 1949.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

CORPORATION WATER DEED

THIS INDENTURE, made this, the 23rd day of December, 1946 between The Butte & Market Lake Canal Company, a corporation, of Jefferson County, State of Idaho, the party hereto of the first part, same being a corporation duly organized and existing under the laws of the State of Idaho, and having its principal place of business at Roberts, Jefferson County, Idaho, and Rex Lee, of Jefferson County, State of Idaho, party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of ten (\$10) dollars and other valuable consideration, having been by its Board of Directors authorized, by resolution, to execute this indenture, and the payment of said sum as aforesaid, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, give, grant, and convey unto the said party of the second part, and to his heirs and assigns forever, all the water as represented by that certain certificate of stock in said corporation, N.649, for 14 shares of capital stock in said corporation, same being for 2.8 cubic feet per second of water, and heretofore diverted for use through said first party's canal system, but now same is to be diverted through Snake River, at a point located in the West Half of the South East Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) and Lots Two (2) and Three (3) of Section Twenty-two (22), and Lot Five (5) of Section Twenty-three (23), all in Township Four (4) North, Range Thirty-seven (37) East of the Boise Meridian.

Said stock certificate having this day been surrendered for cancellation, to this corporation, by the said second party hereto, Together with all and singular the right to use said water as by the law of the State of Idaho defined, by the said second party hereto.

IN WITNESS WHEREOF, the said party of the first part has caused its corporate name to be hereunder subscribed by A.W.Stibal, its President, and its corporate seal to be affixed by its Secretary, Oliva H. Johnson, in pursuance to said resolution, the day and year first above written.

(CORPORATE SEAL)

THE BUTTE & MARKET LAKE CANAL COMPANY
a corporation,
By, A.W.Stibal, Its President.

ATTEST:

Oliva H. Johnson, Its Secretary

STATE OF IDAHO, }
COUNTY OF JEFFERSON } SS.

On this 23rd day of December, 1946, before me, the undersigned, Notary Public, for Idaho, personally appeared A.W.Stibal and Oliva H. Johnson, known to me to be the President and Secretary of the corporation that executed the foregoing instrument, and acknowledged to me that such a corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

My commission expires 10-21-48

Arthur P. Jensen
Notary Public.
Residing at Roberts, Idaho

Claim no. A01-00036k

Claimant Contact Log

Date 6-29-04 Remarks Agent initials

def

Exam was done on 6-29-04 with Claimant, Burling Tomchak.
The new address & phone # for the Claimant is:
Burling Tomchak Phone #
202 Bassett Rd. 390-6871
Roberts, ID 83444

The system is 2 adjacent pumps in the Snake River.
The North pump (50 hp) is for Sprinkler irrigation. The South
pump (25 hp) is for flood irrigation.

GPS data is: 2654599 GPS File # TOMCHK
1385721 USR GPS Tag # A000 8780

GPS Tag on Power pole just south of pumps.

Exam done by Harold W. Jones of Water Rights
Contracting Services.

SCANNED

OCT 07 2004

PROFILED

50 Hp
pump



25 Hp
pump

A01-00036K

SCANNED
OCT 07 2004

PROFILED

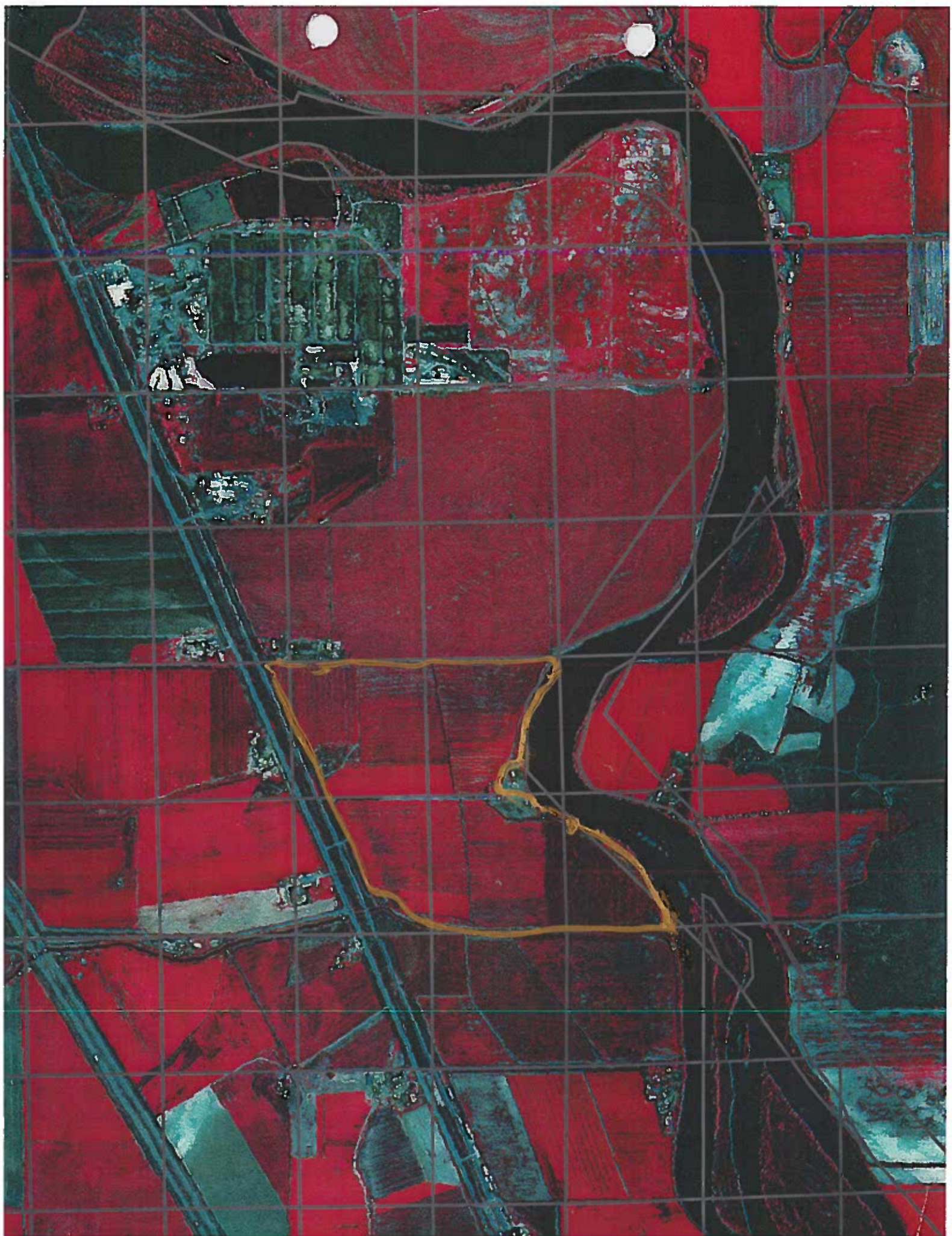
Tag on 50 Hp pump



A01-00036K

SCANNED
OCT 07 2004

PROFILED



SCANNED

AUG 1 2601

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: A01-00036K
Date Received: 12/06/1988
Receipt No: E005008
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BURLEIGH TOMCHAK 208-228-6871
Address: ROBERTS, ID 83444
OR
Name: MABEL TOMCHAK 208-228-6871
Address: ROBERTS, ID 83444

A0100036K



2. Date of Priority: OCT 16, 1890

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	37E	22	NE	SE	SE	3	JEFFERSON

5. Description of diverting works:
PUMP OPEN DISCHARGE TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.800		

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

8. Total consumptive use is 347.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A01-00036K

Page

1

Date: 12/06/88

MICROFILMED
OCT 16 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	37E	22	NE	SW		IRR	1.0 1.4 - 4
			NE	SE	2	IRR	32.0 28
			NW	SE		IRR	36.0 37 + 1
			SW	SE		IRR	17.0 20
			SE	SE	3	IRR	38.0 35 - 3
						Section Acres	124.0
		23	SW	SW	5	IRR	15.0 14 - 1
						Section Acres	15.0
						Total Acres	139.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
NONE

14. Remarks:
TRANSFER 198.

15. Basis of Claim: DECREED
Water Right Number: 010036
Case Number:
Court :
Decree date: 12/16/1910

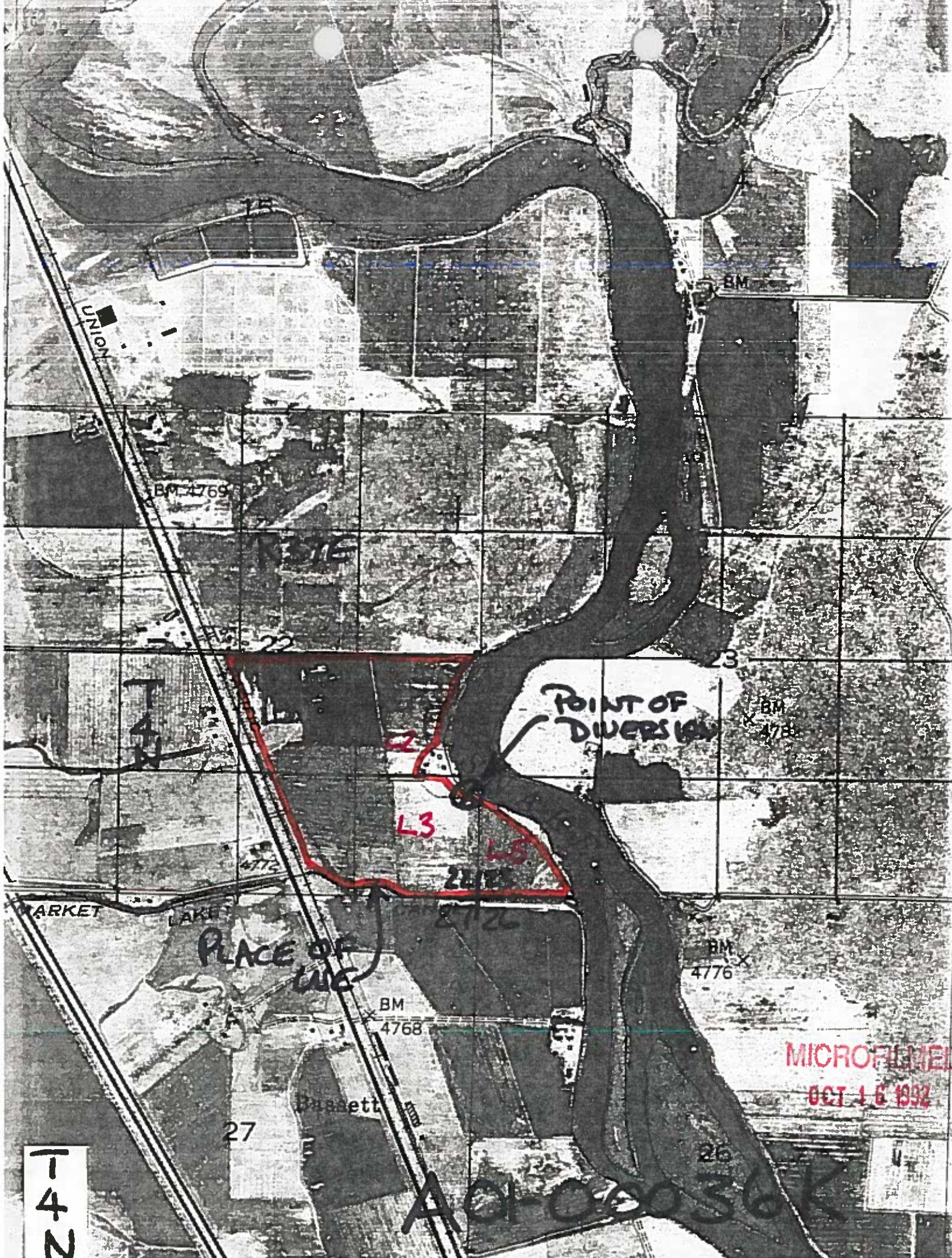
REXBURG IRRIGATION CO.
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO.
Decree Defendant

(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.

MICROFILMED
OCT 16 1992



MICROFILMED
OCT 16 1992

1-42

A01-06036K