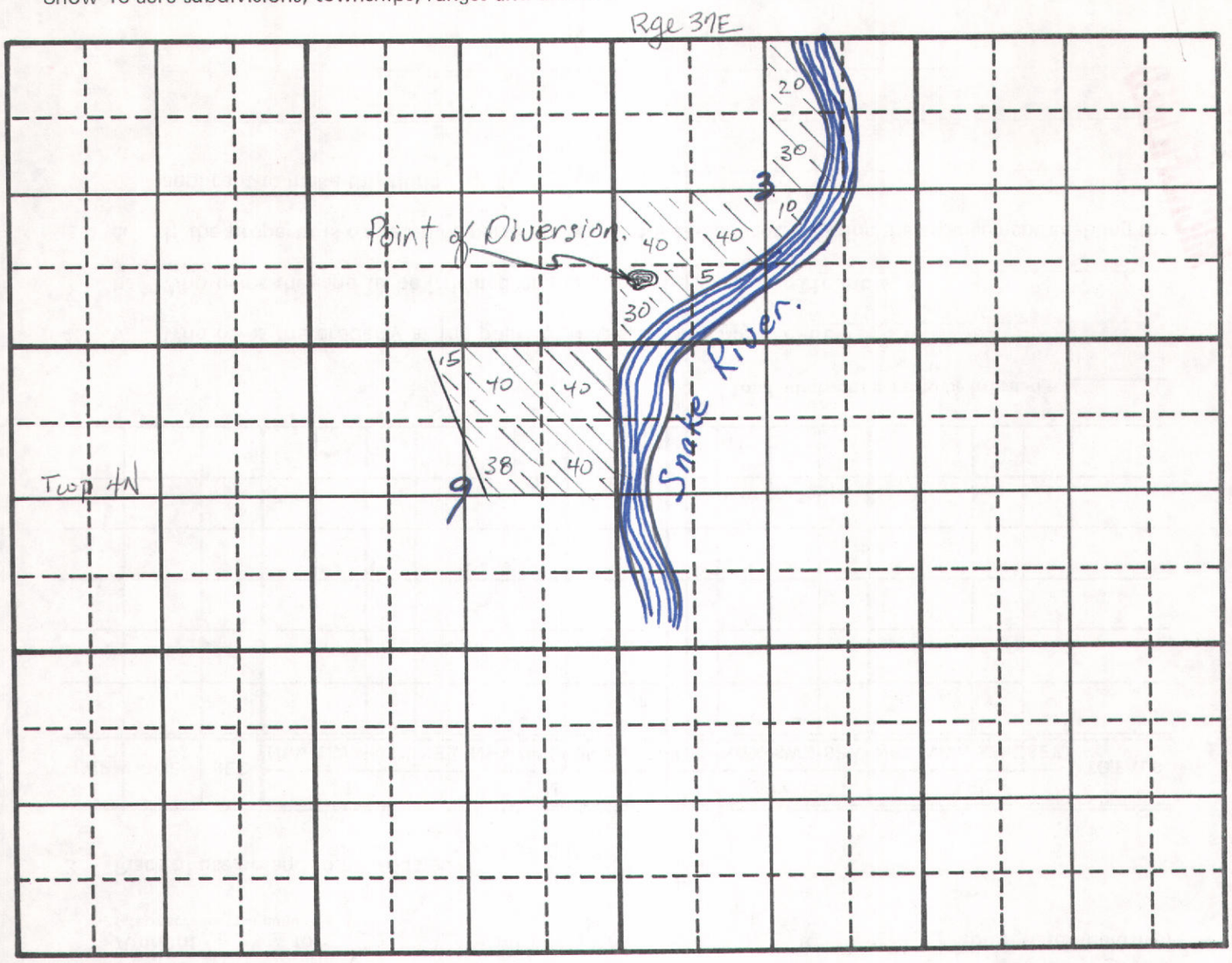
Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Idaho Falls, Idaho, this 8th day of March, 1979.

Burleigh Lyon Clark
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by EMC Fee = $20.00 Receipted by dh Date 3-8-79 #12944

Publication prepared by dh Date 3-9-79 Published in Rigby Star

Publication dates March 15 & 22, 1979

OK jg

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

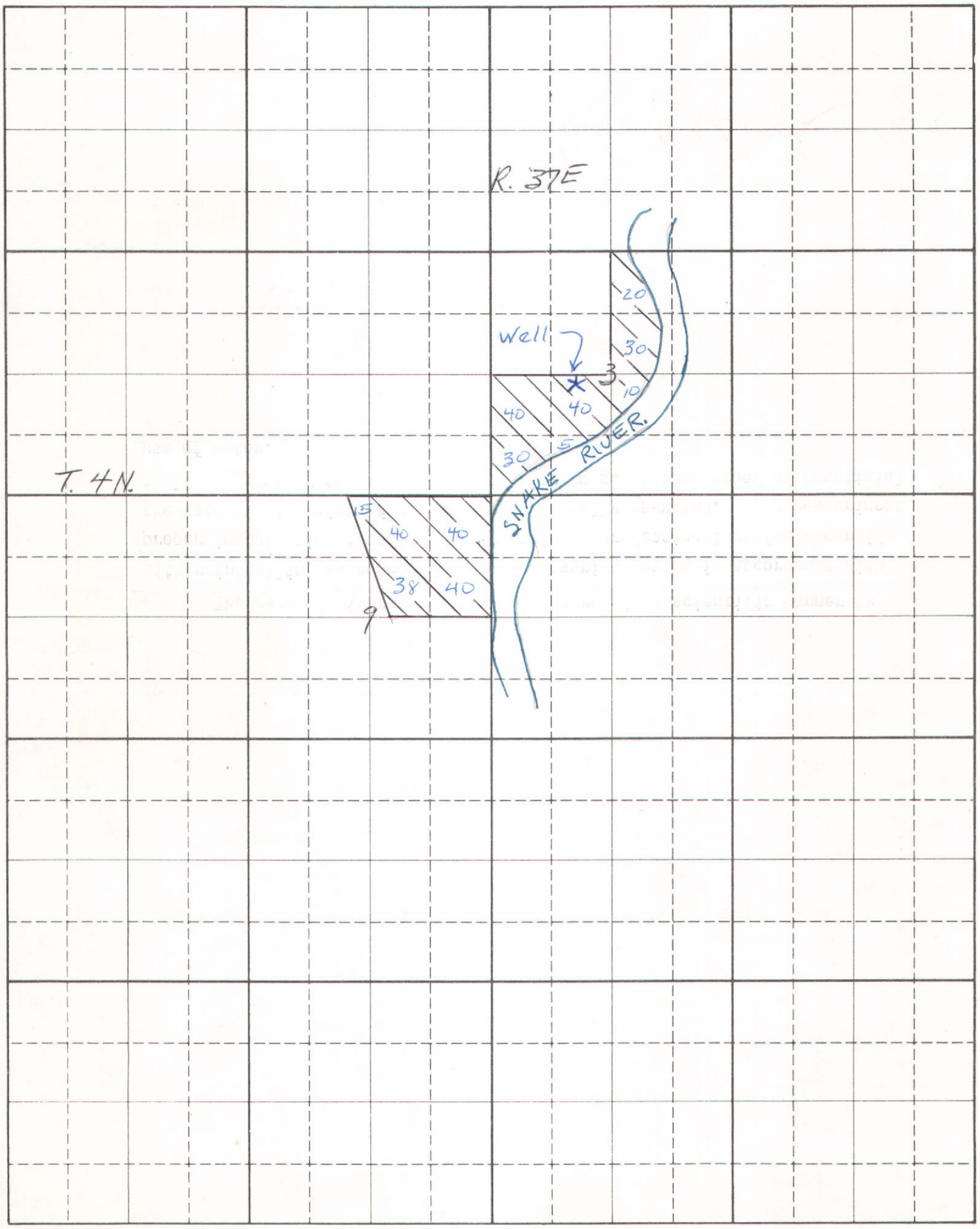
I, L. GLEN SAXTON, Chief, Operations Bureau of the Department of Water Resources hereby

APPROVE this application for amendment on Permit No. 35-7720.

Witness my hand this 17th day of April, 19 79.

L. Glen Saxton
Chief, Operations Bureau

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.

Burleigh Tomlinson
(Applicant)

RECEIVED
JUN 20 1977
Department of Water Resources
Eastern District Office

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO,
County of Jefferson } ss

I, Russell Jones, do solemnly swear that I am the Editor of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the

Second day of June, 1977

and the last publication on the

Ninth day of June, 1977

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bonafide subscribers in Jefferson County.

Russell Jones
Editor

Subscribed in my presence and sworn to before me this Ninth day of June, 1977.
[SEAL]

Miriam Phillips
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Non-Exper 19____

Publication Fee: $ 12.60

NOTICE OF APPLICATION FOR WATER PERMIT

NOTICE IS HEREBY GIVEN that Burleigh Tomchak, Roberts, Idaho has on May 20, 1977 submitted Application No. 35-7720 for a permit to appropriate 6.96 cubic feet per second of water from a ground-water source by means of well and pump within the NE¼SW¼, Sec. 3, T. 4N, R. 37E, B.M., Jefferson County; to be used from April 1 to November 1 for the irrigation of 348 acres within the W½NE¼, SW¼, NW¼SE¼, Sec. 3, NE¼, NE¼NW¼, Sec. 9, T. 4N, R. 37E, B.M.

IF ISSUED, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before June 20, 1977.

C. Stephen Allred
Director

Publish: June 2, and 9, 1977.

MICROFILMED

Idaho Dept. of Water Resources
Place of Use Comparison Report

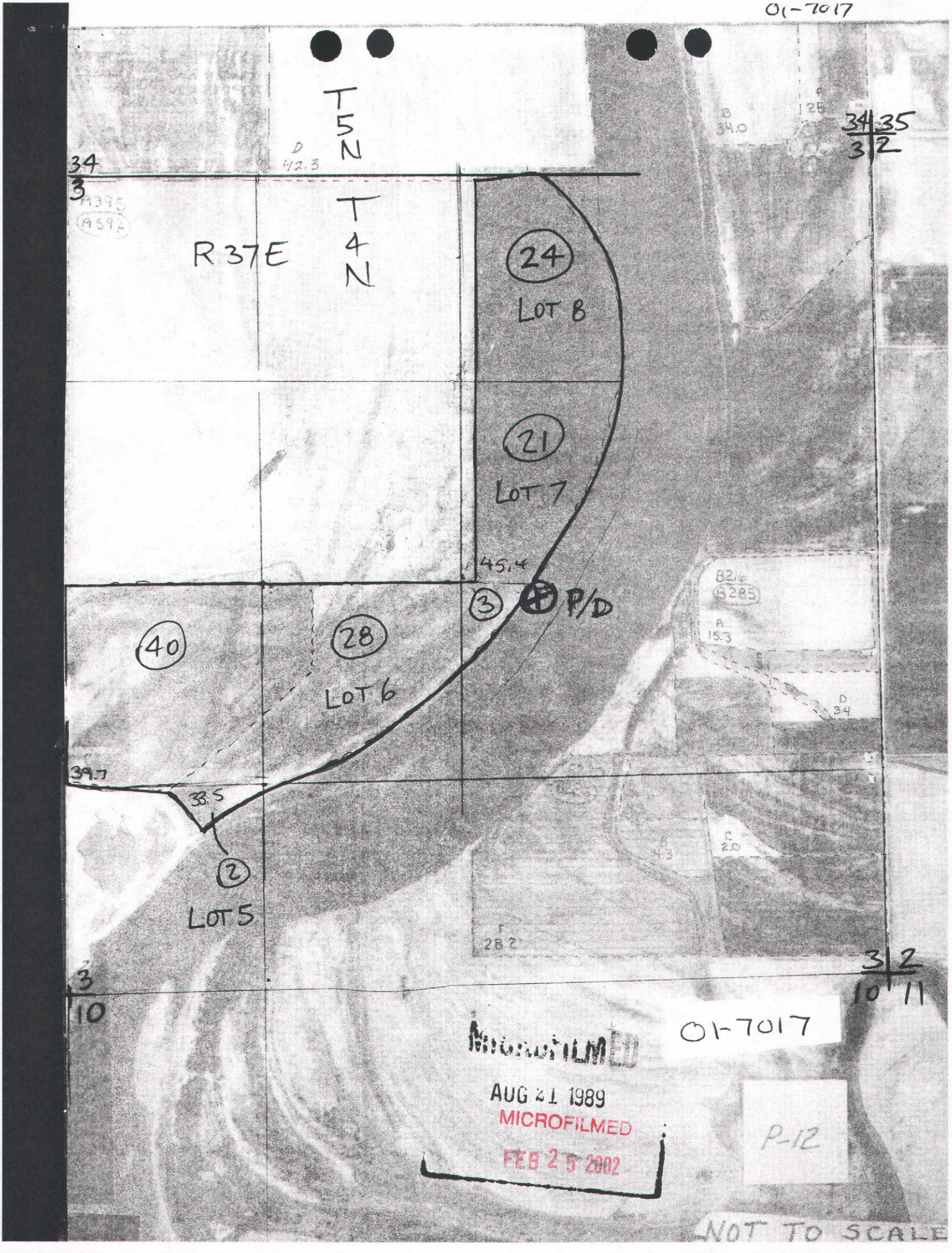
Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	1-293	VIOLA M BRAMWELL, ADNA E BRAMWELL,	DRY BED	04N37E3																X	0
Right	1-317	LONG ISLAND IRRIGATION CO,	DRY BED	04N37E3																	0
Permit	35-7720	BURLEIGH TOMCHAK,	GROUND WATER	04N37E3		20	30						40	40	30	5		10			175
Right	25-2169	ARNOLD J QUALMAN,	GROUND WATER	04N37E3	30			20													50
Right	25-2170	LEON F QUALMAN,	GROUND WATER	04N37E3	25			28													53
Right	35-8940	MERLIN SHARP, BELINDA SHARP,	GROUND WATER	04N37E3					40	34	34	34									142
TRight	35-8940	MERLIN SHARP, BELINDA SHARP,	GROUND WATER	04N37E3					40	34	34	34									142
Right	35-13204	MERLIN SHARP, BELINDA SHARP,	ROBERTS SLOUGH CREEK	04N37E3					40	34	40	40									154
Right	35-2145B	MERLIN SHARP, BELINDA SHARP,	ROBERTS SLOUGH CREEK	04N37E3					40	34	40	40									154
Right	35-2919A	MERLIN SHARP, BELINDA SHARP,	ROBERTS SLOUGH CREEK	04N37E3					40	34	40	40									154
Rec	Jan-17	BURLEIGH TOMCHAK, MABEL TOMCHAK,	SNAKE RIVER	04N37E3		9	9						14	39				3			74
Right	Jan-18	ADNA E BRAMWELL, VIOLA M BRAMWELL,	SNAKE RIVER	04N37E3												29			20	10	59
Right	Jan-17	BURLEIGH TOMCHAK,	SNAKE RIVER	04N37E3		24	21						28	40	2			3			118
Right	1-302	BUTTE & MARKET LAKE CANAL CO,	SNAKE RIVER	04N37E3																	0
Right	25-2166	DELITA THORNTON,	SPRING CREEK	04N37E3																	0
Right	25-2112	LEONARD MARTIN,	WASTE WATER	04N37E3															40	35	75

01-7017

01-17
01-18
01-17

OL w/01-7017
(Recommendations do not agree with Lic 01-7017)

01-7017



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AUG 21 1989
MICROFILMED
FEB 25 2002

01-7017

P-12

NOT TO SCALE

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	35 7720	BURLEIGH TOMCHAK,	GROUND WATER	04N37E9	40	40	38	40	15												173
Right	35 2414	WELDON WAITE,	GROUND WATER	04N37E9													8			25	33
Right	35 7720	BURLEIGH TOMCHAK,	POND	04N37E9	34	38	22	37	9												140
Right	1 302	BUTTE & MARKET LAKE CANAL CO,	SNAKE RIVER	04N37E9																	0
Right	35 10255	BURLEIGH TOMCHAK, MABEL TOMCHAK,	UNNAMED POND	04N37E9	28	36	24	40	8												136

same land description as field exam for 35-7720 - my GIS shape did not agree with acres in each 40 recommended but source & p/u same -

MICROFILMED FEB 2 5 2002

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 14 1997
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-7720

1. Owner: Burleigh Tomchat Phone No. 228-6871
   Current Address: 458 Bassett Road Roberts, Id. ~~83333~~ 83444
2. Accompanied by: Burleigh Tomchat EXAM. DATE: 07/18/91
   Address: Same Phone No. Same
   Relationship to Permit Holder: holder
3. Source: ground water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: N/A
   _____ ☐ Copies Attached
2. Other water rights with same point of diversion: 35-07744
   _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☑ Alternative diagram attached

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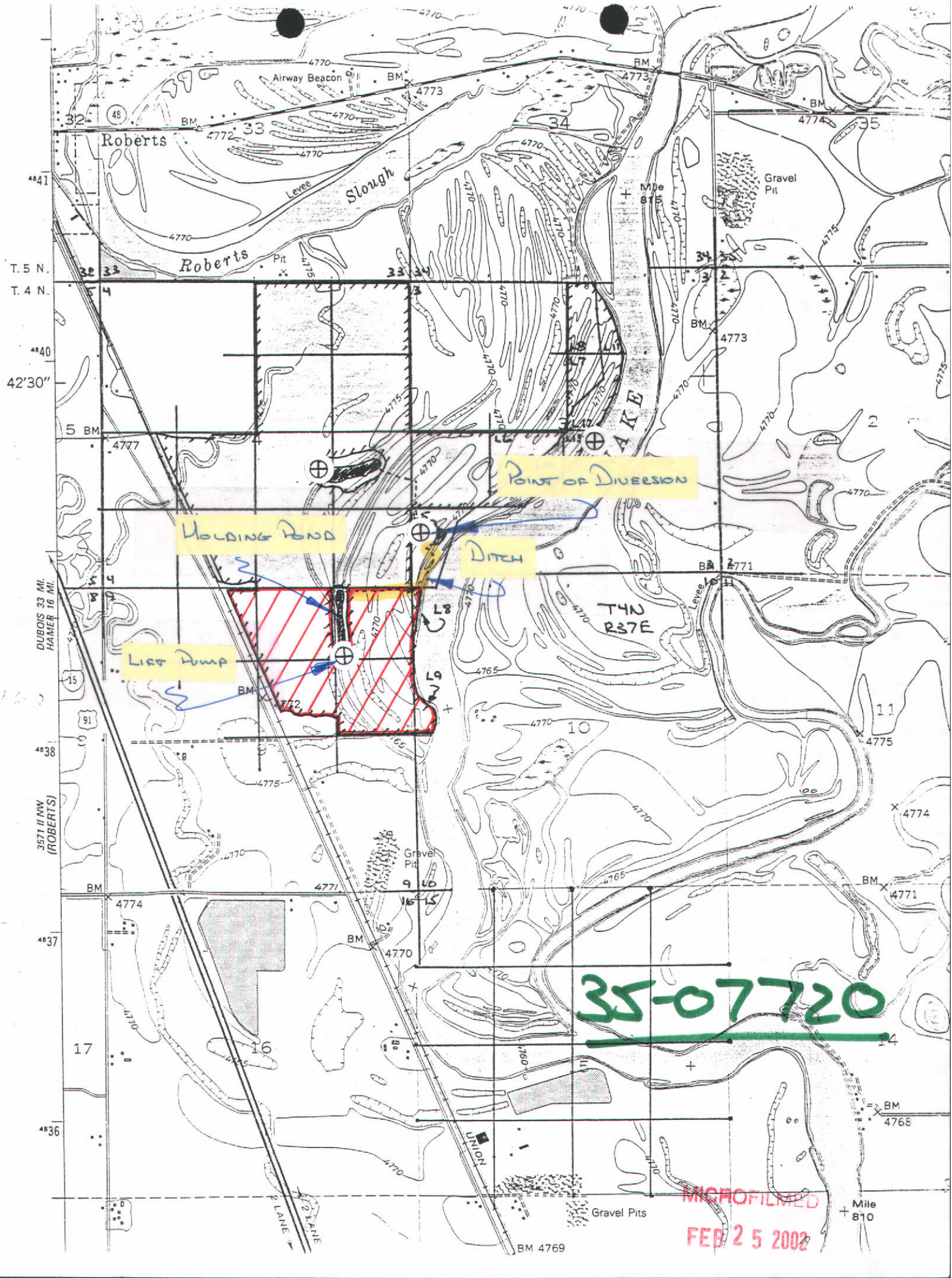
FEB 25 2002

Scale: 1" = _____.

2. ☑ Copy of U.S.G.S. Quadrangle Attached
   Showing location(s) of point(s) of diversion and place(s) of use (required).
   ☑ Aerial Photo Attached
   (required for irrigation of 10 acres or more).
   ☑ Photo of Diversion and System Attached
   (required for all but single household domestic groundwater, and stockwater.


Point of Diversion
Holding Pond
Ditch
Lift Pump
T4N
R37E
Roberts
Slough
Levee
Pit
Gravel Pit
Gravel Pits
Airway Beacon
Mile 811
Mile 810
BM 4769
42'30"
T. 5 N.
T. 4 N.
DUBOIS 33 MI.
HAMER 16 MI.
3571 II NW.
(ROBERTS)
35-07720
MICROFILMED
FEB 25 2002

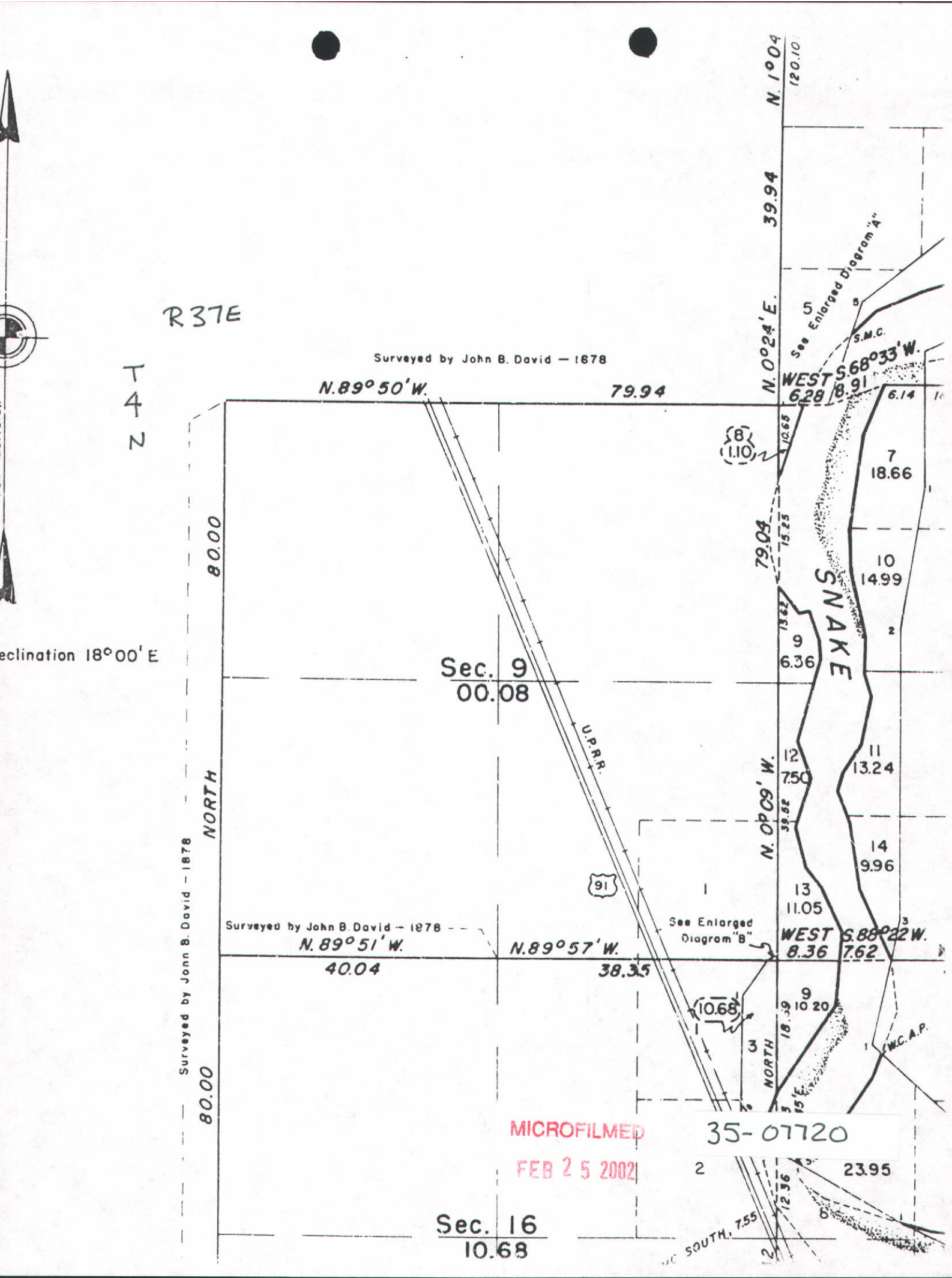
35-7720

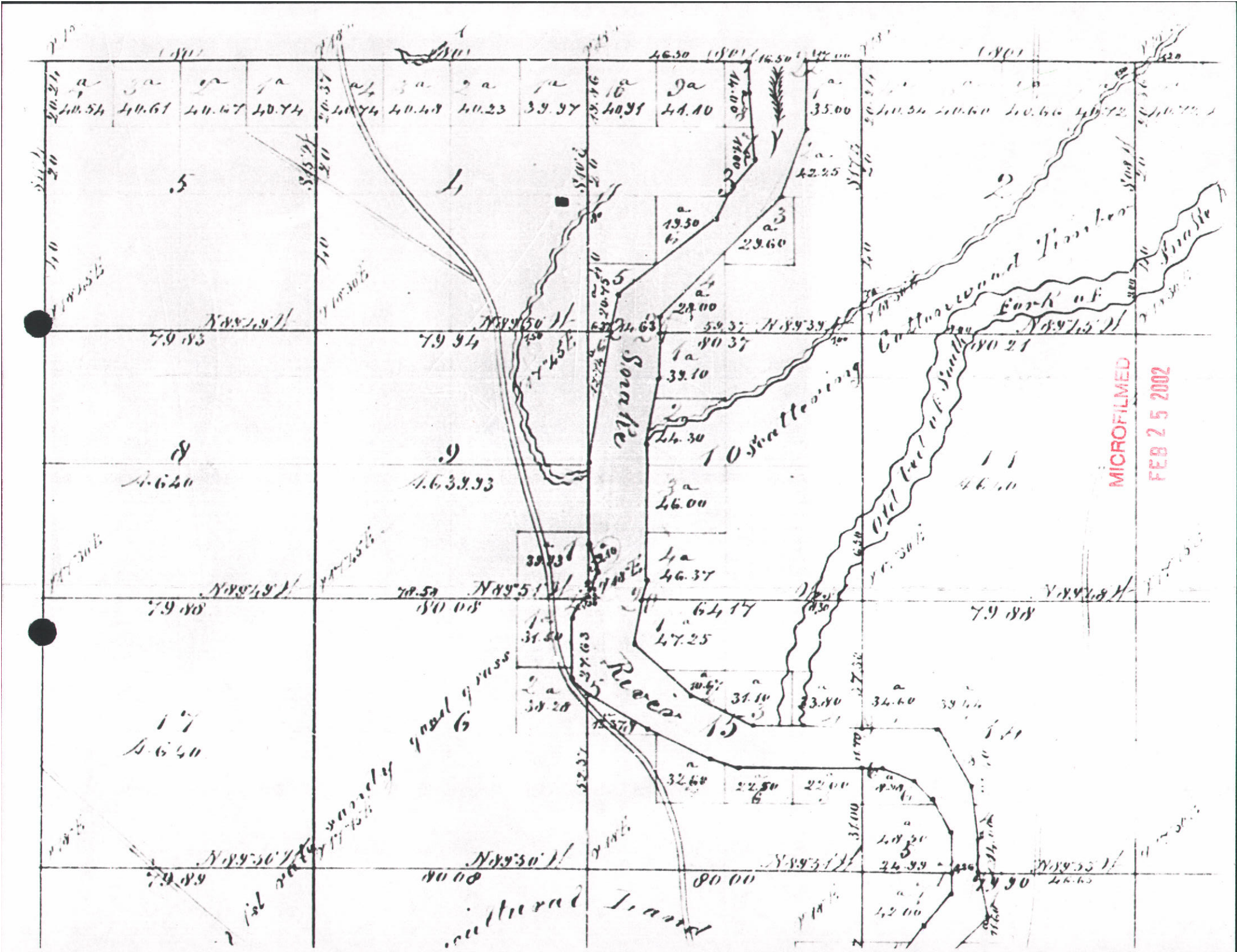
MICROFILMED
FEB 25 2002

P-13

35-7720

NOT TO SCALE


R37E
T 4 N
Surveyed by John B. David — 1878
N.89°50'W.
79.94
N. 1°04'
120.10
39.94
N. 0°24'E.
See Enlarged Diagram "A"
S.M.C.
WEST 8.91
S.68°33'W.
6.28
6.14
(8) 1.10
10.65
7 18.66
79.04
15.25
10 14.99
SNAKE
9 6.36
13.62
Sec. 9
00.08
U.P.R.R.
80.00
NORTH
12 7.50
N. 0°09'W.
38.52
11 13.24
14 9.96
91
1
13 11.05
Surveyed by John B. David — 1878
N.89°51'W.
40.04
N.89°57'W.
38.35
See Enlarged Diagram "B"
WEST 8.36
S.88°22W.
7.62
3
10.68
9 10 20
18.39
3
NORTH
W.C.A.P.
15'
Surveyed by John B. David — 1878
80.00
MICROFILMED
FEB 2 5 2002
35-07720
2
23.95
12.36
Sec. 16
10.68
SOUTH, 7.55
Declination 18°00' E


Sauk River
Continental Divide
Fork of
Old Trail of Sauk
10 Scattering
MICROFILMED
FEB 25 2002

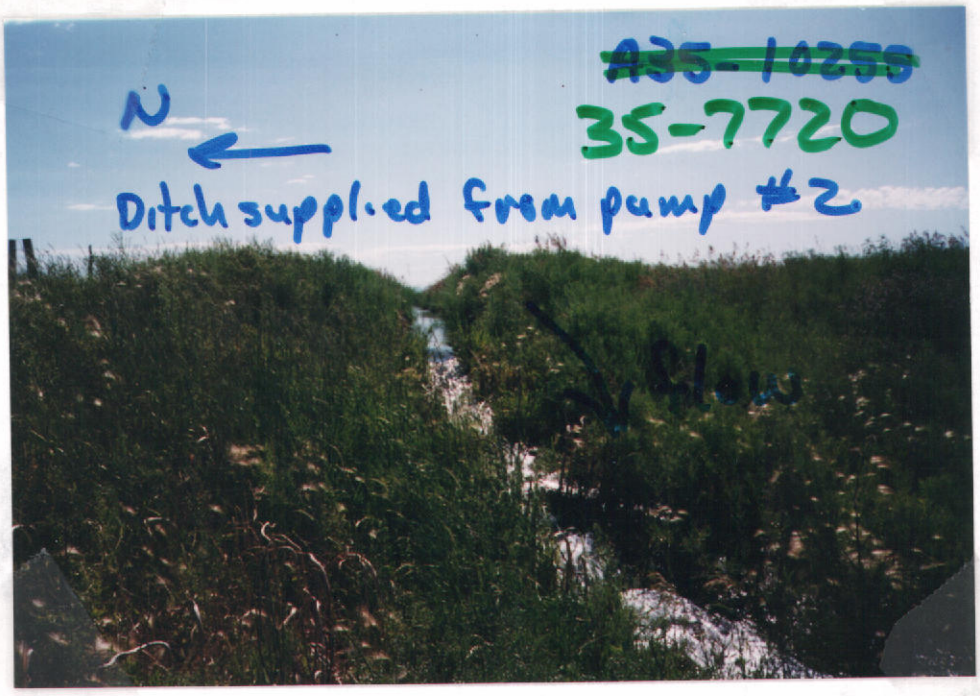
MICROFILMED
FEB 2 5 2002

A35-7720

Pump #1

MICROFILMED
FEB 2 5 2002

35-7720



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FEB 25 2002

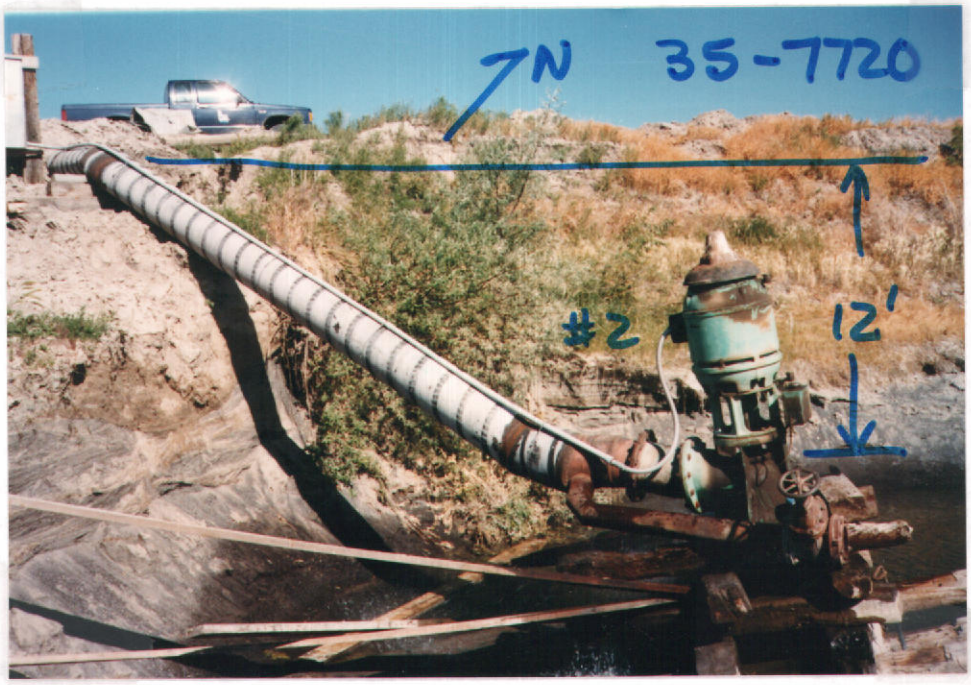
35-7720
~~A35-10256~~

MICROFILMED
FEB 25 2002

35-07720
A35-10255

MICROFILMED
FEB 25 2002

35-7720
~~A35-10255~~



MICROFILMED
FEB 2 5 2002

#2
35-7720

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO, }
County of Jefferson } ss

I, Karl Hanosky, do solemnly swear that I am the Publisher of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the

Fourteenth day of March, 19 79

and the last publication on the

Twenty-First day of March, 19 79

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bonafide subscribers in Jefferson County.

Karl G. Hanosky
Publisher

Subscribed in my presence and sworn to before me this Twenty-First day of March, 19 79.
[SEAL]

Evelyn M. Flaglor
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires 7-15, 19 81

Publication Fee: $ 11.48

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

NOTICE IS HEREBY GIVEN that Permit No. 35-7720 in the name of Burleigh Tomchak was issued for the diversion of 6.96 c.f.s. of water from a ground-water source with the point of diversion within the NE¼SW¼, Sec. 3, T. 4N, R. 37E, B.M., Jefferson Co.; to be used for the irrigation of 348 acres from 4/1 to 11/1 located within the W½NE¼, SW¼, NW¼SE¼, Sec. 3, NE¼, NE¼NW¼, Sec. 9, T. 4N, R. 37E.

The permit holder now proposes to amend Permit No. 35-7720, changing the point of diversion to the SW¼SW¼ Sec. 3, T. 4N, R. 37E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 2, 1979.

/s/ C. Stephen Allred
Director

Published in The Star, Rigby, Idaho on March 14 and 21, 1979.

RECEIVED
MAR 30 1979
Department of Water Resources
Eastern District Office

MICROFILMED

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 35-07720

Priority: April 22,1979 Maximum Diversion Rate: 2.36 CFS

It is hereby certified that BURLEIGH TOMCHAK
458 BASSETT RD
ROBERTS ID 83444 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 20, 1977; and has submitted Proof of Beneficial Use on May 20, 1982. An examination indicates that the works have a diversion capacity of 11.16 cfs of water from:

SOURCE
GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
IRRIGATION	04/01 to 10/31	2.36 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L5 SW¼SW¼ Sec. 3, Twp 04N, Rge 37E, B.M., JEFFERSON County
GROUND WATER NW¼SE¼ Sec. 4, Twp 04N, Rge 37E, B.M., JEFFERSON 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	
04N	37E	3		24.0	21.0						28.0	40.0	2.0			3.0			118.0
				L8	L7						L6		L5						

Total Acres: 118

CONDITIONS OF APPROVAL

1. Rights 01-07017 and 35-07720 when combined shall not exceed the irrigation of 118 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 472 af at the field headgate for the lands above.
3. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Rights 35-07744 and 35-10255 are also diverted through the point of diversion located within Lot 5 (SWSW), S03, T04N, R37E.

MICROFILMED
FEB 25 2002

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 35-07720

5. Rights 35-07744, 35-10255 and 35-07720 when combined shall not exceed a total diversion rate of 11.16 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 22nd day of FEBRUARY, 2002.

Acting for KARL J. DREHER
Director

MICROFILMED
FEB 25 2002

RECEIVED
FEB 21 2002
Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 35-07720

Date of Priority: April 22,1979 Maximum Diversion Rate: 2.36 CFS

Comes now BURLEIGH TOMCHAK
458 BASSETT RD
ROBERTS ID 83444 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 35-07720, and requests that the permit be changed as follows:

Source: GROUND WATER

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	04/01 to 10/31	2.36 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L5 SW¼SW¼ Sec. 3, Twp 04N, Rge 37E, B.M., JEFFERSON County
GROUND WATER NW¼SE¼ Sec. 4, Twp 04N, Rge 37E, B.M., JEFFERSON 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	
04N	37E	3		24.0	21.0						28.0	40.0	2.0			3.0			118.0
				L8	L7						L6		L5						

Total Acres: 118

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 15 day of Feb, 2002.

Burleigh Tomchak
(Signature)

MICROFILMED
FEB 25 2002

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 35-07720

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee # 50.00 Receipted by JM # C060116 Date 2/21/02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 35-07720 with the following:

CONDITIONS OF APPROVAL

1. Rights 01-07017 and 35-07720 when combined shall not exceed the irrigation of 118 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 472 af at the field headgate for the lands above.
3. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Rights 35-07744 and 35-10255 are also diverted through the point of diversion located within Lot 5 (SWSW), S03, T04N, R37E.
5. Rights 35-07744, 35-10255 and 35-07720 when combined shall not exceed a total diversion rate of 11.16 cfs.

Witness my hand this 22ND day of FEBRUARY, 2002.

Acting for KARL J. DREHER
Director

MICROFILMED
FEB 25 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-07720 IN THE NAME OF BURLEIGH TOMCHAK	))))	**ORDER ADVANCING THE DATE OF PRIORITY**

WHEREAS, on April 30, 1986, the Department sent the permit holder an Examination Fee Notice informing him that he had 60 days to submit the required examination fee; and,

WHEREAS, Section 42-217, Idaho Code, provides that the Department may lapse a permit for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner; and,

WHEREAS, on June 1, 1987, the permit holder submitted the examination fee. The fee was 337 days late, but the Department did not issue an order advancing the priority date;

IT IS, THEREFORE, HEREBY ORDERED that the priority date of Permit No. 35-07720 be advanced to April 22, 1979.

DATED this 21st day of December, 2000.

L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

FEB 2 5 2002

DEPARTMENT OF WATER RESOURCES

The Idaho Depart[redacted] of Water Resources will consider this card as a st[redacted]ent that the permit holder(s) has comp[redacted]ed development to the extent shown below of Perm[redacted]o. 35-7720.

Name(s) of Permit Holder: Burleigh Tomchak

Post Office Address: Roberts, Idaho 83440

Tel. No. 228-6871

Source of Water: Groundwater

Extent of Use:
- ☐ Domestic _____ (number of households)
- ☐ Stockwater _____ (number and type of stock)
- ☑ Irrigation 348 (acres)
- ☐ Other _____

Measuring Device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No

Access Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

18 May 82
Date

Burleigh Tomchak
Signature of Permit Holder

MICROFILMED

PLACE
TEN CENT
STAMP
HERE

Department of Water Resources
MAY 20 1982
RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING DEVICE REQUIREMENT FOR PERMIT NO. 35-7720

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

L. Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

Form 211
5/78

Ident. No. 35 7720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Burleigh Tomchak

of (address) Roberts, Idaho 83444, and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 35-7720, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW ¼ SW ¼, Section 3, Township 4N, Range 37E, B.M., County of Jefferson. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 6.96 (cfs or acre feet per annum) for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

3. Place of use or land to be irrigated: NO CHANGE

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Applicant

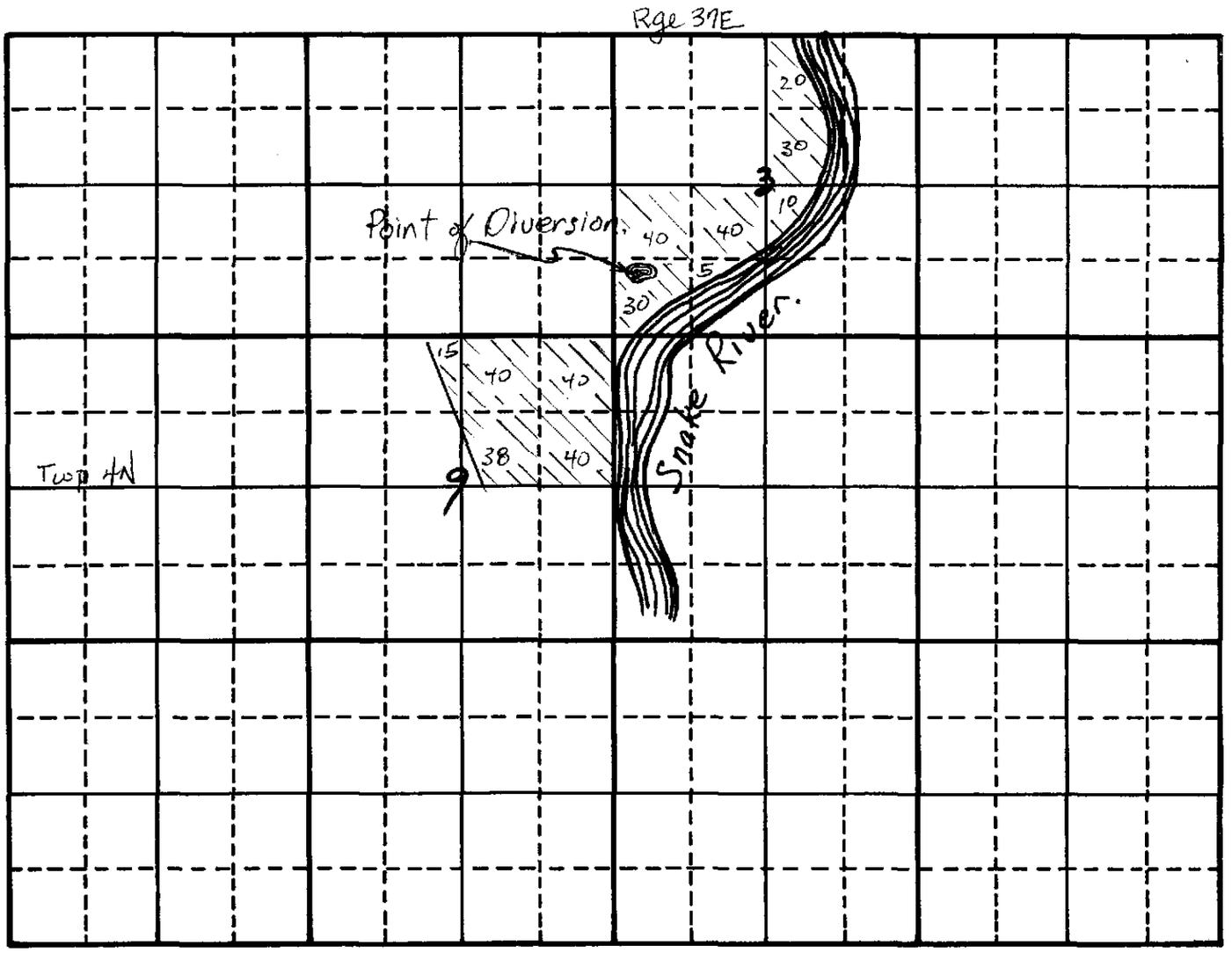
b. Who owns the land to be irrigated or the place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Idaho Falls, Idaho, this 8th day of March, 1979.

Burleigh Smith
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by EMC Fee = $20.00 Receipted by dh Date 3-8-79 #12944

Publication prepared by dh Date 3-9-79 Published in Rigby Star

Publication dates March 15 & 22, 1979

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Chief, Operations Bureau of the Department of Water Resources hereby

APPROVE this application for amendment on Permit No. 35-7720.

Witness my hand this 17th day of April, 19 79.

L. Glen Saxton
Chief, Operations Bureau

OK
JG

Identification No. 35 7720

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Burleigh Tomchak Phone: 228-6871

   post office address Roberts, ID

2. Source of water supply ground water which is a tributary of _____

3. a. Location of point of diversion is NE ¼ of SW ¼ of Section 3 Township 4N

   Range 37E B.M. Jefferson County; additional points of diversion if any: _____

   b. If water is not consumed, it will be discharged into _____ at a point in _____ ¼

   of _____ ¼ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

   Amount 6.96 (cfs or acre-feet per annum) for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

   a. 6.96 cubic feet per second and/or

   b. _____ acre feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler system

   b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____

   Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.

   c. Proposed well diameter is 20 inches; proposed depth of well is 100 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

   b. Estimated construction cost is $ 7,500.00 .

8. Description of proposed uses:

   a. If water is **not** for irrigation:

   (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____

   Range _____ B.M.

   (2) Amount of power to be generated: _____ hp under _____ feet of head.

   (3) List number of each kind of livestock to be watered _____

   (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

   (5) If water is to be used for other purposes describe: _____

RECEIVED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	37E	3		20	30						40	40	30	5		10			175
		9	40	40	38	40	15												173

Total number of acres to be irrigated 348

c. Describe any other water rights used for the same purposes as described above. None

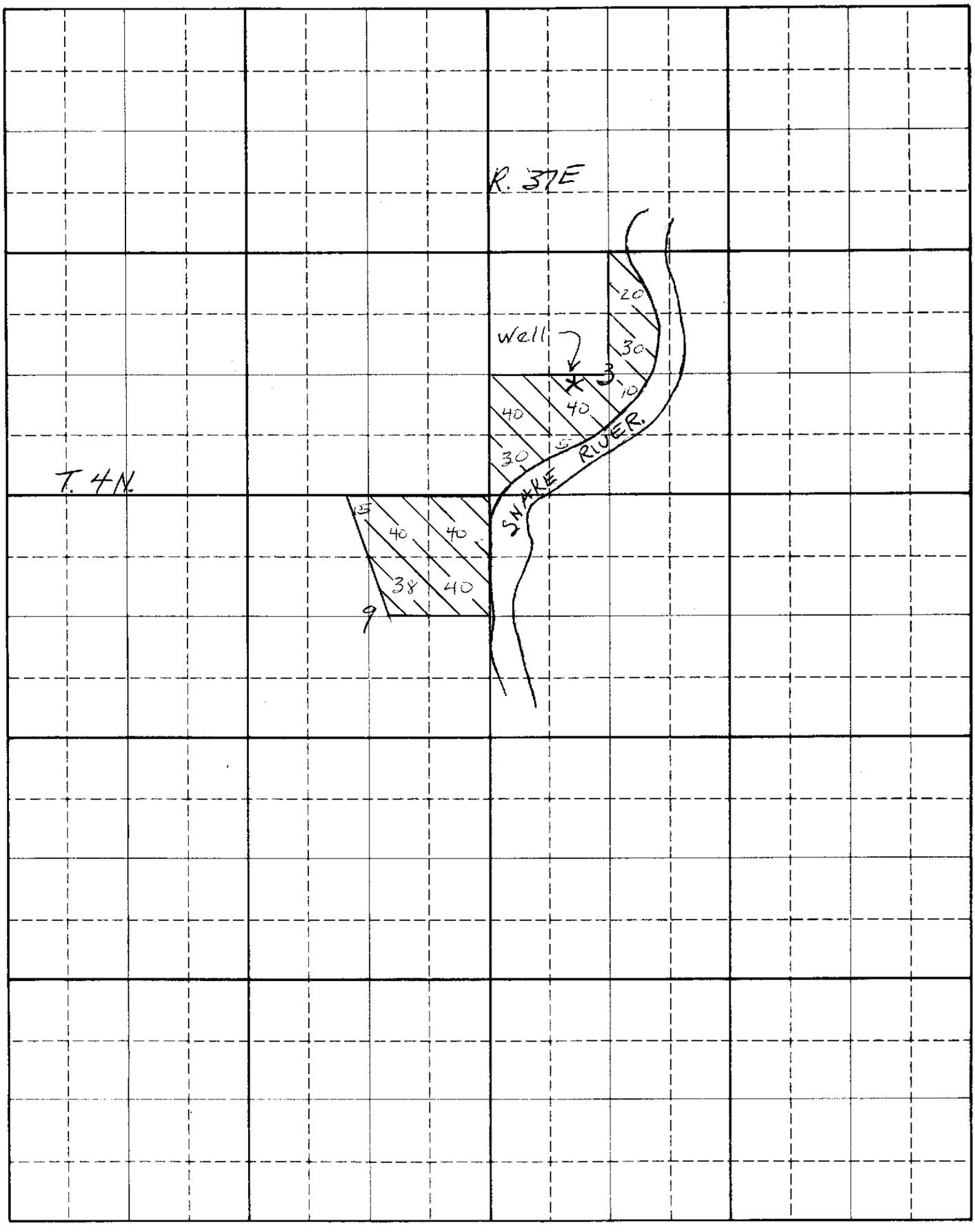
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

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.

Burlish Tomchak
(Applicant)

Proposed Priority 5-20-1977

Received by AW Date 5-20-77 Time 3:10 P.

Preliminary check by MC Fee $ 85.00

Receipted by AW Date 5-20-77 #928

Publication prepared by Me Date 5-27-77

Published in The Rigby Star

Publication dates June 2 & 9, 1977

Publication approved Me Date June 30, 1977

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RDC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7720, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1982.

   c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

Witness my hand this 25th day of July 19 77.

Director

RECEIVED

JUN 20 1977

Department of Water Resources
Eastern District Office

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO,
County of Jefferson } ss

I, Russell Jones, do solemnly swear that I am the Editor of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

[redacted]

NOTICE IS HEREBY GIVEN that Burleigh Tomchak, Roberts, Idaho has on May 20, 1977 submitted Application No. 35-7720 for a permit to appropriate 6.86 cubic feet per second of water from a ground-water source by means of well and pump within the NE¼SW¼, Sec. 2, T. 4N, R. 37E, B.M., Jefferson County; to be used from April 1 to November 1 for the irrigation of 348 acres within the W½NE¼, SW¼, NW¼SE¼, Sec. 3, NE¼, NE¼NW¼, Sec. 9, T. 4N, R. 37E, B.M.

IF ISSUED, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the

[redacted]

C. Stephen Allred
Director

[redacted]

And affiant further says that at the times herein mentioned said publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the

Second day of June, 1977

and the last publication on the

Ninth day of June, 1977

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bonafide subscribers in Jefferson County.

Russell Jones
Editor

Subscribed in my presence and sworn to before me this Ninth day of June, 19 77.
[SEAL]

Miriam Phillips
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Non-Exper 19___

Publication Fee: $ 12.60

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 25, 2002

BURLEIGH TOMCHAK
458 BASSETT RD
ROBERTS ID 83444

RE: License No. 35-7720 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
FEB 25 2002

CERTIFICATE OF MAILING

I hereby certify that on February 25, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 35-7720

BURLEIGH TOMCHAK
458 BASSETT RD
ROBERTS ID 83444

Kari Lynn Townsend
Secretary

MICROFILMED
FEB 2 5 2002

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
FEB 2 5 2002

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
FEB 2 5 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 12, 2002

BURLEIGH TOMCHAK
458 BASSETT RD
ROBERTS ID 83444

RE: Water Right Permit No. 35-07720

Dear Permit Holder:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

K **Point(s) of Diversion – Added point of diversion in Sec. 4**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the $50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

Enclosure

Cc: Roxanne Brown, SRBA

MICROFILMED
FEB 25 2002

LICENSE REVIEW CHECKLIST

Permit No. 35-7720 Date: 2-12-2002 Reviewer: Kay Walker

Change/OK

Name/Address fix per SRBA claim on this permit

Source ok - per Shelley
Point of Diversion: add

Does change clarify ~~original~~ intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use ok

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit) (P/U)

Overlaps: Right(s): 01-7017
File reviewed____ Profile reports printed_____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 6.96 cfs
Fee Limit 4.0 cfs
Measured _____ cfs
Theoretical _____ cfs

Recommended Total Diversion Rate _____

Water Uses ok Change (P46)

Season of Use per new Standards
4-1 10-31

Irrigation	2.36 cfs	472 af
Stockwater	____ cfs	____ af
Domestic	____ cfs	____ af
_____	____ cfs	____ af
_____	____ cfs	____ af
Total	2.36 cfs	472 af

Irrigation - overlap(R58-R61, **R62-R65, R66-R69)**
~~supp.~~ Gw (WB7/065/104)
overlap spec combined rts (W35)
~~<1 acre~~ (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23
~~Fish~~ (042)
~~Fire~~ (077)
~~Water~~ Quality (106/R07)
~~Payette~~ – (W22/047/27A)
~~Stock~~water for US (R37)

118 x 0.02 = 2.36

Volume Determination
2.36 cfs x 1.9835 x 214 days = 1001.7 af (vs) 118 acres x 4.0 (FHR) = 472. af
3.0 (con)

Remarks:_____

Additional Conditions NO Watermaster Control
____GW Measurement/Measuring Device
____ Other
~~Trust~~ R55 – remove 051)
~~Non-trust~~ (048)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA?_____
Government Lots? yes

Advance Priority? ✓ yes ____ no If yes, explain why below. ★

SRBA Claim? yes - pending

Adjust memo ____

Amend Letters _____ **P87, S06** **Second Amendment Notice** P44 **S06**

★ advanced priority due to late exam fee -

POD OL per Workflow

pts diverted @ SWSW-LS-3-4N-37E

35-7744
35-10255

@ NWSE-4-4N-37E
none

theo capacity = 11.16 cfs
- 6.58 (35-7744)
4.58
- 2.89 (35-10255)
1.69 remaining need capacity limiter

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	1-293	VIOLA M BRAMWELL, ADNA E BRAMWELL,	DRY BED	04N37E3																X	0
Right	1-317	LONG ISLAND IRRIGATION CO,	DRY BED	04N37E3																	0
						20	30						40	40	30	5					175
Right	25-2169	ARNOLD J QUALMAN,	GROUND WATER	04N37E3	30			20													50
Right	25-2170	LEON F QUALMAN,	GROUND WATER	04N37E3	25			28													53
Right	35-8940	MERLIN SHARP, BELINDA SHARP,	GROUND WATER	04N37E3					40	34	34	34									142
TRight	35-8940	MERLIN SHARP, BELINDA SHARP,	GROUND WATER	04N37E3					40	34	34	34									142
Right	35-13204	MERLIN SHARP, BELINDA SHARP,	ROBERTS SLOUGH CREEK	04N37E3					40	34	40	40									154
Right	35-2148B	MERLIN SHARP, BELINDA SHARP,	ROBERTS SLOUGH CREEK	04N37E3					40	34	40	40									154
Right	35-2919A	MERLIN SHARP, BELINDA SHARP,	ROBERTS SLOUGH CREEK	04N37E3					40	34	40	40									154
						9	9						14	39							74
Right	Jan-16	ADNA E BRAMWELL, VIOLA M BRAMWELL,	SNAKE RIVER	04N37E3												29			20	10	59
Right	Jan-17	BURLEIGH TOMCHAK,	SNAKE RIVER	04N37E3		24	21						28	40	2			3			118
Right	1-302	BUTTE & MARKET LAKE CANAL CO,	SNAKE RIVER	04N37E3																	0
Right	25-2166	DELITA THORNTON,	SPRING CREEK	04N37E3																	0
Right	25-2112	LEONARD MARTIN,	WASTE WATER	04N37E3															40	35	75

01-7017

01-17
01-18
01-17

OL w/01-7017
(Recommendations do not agree with Lic 01-7017)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 01-07017

Priority: March 14, 1978 Maximum Diversion Rate: 2.00 CFS
Maximum Diversion Volume:[1] 413.0 AF

This is to certify, that BURLEIGH TOMCHAK
ROBERTS, ID 83444 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 14, 1978; and has submitted Proof of Beneficial Use on March 8, 1983. An examination indicates that the works have a diversion capacity of 2.000 cfs of water from:

SNAKE RIVER tributary to COLUMBIA RIVER

source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 11/01	2.00 CFS	413.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 3, Township 04N, Range 37E
JEFFERSON County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
04N	37E	3	LOT 8(NWNE)	24	LOT 7(SWNE)	21	LOT 6(NESW)	28	
			NWSW	40	LOT 5(SWSW)	2	NWSE	3	118
					Total number of acres irrigated:				118

P/U
OL

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The right to use water confirmed by this license is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The right holder must obtain adequate supplemental water for the irrigation season that natural flow is not available.
6. Use of water under this water right is subject to control by the watermaster of State Water District No. 01

MICROFILMED
AUG 21 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 01-07017

CONDITIONS/REMARKS:

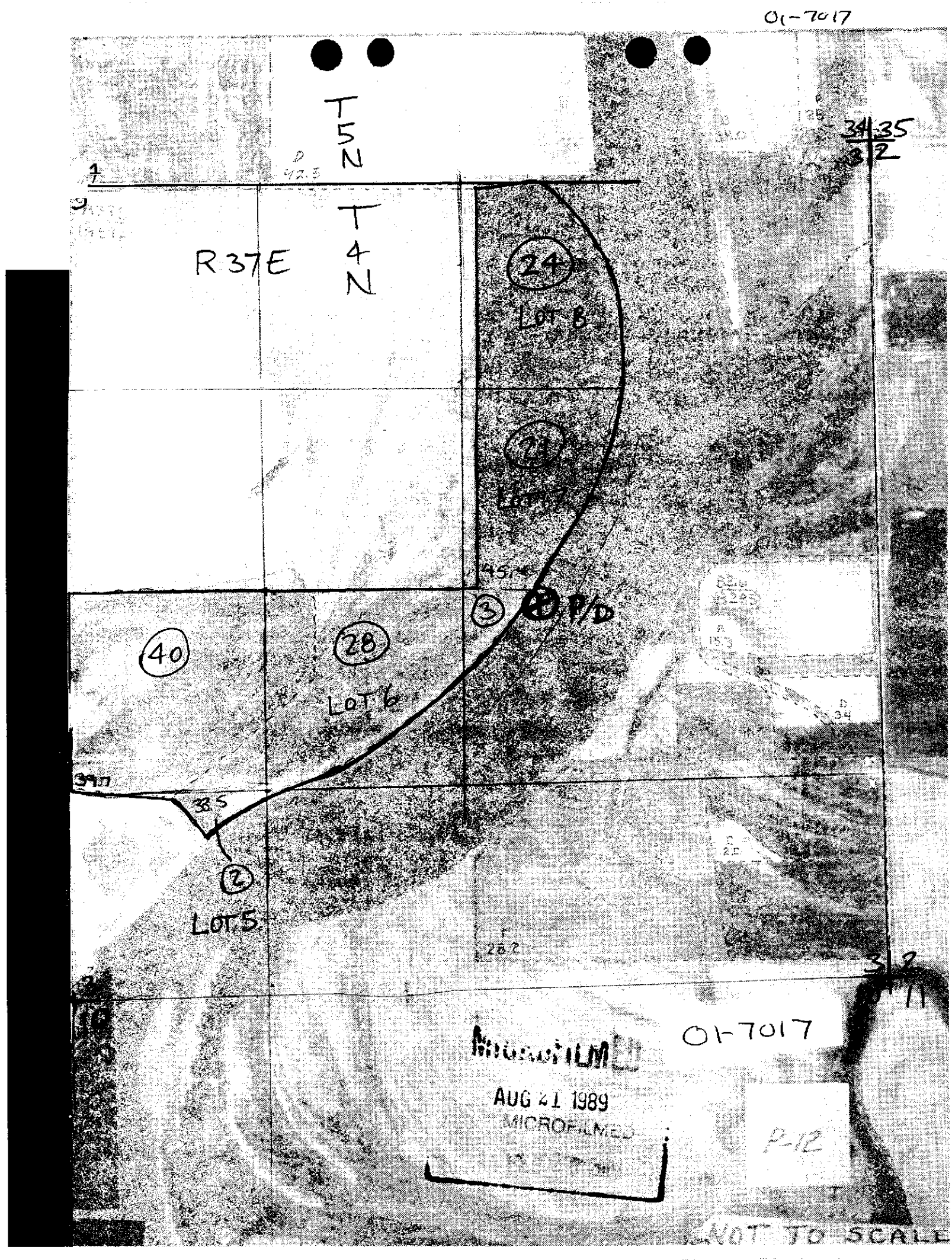
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 5TH day of AUGUST, 1989.

Acting for R. Keith Higginson, Director

MICROFILMED
AUG 21 1989

MICROFILMED

01-7017


T5N
R37E
T4N
34
35
3
2
24
LOT 8
23
LOT 7
45.4
3
P/D
40
28
LOT 6
39.7
38.5
2
LOT 5
28.2
3
2
11
01-7017
MICROFILM
AUG 21 1989
MICROFILMED
P-12
NOT TO SCALE

Walker, Kay

2/11 told chak mk. Tom would try to get something out to him this week.

From: Wilson, Keith
Sent: Wednesday, January 23, 2002 11:08 AM
To: Walker, Kay
Subject: RE: Burleigh Tomchak 35-7720

Kay,
Apparently you did not receive the following message.

To: Walker, Kay
Subject: RE: Burleigh Tomchak 35-7720
Kay,

01/17/2001

Exam by Alan Paris (Summer examiner) - Write up by Paul Meyer

After completing the field exam Alan Paris had questions and requested that I go on site with him. I observed the system and the place of use. I recommended that the P/U be changed because I remember being on site with Alan Paris in 1991. Also, on July 31, 1985, I conducted the field exam for 01-07017, and measured the diversion rate from the Snake River (P/D NWSE Sec 3, T04N, R37E)

Place of Use - From Field Exam - USGS Map of place of use shows the entire place of use (small cross hatching along edge of P/U) for both pumps. It appears to me that when the exam for 35-7720 was written up the Place of Use in Section 3 was overlooked. 35-10255 at the time of the exam was still an adjudication claim. Since Decree 35-10255 now covers Sec 9 & 10 @ 0.02 cfs/ac, I recommend that the P/U for 35-7720 should be that portion of Sec 3 outlined in orange on the aerial photos that I sent you on Jan 8, 2002 (also see P/U under 01-7017)

The P/U in Sec 3, T4N, R37E, can be & is irrigated from either one or both P/D's (SWSW Sec 3, & NWSE Sec 4, T4N, R37E) along with Water Right 01-7017 from the Snake River.

Note: The P/D's are pumps from man-made ponds that are deeper that 18 ft. The ponds are close to the Snake River, and in all likelyhood the water in them may be seepage from the Snake River. There are no wells used for irrigation on Mr. Tomchak's place.

Hopefully, this information will assist you.

Keith

-----Original Message-----
From: Wilson, Keith
Sent: Tuesday, January 22, 2002 10:47 AM
To: Walker, Kay
Subject: RE: Burleigh Tomchak 35-7720

Kay,
Burleigh Tomchak [(208) 228-6871] called today about 35-7720. He is leaving for Arizona on Thursday and wanted to be sure that he did not miss any correspondence while he is gone. If you would contact him and let him know I would appreciate it.

Thanks,
Keith

MICROFILMED

-----Original Message-----
From: Walker, Kay
Sent: Wednesday, January 16, 2002 4:51 PM
To: Wilson, Keith
Cc: Walker, Kay
Subject: Burleigh Tomchak 35-7720

Hi, Keith... Apparently Mr. Tomchak was in your office about our Notice of Pending Order to Void this permit. We got your aerial photo today and your statement of what was out there when you did your exam. Why did you change

the place of use from what was originally recommended? Is this due to his visit? When you made your recommendations on the field exam you did not identify any acres in Section 3 and now you have... The reason for the notice of pending order to void is because the land you had originally recommended was covered under Rt. 35-10255 which was recently decreed from the same point of diversion at an inch per acre with an earlier priority, although AJ staff recommended the source as an unnamed pond (which appears to be the well you originally described). Are the changes on aerial photo supposed to be used now, in place of original map? I am so confused... Do you know if the unnamed pond and the well are the same? Sure looks like it to me. HELP!!

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MEMO

TO: Shelley Walter Keen – Water Rights Supervisor **January 8, 2002**

FROM: Keith C. Wilson – Eastern Regional Office

RE: Water Right Permit No. 35-07720 Notice of Pending Order to Void Permit

The enclosed FSA Aerial Photos indicate the Place of Use for Water Rights for Burleigh Tomchak.

35-7744 Place of Use Outlined in Blue – Note P/D's (2) within:
NE¼SW¼SW¼ Sec 3, T04N, R37E
NE¼SE¼ Sec 4, T04N, R37E

35-7720 Place of Use Outlined in Orange – Same P/D's (2) as for 35-7744

Mr. Tomchak has two pumps, one for each pond (Legal Description same as for 35-7744), and a Re-Diversion pump within the SW¼NE¼NE¼ Sec 9, T04N, R37E. The Pump within the NE¼SE¼ Sec 4, T04N, R37E, is both a Re-Diversion Pump and a Point of Diversion.

Several years ago I was on site and observed the system and the place of use. The Place of Use includes W½NE¼ , SW¼ Sec 3, the NE ¼, fr. NE¼NW¼ Sec 9, W½NW¼ Sec 10, T04N, R37E. Along with the place of use under 35-7744 (all P/U are West of the Snake River).

I believe that the enclosed aerial photos accurately depict the place of use for Mr. Tomchak.

Keith C. Wilson
Senior Resource Agent

WRQ5

SD-0605-2 Township: 04N Range: 37E Section: 3 Tract: SWSW Lot: 5

Max # Records 8

S E L	Tract	LOT	RDV	Water Right No.	STATE Name Last, First	OWN	OST	Priority Date	Source	Total Diversion
_	SWSW	5		35-07744	DUTSON, ROLLO	O	L	09/15/1989	GROUNDWATER	6.58
_					TOMCHAK, BURLE	C				

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

SD-0605-1

Idaho Department of Water Resources
Water Rights Point of Diversion Query

Date: 02/12/02
Time: 09:00:50

STATE

Township: 04N

Range : 37E

Section : 04

Tract : NWSE

Lot : __

NO RECORDS FOUND...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE
(Enter=Run) (Menu _____)

WRQ4

SD-0604-2 Township: 04N Range: 37E Section: 3 Tract: Lot:

S E L	Tract	L O T	Water Right No.	STATE Name Last, First	O W N	AC	S T G	Max # Records 31 Priority Date	Use Code	Use Desc
_			01-00302	BUTTE & MARKET LAKE CA	C		D	04/01/1939	01	IRR
_			01-00317	LONG ISLAND IRRIGATION	C		D	04/01/1939	01	IRR
_		1	25-02166	THORNTON, DELITA	C	11	L	01/25/1909	01	IRR
_									43	DOMEST
_		2	25-02166	THORNTON, DELITA	C	10	L	01/25/1909	01	IRR
_									43	DOMEST
_	NENE		25-02169	QUALMAN, ARNOLD J.	C	30	L	01/15/1955	01	IRR
_	NENE	1	25-02170	QUALMAN, LEON F.	C	25	L	05/26/1967	01	IRR
_	NWNE		35-07720	TOMCHAK, BURLEIGH	C	20	P	05/20/1977	01	IRR
_	NWNE	8	01-07017	TOMCHAK, BURLEIGH	C	24	L	03/14/1978	01	IRR
_	SWNE		35-07720	TOMCHAK, BURLEIGH	C	30	P	05/20/1977	01	IRR
_	SWNE	7	01-07017	TOMCHAK, BURLEIGH	C	21	L	03/14/1978	01	IRR
_	SENE		25-02169	QUALMAN, ARNOLD J.	C	20	L	01/15/1955	01	IRR
_	SENE	2	25-02170	QUALMAN, LEON F.	C	28	L	05/26/1967	01	IRR
_	NENW	9	35-08940	ANDERSON, VAUGHN	C	40	L	04/05/1991	01	IRR
_				ANDERSON, CLARA	C					

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

SD-0604-2 Township: 04N Range: 37E Section: 3 Tract: Lot:

S E L	Tract	L O T	Water Right No.	STATE Name Last, First	O W N	AC	S T G	Max # Records 31 Priority Date	Use Code	Desc
_	NWNW	10	35-08940	ANDERSON, VAUGHN	C	34	L	04/05/1991	01	IRR
_				ANDERSON, CLARA	C					
_	SWNW		35-08940	ANDERSON, VAUGHN	C	34	L	04/05/1991	01	IRR
_				ANDERSON, CLARA	C					
_	SENW		35-08940	ANDERSON, VAUGHN	C	34	L	04/05/1991	01	IRR
_				ANDERSON, CLARA	C					
_	NESW		35-07720	TOMCHAK, BURLEIGH	C	40	P	05/20/1977	01	IRR
_	NESW	6	01-07017	TOMCHAK, BURLEIGH	C	28	L	03/14/1978	01	IRR
_	NWSW		01-07017	TOMCHAK, BURLEIGH	C	40	L	03/14/1978	01	IRR
_	NWSW		35-07720	TOMCHAK, BURLEIGH	C	40	P	05/20/1977	01	IRR
_	SWSW		35-07720	TOMCHAK, BURLEIGH	C	30	P	05/20/1977	01	IRR
_	SWSW	5	01-07017	TOMCHAK, BURLEIGH	C	2	L	03/14/1978	01	IRR
_	SESW		01-02018	BRAMWELL, ADNA	C	29	L	02/20/1909	01	IRR
_				BRAMWELL, VIOLA M.	C				43	DOMEST
_	SESW		35-07720	TOMCHAK, BURLEIGH	C	5	P	05/20/1977	01	IRR
_	NWSE		01-07017	TOMCHAK, BURLEIGH	C	3	L	03/14/1978	01	IRR

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

SD-0604-2 Township: 04N Range: 37E Section: 3 Tract: Lot:

SEL	Tract	LOT	Water Right No.	STATE Name Last, First	OWN	AC	STG	Max # Records 31 Priority Date	Use Code	Use Desc
_	NWSE		35-07720	TOMCHAK, BURLEIGH	C	10	P	05/20/1977	01	IRR
_	SWSE		01-02018	BRAMWELL, ADNA	C	20	L	02/20/1909	01	IRR
				BRAMWELL, VIOLA M.	C				43	DOMEST
_	SWSE		25-02112	MARTIN, LEONARD	C	40	L	02/14/1953	01	IRR
_	SESE		01-02018	BRAMWELL, ADNA	C	10	L	02/20/1909	01	IRR
				BRAMWELL, VIOLA M.	C				43	DOMEST
_	SESE		25-02112	MARTIN, LEONARD	C	35	L	02/14/1953	01	IRR
_	SESE	4	01-00293	BRAMWELL, ADNA E.	C		D	02/20/1909	01	IRR
				BRAMWELL, VIOLA M.	C					

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-7744

WATER RIGHT NUMBER: 35-7744

Owner Type	Name and Address
Current Owner	BURLEIGH TOMCHAK 458 BASSETT RD ROBERTS, ID 83444 (208)228-6871
Original Owner	ROLLO DUTSON , ID

Priority Date: 09/15/1989

Basis: License

Status: Active

Source: GROUND WATER

Tributary:

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	4/01	10/31	6.580 CFS	

Total Diversion: 6.580 CFS

Location of Point(s) of Diversion

GROUND WATER L5 SW1/4SW1/4 Sec. 3, Twp 04N, Rge 37E, B.M.

JEFFERSON 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	
04N	37E	4	39.0	39.0	36.0	36.0					24.0	5.0		25.0	20.0	32.0	36.0	37.0	329.0
			L1	L2															

Total Acres: 329

OL
P/D

Conditions of Approval:

1. 079 This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
2. R60 This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Remarks:

1. General The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
   This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1316.0 af at the field headgate for the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-7744

Comments:

Dates and Other Information:

Licensed Date: 6/11/1999
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2001

BURLEIGH TOMCHAK
458 BASSETT RD
ROBERTS ID 83444

RE: Water Right Permit No. 35-07720

Notice of Pending Order to Void Permit

Dear Permit Holder:

On May 20, 1982, the Department of Water Resources (IDWR) received the Proof of Beneficial Use statement you submitted for Permit 35-07720, which authorized you to establish a right to divert 6.96 cfs of water from a groundwater source in the SW¼SW¼, Sec. 3, Twp. 4N, Rge. 37E, to irrigate 348 acres within the W½NE¼, SW¼, and NW¼SE¼, Sec. 3; NE¼, NE¼NW¼, Sec. 9; Twp. 4N, Rge. 37E. On July 18, 1991, IDWR personnel conducted an examination to verify your water use. The examiner reported that you were not diverting more water or irrigating more lands than recognized under recently decreed water right 35-10255.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. A license can be issued only for development that occurred prior to the date that the Proof of Beneficial Use statement was filed and only for development that is not covered by an existing water right. No water right has been established, and no license can be issued, if you did not divert and use more water than authorized under your existing water right within the time period authorized by your permit. After a Proof of Beneficial Use statement has been submitted a permit cannot be retained to cover future development of the resource.

Enclosed is a copy of an Order Advancing the Date of Priority of Permit 35-07720. Please note that the priority date was advanced due to late submittal of the examination fee.

If you believe you developed a beneficial use of water under Permit 35-07720 in addition to the use authorized under your existing water rights, please send me supporting documentation within thirty days. If I do not hear from you within thirty days, I will take action to void your permit. If you are no longer interested in your permit, you can shorten the voiding process by signing and returning the enclosed relinquishment form. If you have any questions, please contact me at 208-327-7946.

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

Enclosures
Cc: Roxanne Brown, SRBA

MICROFILMED
FEB 25 2002

J:\WRORDERS\LETTERS\INTOVOI3.WP

☐ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Burbank Tomchak

My address is 458 Bassett Rd Rt Bonners Ferry ID.

My phone number is: Work _____ Home 228-6871

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

I have several other water Rights that were filed on and adjudication claims + papers were paid for + finished, this Right was overlooked by myself + my attorney - thanks you.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

SRBA claim 07720 is attached

copy from SRBA claim file A35-7720

MICROFILMED
FEB 2 5 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 35-7720

WATER RIGHT NUMBER: 35-7720

Owner Type	Name and Address
Current Owner	MABEL TOMCHAK 458 BASSETT RD ROBERTS, ID 83444 (208)228-6871
Current Owner	BURLEIGH TOMCHAK 458 BASSETT RD ROBERTS, ID 83444 (208)228-6871

Priority Date: 05/20/1977

Basis: Permit

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	04/01	11/01	6.960 CFS	
		Total Diversion:	6.960 CFS	1,044.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4 Sec. 3, Twp 04N, Rge 37E, B.M.

JEFFERSON 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	
04N	37E	3		20.0	30.0						40.0	40.0	30.0	5.0		10.0			175.0
04N	37E	9	40.0	40.0	38.0	40.0	15.0												173.0

Conditions of Approval:

Remarks:

1. FILED AS SRBA LATE CLAIM 05/14/01.

Comments:

MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 35-7720

Dates and Other Information:

Claim Received Date: 5/14/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: AND
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

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Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	35 7720	BURLEIGH TOMCHAK,	GROUND WATER	04N37E9	40	40	38	40	15												173
Right	35 2414	WELDON WAITE,	GROUND WATER	04N37E9													8			25	33
Right	35 7720	BURLEIGH TOMCHAK,	POND	04N37E9	34	38	22	37	9												140
Right	1 302	BUTTE & MARKET LAKE CANAL CO,	SNAKE RIVER	04N37E9																	0
Right	35 10255	BURLEIGH TOMCHAK, MABEL TOMCHAK,	UNNAMED POND	04N37E9	28	36	24	40	8												136

same description land as field exam for 35-7720 - my GIS shape did not agree with acres in each 40 recommended but source + p/u same -

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-10255

WATER RIGHT NUMBER: 35-10255

Owner Type	Name and Address
Current Owner	BURLEIGH TOMCHAK 458 BASSETT RD ROBERTS, ID 83444 (208)228-6871
Current Owner	MABEL TOMCHAK 458 BASSETT RD ROBERTS, ID 83444 (208)228-6871

Priority Date: 05/01/1948

Basis: Decreed

Status: Active

same water right as 35-7720

Source	Tributary
UNNAMED POND	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
STOCKWATER	1/01	12/31	0.050 CFS	
IRRIGATION	4/01	10/31	2.840 CFS	
		Total Diversion:	2.890 CFS	

Location of Point(s) of Diversion

UNNAMED POND SW1/4NE1/4NE1/4 Sec. 9, Twp 04N, Rge 37E, B.M.
JEFFERSON County

UNNAMED POND L5 SW1/4SW1/4SW1/4 Sec. 3, Twp 04N, Rge 37E, B.M.
JEFFERSON County

Place of Use

STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 37E 9	X																

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	
04N 37E 9	28.0	36.0	24.0	40.0	8.0												136.0
04N 37E 10						2.0 L8	4.0 L9										6.0

Hands as prepared in exam as 35-7720

OL PID

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POU ID 129884

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-10255

Total Acres: 142

Conditions of Approval:

1. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

1. Explanatory STOCKWATER, 170 CATTLE

Comments:

1. DCARLSON 6/28/1993 COPIED FROM REMARKS
Comment: ORIGIONAL ADJUDICATION CLAIM RECEIVED NOV 28, 1988

2. AJU10-DS 2/26/1998 CONDITION H02/H03 UPDATE
Comment: CONDITION CODES H02 AND H03 ADDED IF NOT ALREADY PART OF RECORD.

3. AJU21-DS 5/12/1998 AJU21 CONDITION UPDATE
Comment: DELETED CONDITION CODE(S) H02 H03

4. AJU10-DS 6/15/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) A07 ADDED IF NOT ALREADY PART OF RECORD THRU

5. AJU21-DS 2/19/1999 AJU21 CONDITION UPDATE
Comment: DELETED CONDITION CODE(S) A07

Dates and Other Information:

Licensed Date:
Decreed Date: 9/15/1998
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 01
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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CALCULATION OF NEW PRIORITY DATES
LATE EXAM FEES

FOR PERMIT NO. 35-7720

BY: Kay Walker

DATE: 12-21-01

	DATE	NUMBER OF DAYS (From Table of Days Between Two Dates)
A. EXAMINATION FEE NOTICE SENT	4-30-86	120
B. DATE FEE DUE (60 days)	6-29-86	180
C. DATE FEE RECEIVED	6-1-87	152
D. NUMBER OF DAYS LATE (C - B)		337
E. ORIGINAL PRIORITY DATE (Check Reinstatement, etc)	5-20-77	140
F. NEW PRIORITY DATE (D + E)	4-22-1979	112

365 − 180 = 185; 185 + 152 = 337

477 − 365 = 112 − 1978

REMARKS:

MICROFILMED

MEMORANDUM

DATE: February 5, 1998

TO: Water Right File 35-07720

FROM: Shelley W. Keen SWK

RE: Reason for delay in licensing

Permit 35-07720 was required to be claimed in the SRBA, but it has not been claimed. However, beneficial use claim A35-10255 was claimed for the same use with a much earlier priority date. Dave Carlson, who is reviewing A35-10255, wants to spend more time investigating the claimed priority. If he eventually recommends that A35-10255 be decreed as claimed, we may void Permit 35-07720. But if the claimed priority for A35-10255 cannot be substantiated, then we should license 35-07720.

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MAY 2 5 2000

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 14 1997
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-7720

1. Owner: Burleigh Tomchat — Phone No. 228-6871
   Current Address: 458 Bassett Road — Rexburg, Id. ~~83533~~ 83444
2. Accompanied by: Burleigh Tomchat — EXAM. DATE: 07/18/91
   Address: Same — Phone No. Same.
   Relationship to Permit Holder: holder
3. Source: ground water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: N/A
   _____ ☐ Copies Attached
2. Other water rights with same point of diversion: 35-07744
   _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☑ Alternative diagram attached

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Scale: 1" = _____.

2. ☑ Copy of U.S.G.S. Quadrangle Attached
   Showing location(s) of point(s) of diversion and place(s) of use (required).
   ☑ Aerial Photo Attached
   (required for irrigation of 10 acres or more).
   ☑ Photo of Diversion and System Attached
   (required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

~~pump #3~~ pump to Mainline ~~ditch north to~~ ~~pump #3~~, ditch south to pump #1

POND (TRIBUTARY TO SNAKE RIVER) WITH OPEN DISCHARGE PUMP TO DITCH TO HOLDING POND. LIGHT PUMP IN HOLDING POND TO 8" MAINLINE WITH 3 WHEELLINES, 90 JOINTS 5/32" NOZZLES, 5 HANDLINES W/ 160 JOINTS, 5/32" NOZZLES.

(well will be raised approximately 5 ft due to sinking in sand)

☐ See Remarks on page 4 for continuation

4.

	Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
P/D →	#2	GeneralElec	40	5729430	Johnston	14" discharge
Light Pump →	#1	Louis Allis	60	32841229002	JOHNSTON	8" DISCHARGE

**Code to correspond with No. on map and aerial photo*

5. **Point(s) of Diversion:**

	Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	~~2~~			~~NW~~ SE		~~3~~	~~NW~~	~~37E~~	~~Jefferson~~	~~USGS Quad and onsite inspection~~
P/D →	2	5	NW	SW	SW	3	4N	37E	JEFFERSON	USGS QUAD / ONSITE INSPECTION

6. **Place(s) of Use:** Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	37E	9	28	36	24	40	8												136
		10						L8 2	L9 4										6
															Total ⇒				142

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RECEIVED

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Theoretical						

2. **Measurements:** ~~static~~ ~~dynamic~~ static water level ~ ~~5'6"~~ 5' 6" (stanley tape measure)
Line from pump to open ditches = 12'
(pump will be raised ~ 5' due to sinking into ground)
OPEN DISCHARGE

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: ~~THEORETICAL~~ Q: $Q = \frac{HP(8.814)\,EFF}{LIFT+(2.308 \times PSI)}$

HP = 40.0
EFF = 0.70
LIFT = ~~5~~ 17.5
PSI = ~~5~~ ~ 2.0

2. Alternate Method for Checking Purposes: Q = ~~19.86~~ cfs

Q = 11.16 cfs Q limited by 0.02 cfs/AC to: 2.84 cfs

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP: (6) x 1.34 = _____ (7)
Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)
Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = 142 ac. * 4.0 AFA/AC = 568.00 AFA

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 2.84 cfs * 214 DAYS * K = 1205.49 AFA

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 568.00 AFA

2. Volume Calculations for Other Uses:

MICROFILMED
FEB 25 2002

H. REMARKS AND OVERLAP REVIEW ANALYSIS

* RECOMMEND AMENDMENT OF SOURCE TO "POND TRIBUTARY TO SNAKE RIVER". POND LEVEL GOVERNED BY LEVEL OF SNAKE RIVER. RECOMMEND THIS RIGHT BE ADMINISTERED BY WATER DIST. 01. RECOMMEND WATER USER RENT STORAGE WATER IN ORDER TO DIVERT FROM THIS POND.
RECOMMEND THIS RIGHT BE RENUMBERED TO BASIN 01.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRRIGATION	4-1	10-31	2.84 CFS	568 AFA
		Totals:	2.84 CFS	568 AFA

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ Other CHANGE SOURCE AS NOTED IN REMARKS

J. AUTHENTICATION

Field Examiner's Name: ALAN W PARIS

Signature: Alan W Paris

Certification Date:

Field Report Preparation Date: 3-26-92 - RM

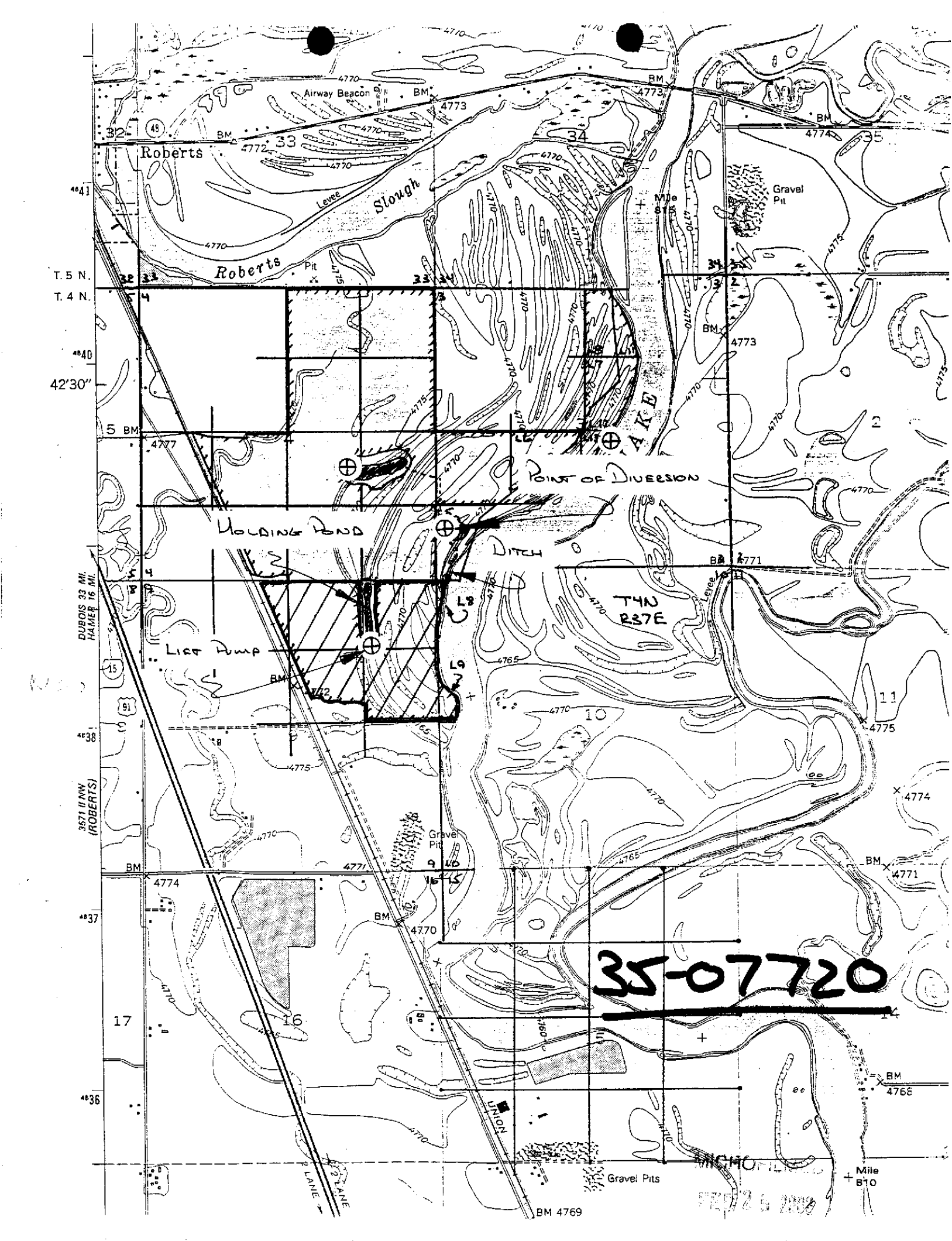
CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED

MICROFILMED
FEB 15 2002

35-7720


Airway Beacon
Roberts
Slough
Levee
Roberts Pit
Gravel Pit
Mile 811
T. 5 N.
T. 4 N.
42'30"
LAKE
Point of Diversion
Holding Pond
Ditch
T4N R37E
Lift Pump
DUBOIS 33 MI.
HAMER 16 MI.
3571 II NW (ROBERTS)
Gravel Pit
Gravel Pits
UNION
2 LANE
BM 4769
Mile 810
35-07720

35-772a
P/D
R37
P-13
35-772a
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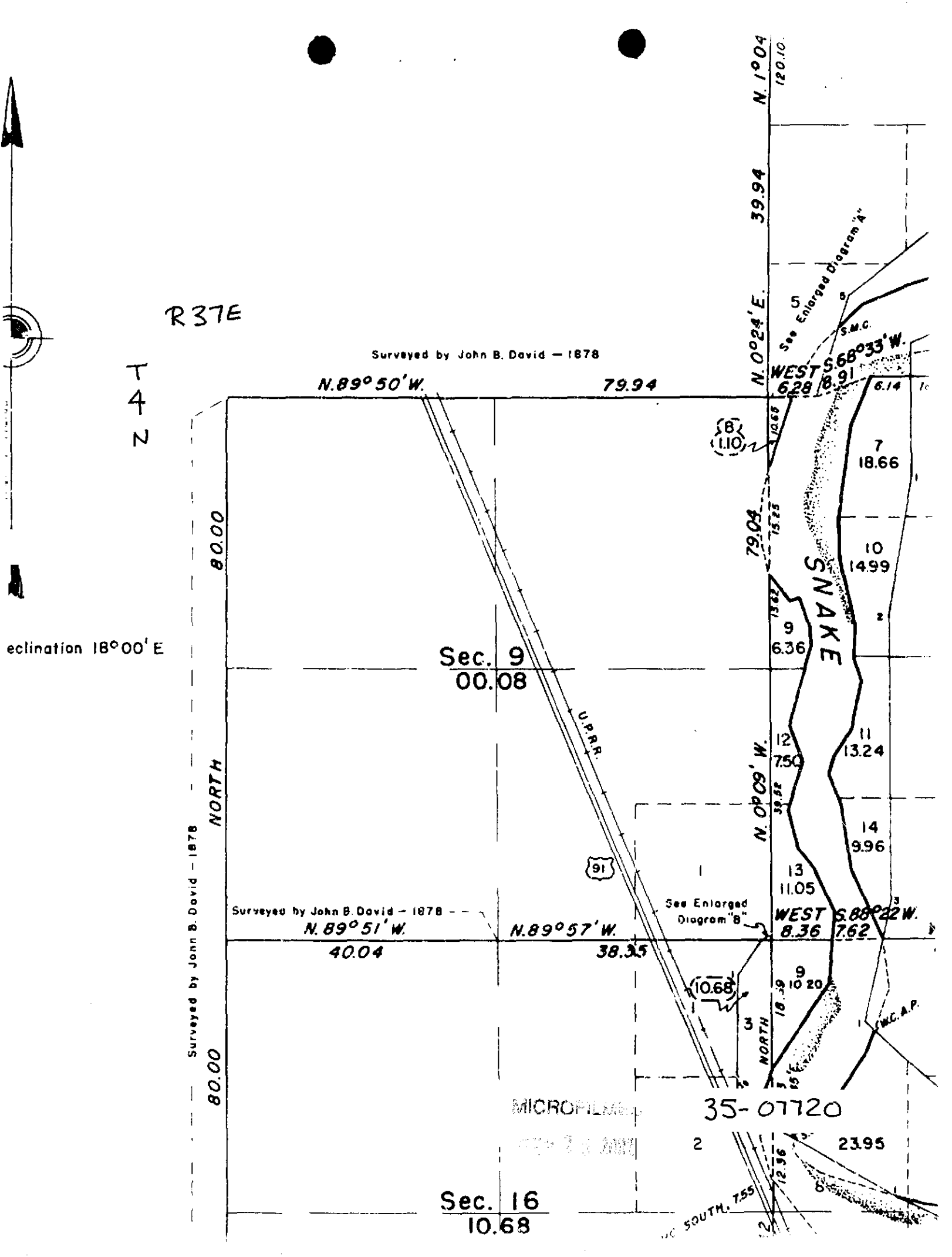
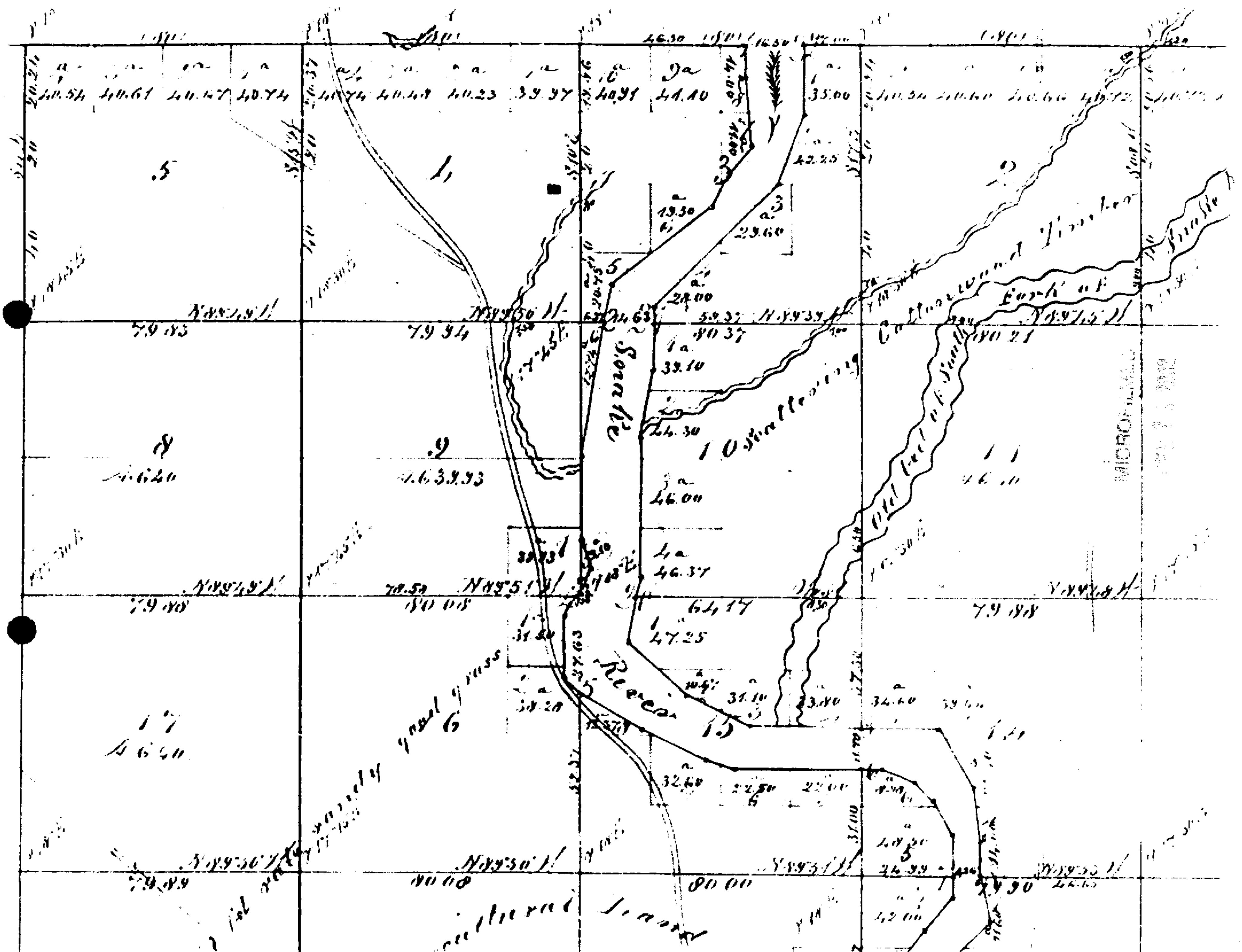
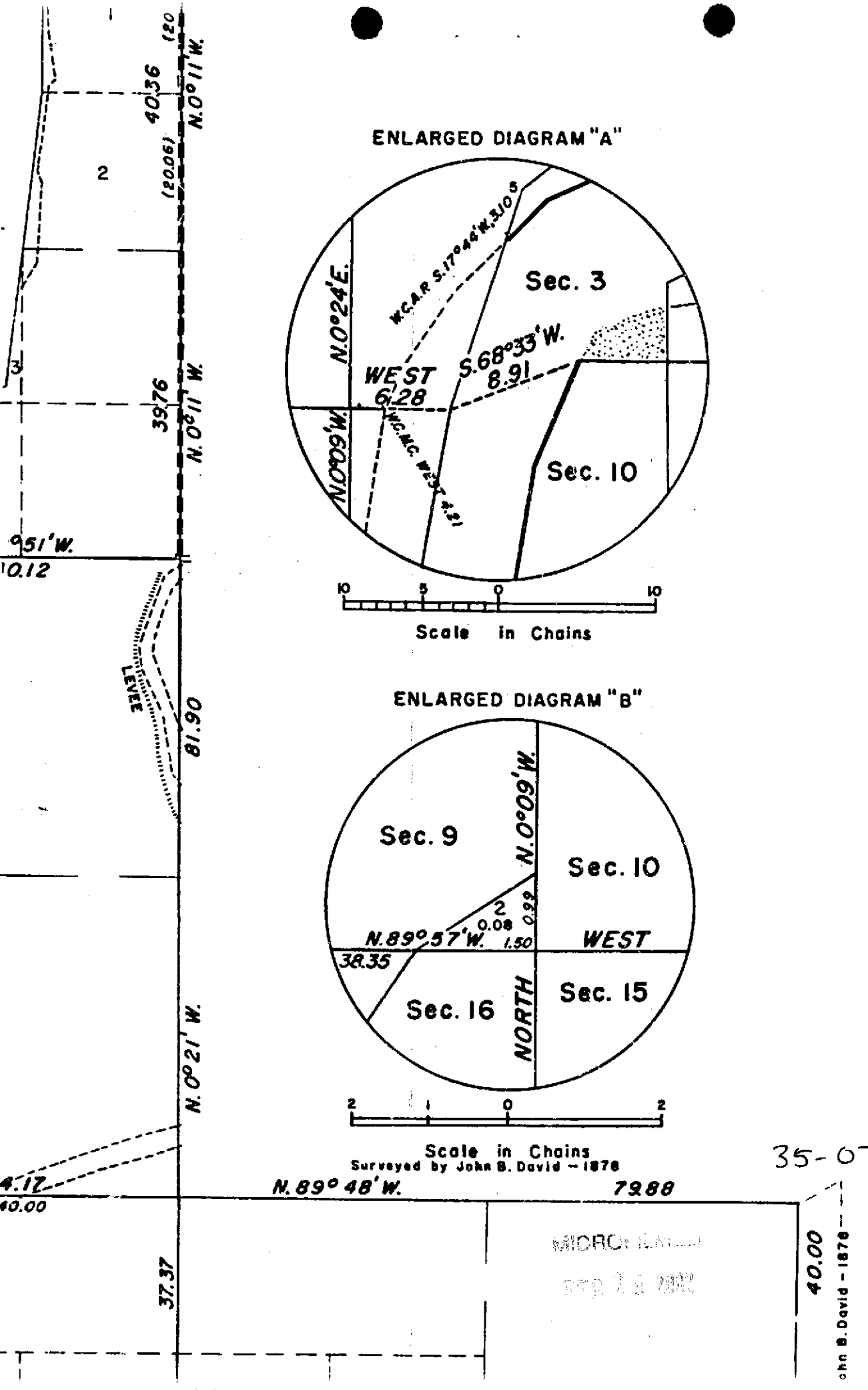

R37E
T 4 N
eclination 18°00' E
Surveyed by John B. David — 1878
N.89°50'W.
79.94
N.1°04'
120.10
39.94
N.0°24'E.
See Enlarged Diagram "A"
S.68°33'W.
WEST
8.91
6.28
6.14
S.M.C.
8
1.10
10.68
7
18.66
79.04
15.25
10
14.99
SNAKE
13.62
9
6.36
80.00
Sec. 9
00.08
U.P.R.R.
12
7.50
11
13.24
N.0°09'W.
39.52
14
9.96
91
1
13
11.05
See Enlarged Diagram "B"
Surveyed by John B. David — 1878
N.89°51'W.
40.04
N.89°57'W.
38.35
WEST
8.36
S.88°22W.
7.62
3
10.68
9
10 20
18.39
NORTH
3
M.C.A.P.
NORTH
80.00
Surveyed by John B. David — 1878
MICROFILMED
35-07720
2
23.95
12.36
SOUTH, 7.55
Sec. 16
10.68



Snake River
10 Scattering
Cottonwood Timber
Fork of Snake
Old bed of Snake
sandy good grass



This plat, in
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Snake River, a
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River in T. 4
Idaho.

Except as new
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19, 1878, and

These surveys
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Idaho, dated A

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Snake River.
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tive purposes.

35-07720

MICRO

This

13-07476

T14S 38E

28, 27

NE¼NE¼

OWEIM Fee.

747-3529

Hank Pavey

13-02235

SWSW 23-14S-38E

Form 238-I
05/90

Department of Water Resources

WELL INSPECTION FORM

If well is associated with water right, provide WR# 35-7720

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP 4N, Rge 37E, Sec. 4, NW 1/4 SE 1/4 or Lot ____.
2. Owner: Burleigh Tomchat
   Address 458 Bassett Road, City Roberts, St Id
3. Casing ≥ 12 inches above ground: Yes N/A No N/A
4. Access Port: Yes ___ No ✓ Static Water Level: ____
   Pressure Gauge: Yes ___ No ✓ Casing Diameter: N/A
   Flowing: Yes ___ No ✓ Temperature: N/A
5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes ___ No ___

   If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: pumped from pit which gets water from ~~Snake river~~ ground water

MICROFILMED
SEP 2 6 2002

Form 238-I
05/90

Department of Water Resources

WELL INSPECTION FORM

If well is associated with water right, provide WR# A35-10263

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP 4N, Rge 37E, Sec. 4, NW 1/4 SE 1/4 or Lot ____.

2. Owner: Burleigh Tomchat

   Address 458 Bassett Road, city Roberts, St Id.

3. Casing ≥ 12 inches above ground: Yes N/A No N/A

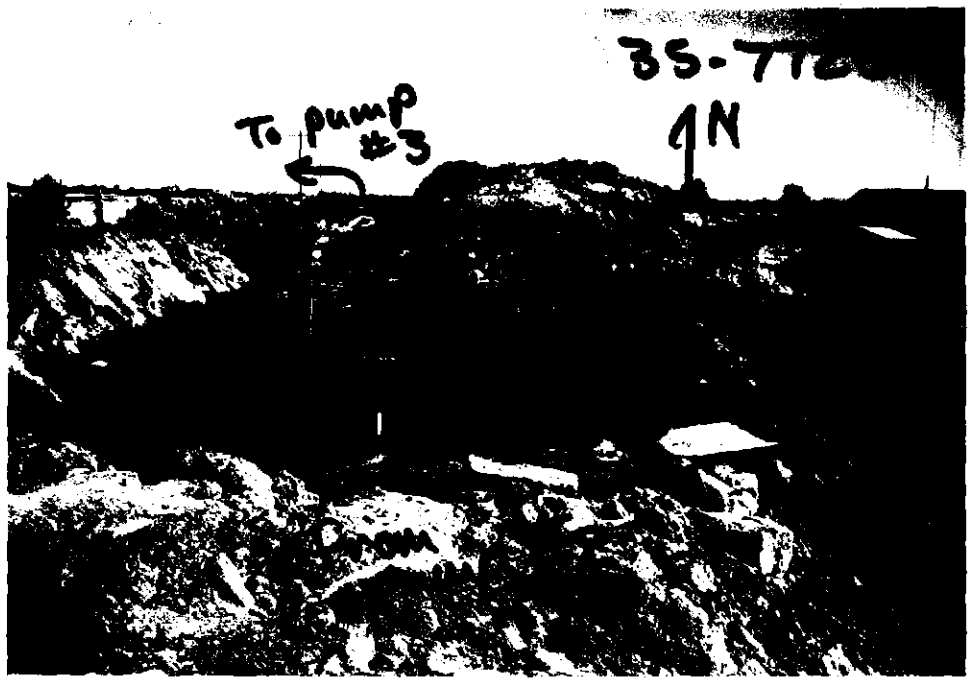
4. Access Port: Yes ___ No ✓ Static Water Level: 11' 6"
   Pressure Gauge: Yes ✓ No ___ Casing Diameter: N/A
   Flowing: Yes ___ No ✓ Temperature: N/A

5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes ___ No ✓

   If answer to Item 5 is Yes, describe in remarks and attach photo.

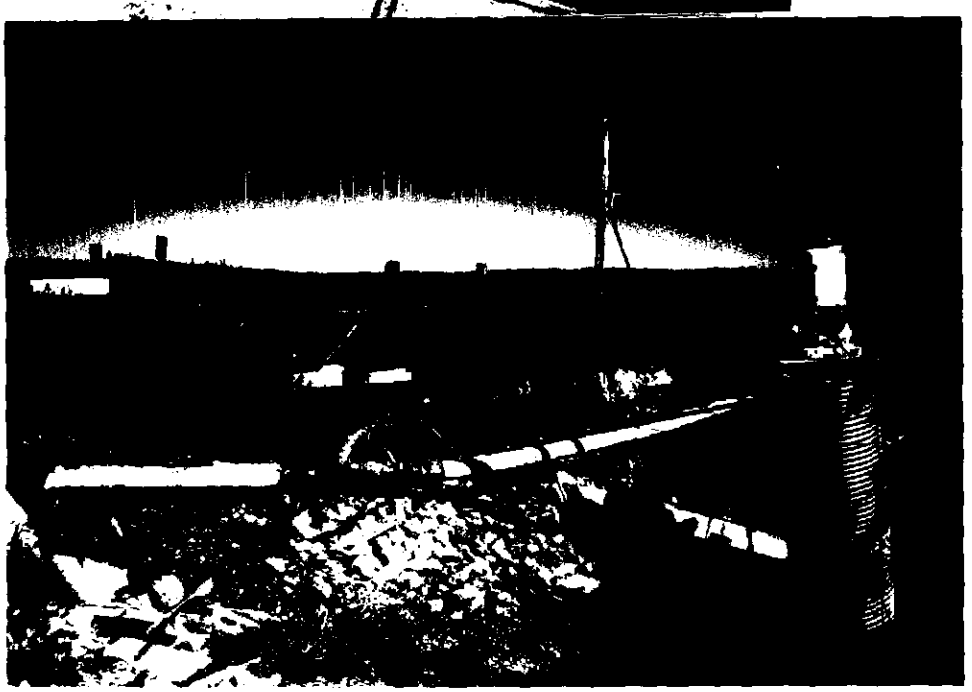
Remarks: pumps from pit which recieves water from pump #2 via ditch to the pit

MICRO
SEP 2 2 2012



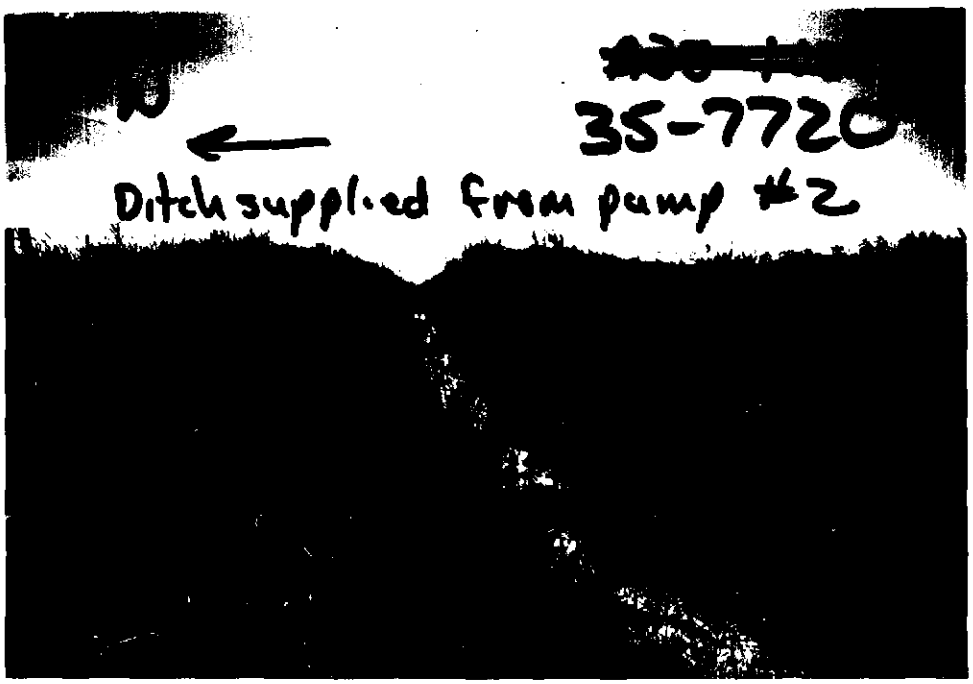
MICROFILMED

Pump #1



MICRO
SEP 7 2 AM

35-7720



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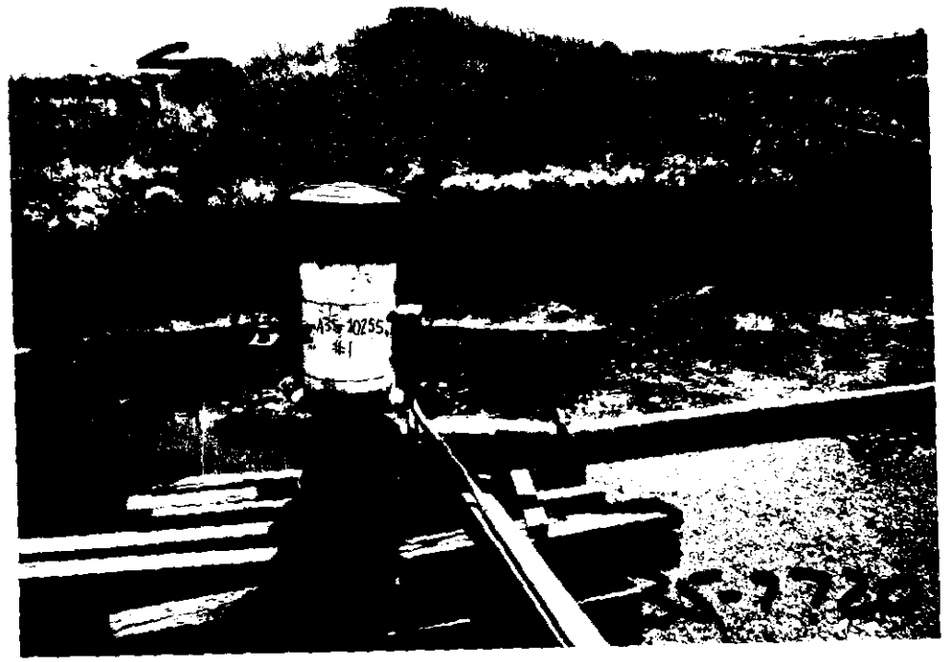
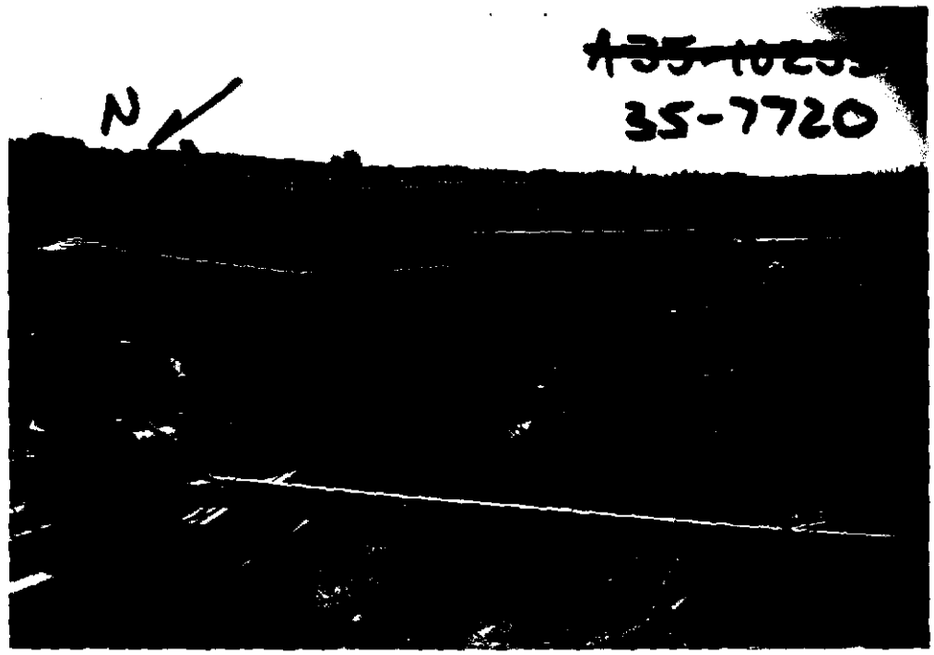
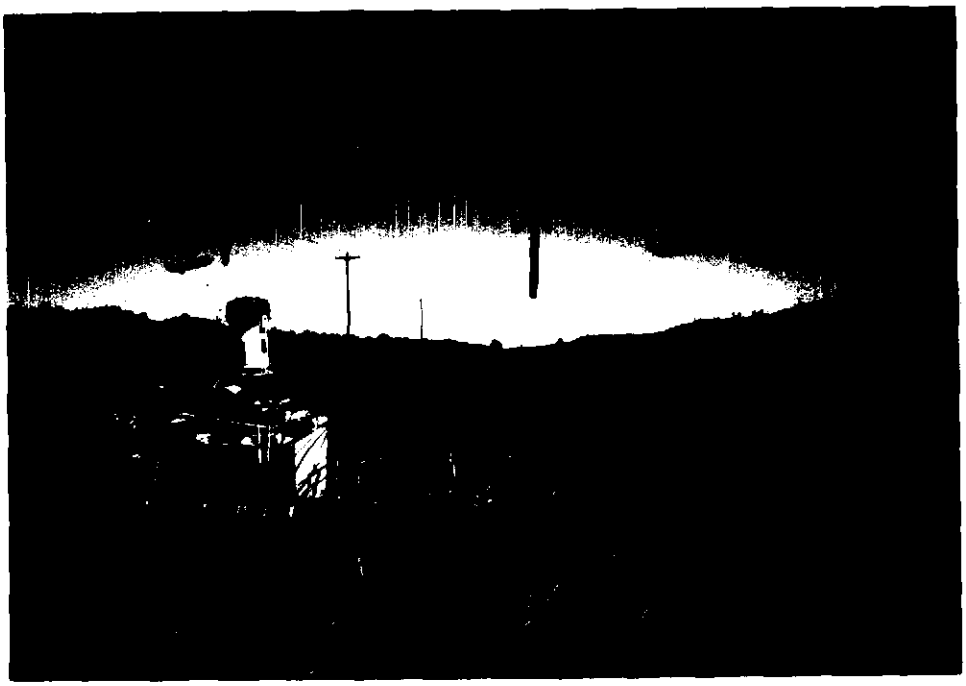




MICRO...
NOV 2 3 2002

35-07720
~~A35-10255~~



MICRO
35-7720
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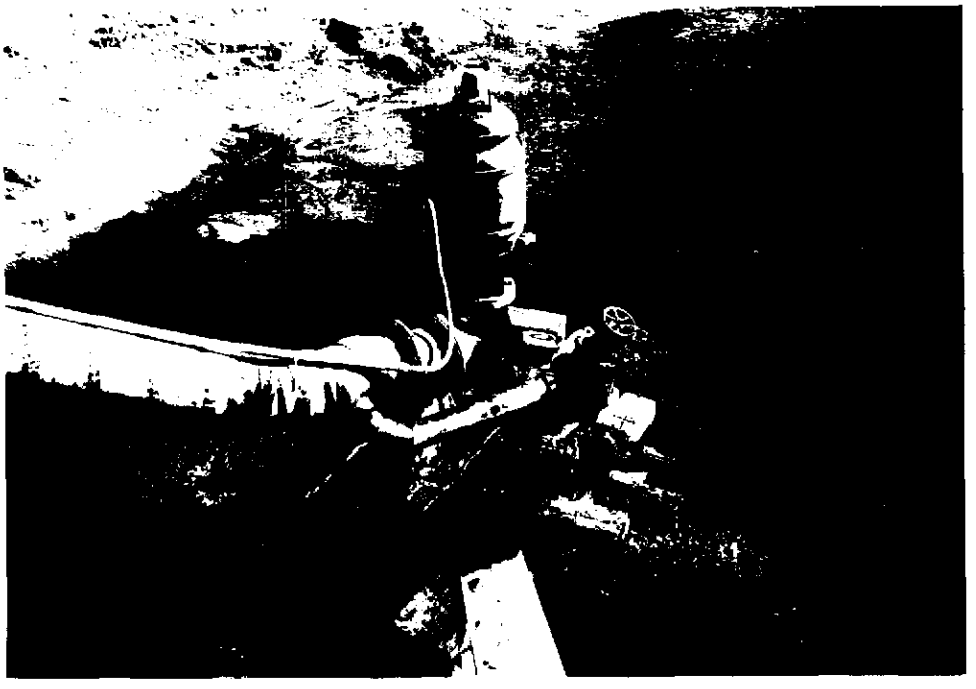

MICROFILMED
FEB 2 3 2005

#2
35-7720

.4/86

RECEIVED
MAY 26 1987
Department of Water Resources

RECEIVED
JUN 1 1987
Department of Water Resources
Eastern District Office

EGI

For Office Use Only
Fee Received 175.00
Date 6-2-87
Receipt # 41211
Receipt by dlo
Sent to S.O. 6-5-87

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

RECEIVED
JUN 08 1987
Department of Water Resources

1. Permit No. 35-7220

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☐ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Burleigh Sanchez

3. Post Office Address: _____

_____ Telephone No. 228-6871

4. Source of Water: _____

5. Extent of Use:

Domestic _____(No. of households) Stockwater _____(No. and type of stock)

Irrigation 160 (acres) Other/Remark _____

_____

6. Total rate &/or volume for which proof is submitted 3.2 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

May-19-82

8. Person to contact to accompany the department representative during the field examination:

MICROFILMED
FEB 25 2002

_____
(Name)

Roberto Alaniz 83344 228-6871
(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

5-7-87
Date

Burleigh Sanchez
Signature of Permit Holder (and title, if appropriate)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

MICROFILMED

INTER-DEPARTMENT MEMO — 1

DATE 6/2/87

FROM ERIC VERNER

TO FILES

SUBJECT LATE EXAM FEE PAYMENT FOR PERMIT No. 35-7720

RECEIVED
JUN 08 1987
Department of Water Resources

FEE DUE DATE: June 30, 1986

FEE RECIVED: May 26, 1987

Permit should therefore loose 330 days priority.

SIGNATURE

MICROFILMED
FEB 25 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

35-7720
[illegible]

April 30, 1987

Dear Permit Holder:

LAPSE NOTICE
License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on June 30, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on April 30, 1986.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before August 28, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Operations Bureau

Enclosure

MICROFILMED
FEB 28 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720

35-7720
TOMCHAK, BURLEIGH
ROBERTS, ID 83444

138587

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

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FEB 2 5 2002

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region
Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region
Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region
Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICROFILMED
FEB 2 5 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

July 15, 1982

Burleigh Tomchak
Roberts,
Idaho 83444

RE: Permit No. 36-7720

Dear Mr. Tomchak:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

____ A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

__X__ A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

COLLEEN MAY
Adm. Secretary

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
#138762

TOMCHAK, BURLEIGH
ROBERTS, ID 83444

APRIL 30, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 35-7720 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JULY 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECIEVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 30, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190

MICROFILMED

April 19, 1979

Burleigh Tomchak
Roberts, ID 83444

Dear Mr. Tomchak:

Re: Permit No. 38-7720

Enclosed is a copy of the approved application for amendment submitted on the above referenced permit.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:rf

Enc: 1

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO, }
County of Jefferson } ss

I, Karl Hanosky, do solemnly swear that I am the Publisher of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the

Fourteenth day of March, 19 79

and the last publication on the

Twenty-First day of March, 19 79

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bonafide subscribers in Jefferson County.

Karl D. Hanosky
Publisher

Subscribed in my presence and sworn to before me this Twenty-First day of March, 19 79.
[SEAL]

Evelyn M. Fuqua
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires 7-15, 19 81

Publication Fee: $ 11.48

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

NOTICE IS HEREBY GIVEN that Permit No. 35-7720 in the name of Burleigh Tomchak was issued for the diversion of 6.96 c.f.s. of water from a ground-water source with the point of diversion within the NE¼SW¼, Sec. 3, T. 4N, R. 37E, B.M., Jefferson Co.; to be used for the irrigation of 348 acres from 4/1 to 11/1 located within the W½NE¼, SW¼, NW¼SE¼, Sec. 3, NE¼, NE¼NW¼, Sec. 9, T. 4N, R. 37E.

The permit holder now proposes to amend Permit No. 35-7720, changing the point of diversion to the SW¼SW¼ Sec. 3, T. 4N, R. 37E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 2, 1979.

/s/ C. Stephen Allred
Director

Published in The Star, Rigby, Idaho on March 14 and 21, 1979.

RECEIVED
MAR 30 1979
Department of Water Resources
Eastern District Office

Form No. 211a
11/78

State of Idaho

Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: ARK

Right Number 35-7720 Applicant Burleigh Tomchak

Purpose of Amendment: ☑ Change point of diversion. ☐ Add diversion point(s).

☐ Increase amount. ☐ Change place of use. ☐ Other _____

CHECK:

- ☑ Description of amended point(s) of diversion.
- ☑ Amount, nature and period of use. If increased, delay date of priority.
- ☑ Description of amended places of use. If expanded, delay date of priority.
- ☑ Ownership of point of diversion and place of use.
- ☑ Map.
- ☑ Signature (must be permit holder).
- ☑ Fee.
- ☑ Existing water rights from the same source, amended place of use.
- ☑ Right number(s) none
- ☑ Yes ☑ No Should amendment be advertised?
- ☑ Yes ☑ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☑ Affidavit of publication received.
- ☑ Amendment published correctly.
- N/A ☐ Protests processed.
- ☑ Approve.
- ☐ Deny.

Conditions _____

By EMC Date 4/3/79

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7166

MARCH 9, 1979

The Rigby Star
P. O. Box 37
Rigby, Idaho 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 2, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 35-7720 in the name of Burleigh Tomchak was issued for the diversion of 6.96 c.f.s. of water from a ground-water source with the point of diversion within the NE¼SW¼, Sec. 3, T. 4N, R. 37E, B.M., Jefferson Co.; to be used for the irrigation of 348 acres from 4/1 to 11/1 located within the W½NE¼, SW¼, NW¼SE¼, Sec. 3, NE¼, NE¼ NW¼, Sec. 9, T. 4N, R. 37E.

The permit holder now proposes to amend Permit No. 35-7720, changing the point of diversion to the SW¼SW¼, Sec. 3, T. 4N, R. 37E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 2, 1979.

C. STEPHEN ALLRED
Director

Published in the Rigby Star, Rigby, Idaho on Mar. 15 & 22, 1979.

July 27, 1977

Re: Permit No. 35-7720

Burleigh Tomchak
Roberts, ID 83444

Dear Mr. Tomchak:

Enclosed is a copy of your approved Application for Permit No. 35-7720 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to either install and maintain a measuring device at your point of diversion or to provide the Department a certified measurement of the systems diversion capacity prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item	Initial	Date	
			Application No. Jerome Ext
			✓ Source
			✓ Point of Diversion
			✓ County
			✓ Quantity of Water and Period of Use
			✓ Description of Diverting Works
			✓ Time required for B/U of water
			✓ Place of Use or Acres Irrigated
			✓ Map
			✓ Signature
			✓ Fee
(1)	LH	5-23-77	In form to receipt Yes
(2)	"	"	Send Copies to:
			_____ Idaho State Health Department
			_____ Idaho Fish and Game Department
			_____ Bureau of Land Management
			NA _____
(3)	"	"	_____ Request Special Use Permit from U.S.F.S.
			_____ Request Easement from B.L.M.
			NA _____ Request Information from Applicant
			_____ Request Dam Safety Information
(4)	"	"	In form for advertising Yes
(5)	"	"	Platted on Map No. X-42
(6)	"	"	Located within Water District No. NA
(7)	"	"	Critical groundwater area: yes _____ no ✓
(8)	"	"	Groundwater levels:
			_____ Declining, _____ Stable, _____ Increasing
			(comment) No Nearby Obs wells.
(9)	"	"	Other rights on the same place of use No other GW Rights
(10)			Comments:
(11)	CW	6-20-77	Affidavit of Publication received (date) June 20-1977
(12)	CW	6-20-77	Final date for protests June 20-1977
			Protests received: yes _____ no ✓
(13)	RDC	6/24/77	All requested information received from agencies or applicant: yes _____ no _____
(14)	"	"	Action recommended:
			✓ Approve _____ Deny
			5/20/77 Proposed Priority
			_____ Reason for Reduction
			✓ Measuring device required
			_____ See attached sheet for other conditions of approval
			_____ No special conditions for approval

(15) District E By RDC Date 6/24/77

Copy Sent

May 27, 1977

RE: Application for Permit No. 31-7259 HOGGAN
31-7260 SAVAGE
35-7720 TOMCHAK
31-7257 HAWKER

The Rigby Star
P.O. Box 37
Rigby, Idaho 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 6-20-77 by [illegible]

RDC:CW

Enc: Legal Notice (4)

NOTICE OF APPLICATION FOR WATER PERMIT

NOTICE IS HEREBY GIVEN that Burleigh Tomchak, Roberts, Idaho has on May 20, 1977 submitted Application No. 35-7720 for a permit to appropriate 6.96 cubic feet per second of water from a ground-water source by means of well and pump within the NE¼SW¼, Sec. 3, T. 4N, R. 37E, B.M., Jefferson County; to be used from April 1 to November 1 for the irrigation of 348 acres within the W½NE¼, SW¼, NW¼SE¼, Sec. 3, NE¼, NE¼NW¼, Sec. 9, T. 4N, R. 37E, B.M.

IF ISSUED, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before June 20, 1977.

C. Stephen Allred
Director

Publish: June 2, and 9, 1977.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Burleigh Tomchak, Roberts, Idaho has on 5-20-77 submitted Application No. 35-7720 for a permit to appropriate 6.96 cubic feet per second ~~acre feet per annum~~ of water from a ground-water source by means of well and pump within the NE¼SW¼, Sec. 3, T. 4N, R. 37E, B.M., Jefferson County;

to be used from Apr. 1 to Nov. 1 for the irrigation of 348 acres within the W½NE¼, SW¼, NW¼SE¼, Sec. 3, NE¼, NE¼NW¼, Sec. 9, T. 4N, R. 37E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before June 20, 1977.

C. STEPHEL ALLRED
~~XXXXXXXXXXXXXXXX~~
R. KEITH HIGGINSON

Director

Published in the Rigby Star, Rigby, Idaho on June 2 and June 9, 1977.