

A hand-drawn map on a grid showing two adjacent sections of land. The left section is labeled '40' and '36'. The right section is labeled '*P.R.' and '40' and '36'. The map is labeled 'Twp 35' and 'Rge 33E'.

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Witness my hand this 24 day of April, 19 78
Stephen Allen
 Director

Boundary • Point of diversion

Sec. 3

[illegible]

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.

Frank Tomunaga
(Applicant)

35-2040

RECEIVED

OCT 8 1969

Department of Reclamation

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

} ss.

I, Drury R. Brown do solemnly

swear that I am the publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Saturday and Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Friday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said

Friday issue of said newspaper 2 consecutive

weeks, the first publication having been made on

the 25th day of September, 1969,

and the last publication having been made on the

2nd day of October, 1969; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Drury R. Brown

Subscribed and sworn to before me this 2nd

day of October, 1969

Case R. Dyer
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho

My commission expires

~~January 1969~~ November 10, 1972

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Frank Tominaga, R.F.D. 5, Box 138, Blackfoot, Idaho, has on September 4, 1968, applied for permit under application No. 35-7040 to divert 3.1 cubic feet per second of water from a ground-water source. Water will be diverted by well and sprinkler sys-

tem within the NW1/4SE1/4, Sec. 3, T. 3S, R. 33E, B.M., Bingham County, and is to be used from March 1 to November 30 for irrigation in the E1/2SW1/4, W1/2SE1/4, Sec. 3, T. 3S, R. 33E, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON,
State Reclamation Engineer
(2166)
Pub.: Sept. 25 and Oct. 2

*Bill submitted
10-10-69
de*

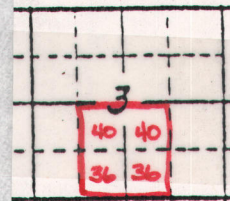
35-7040

June 9, 1981

Memo to File
From Robyn Carlson
License 35-7040

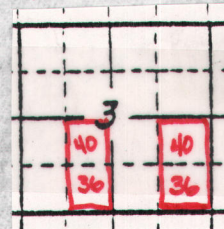
In a recent research of BLM lands, Ernie Carlsen in Eastern Region called me concerning questions on this file. His question was why was a amendment requested before licensing changing the place of use to part of BLM lands? In my review of the file I found the field exam showing the place of use as:

T3S R33E Sec. 3	NESW	40 acres
	SESW	36 acres
	NWSE	40 acres
	SWSE	36 acres



Before the license was issued an Amendment of Permit was requested changing the place of use to (NO INDICATION OF WHY):

T3S R33E Sec. 3	NESW	40 acres
	SESW	36 acres
	NESE	40 acres
	SESE	36 acres



The permit holder signed and returned the Amendment, thus a license was issued.

Lands in Sec. 3 NESE and SESE are BLM lands and are covered by other water rights.

Conclusion is the amendment was requested in error and therefore the license is in error.

As a direct result, I am amending the license to show the place of use as the original field exam showed and the amendment which is in error should no longer have any further effect as of this date and should be considered invalid.

ORT 6/11/81

MICROFILMED

$\frac{1}{2}$ Section
line



State of Idaho

Department of Water Resources

AMENDED

AMENDED

WATER RIGHT LICENSE

License of Water Right No. 35-7040 Priority (late proof) October 16, 1968 Amount 2.45 cfs

THIS IS TO CERTIFY, that FRANK TOMINAGA
of Blackfoot, Idaho, has complied with the terms and conditions of Permit
No. 35-7040 issued pursuant to Application for Permit dated September 4, 1968,
and has submitted proof to the Department of Water Resources on November 12, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.45 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from March 1 to November 30</u>	<u>at 2.45 cfs and</u>	<u>532 AF</u>
_____	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	_____
_____	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.45 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
532 acre feet per year, said waters to be diverted within the NWSE Sec. 3, Twp 3S,
Rge 33E. B.M. in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3S	33E	3									40			36		40	36		152

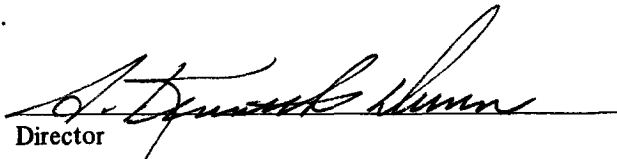
Total number of acres irrigated 152

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

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 15th day of
June, 19 81.


Director

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7040 Priority (late proof)
October 16, 1968 Amount 2.45 cfs

THIS IS TO CERTIFY, that FRANK TOMINAGA
of Blackfoot, Idaho, has complied with the terms and conditions of Permit
No. 35-7040 issued pursuant to Application for Permit dated September 4, 1968,
and has submitted proof to the Department of Water Resources on November 12, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.45 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 1</u> to <u>November 30</u>	at <u>2.45</u> cfs and	<u>532</u> acre feet
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.45 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
532 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, Twp. 3S,
Rge. 33E, B. M. in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3S	33E	3									40			36	40			36	152

Total number of acres irrigated 152

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

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24 day of

April, 19 78

Director

Receipt # 31255 4/10/78 meb

APR 10 1978

Licensing amendment

Rec'd 4-10-78 B/L
92-241 10.00

APPLICATION FOR AMENDMENT

Comes now Frank Tomimaga of (address) _____

1. Point of diversion: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Sec. _____ Twp. _____

Rge. _____, B.M., County of _____. Other points of diversion:

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

Amount 2.45 for Irrigation purposes from Mar. 1 to Nov. 30 (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

(cfs or acre feet per annum)

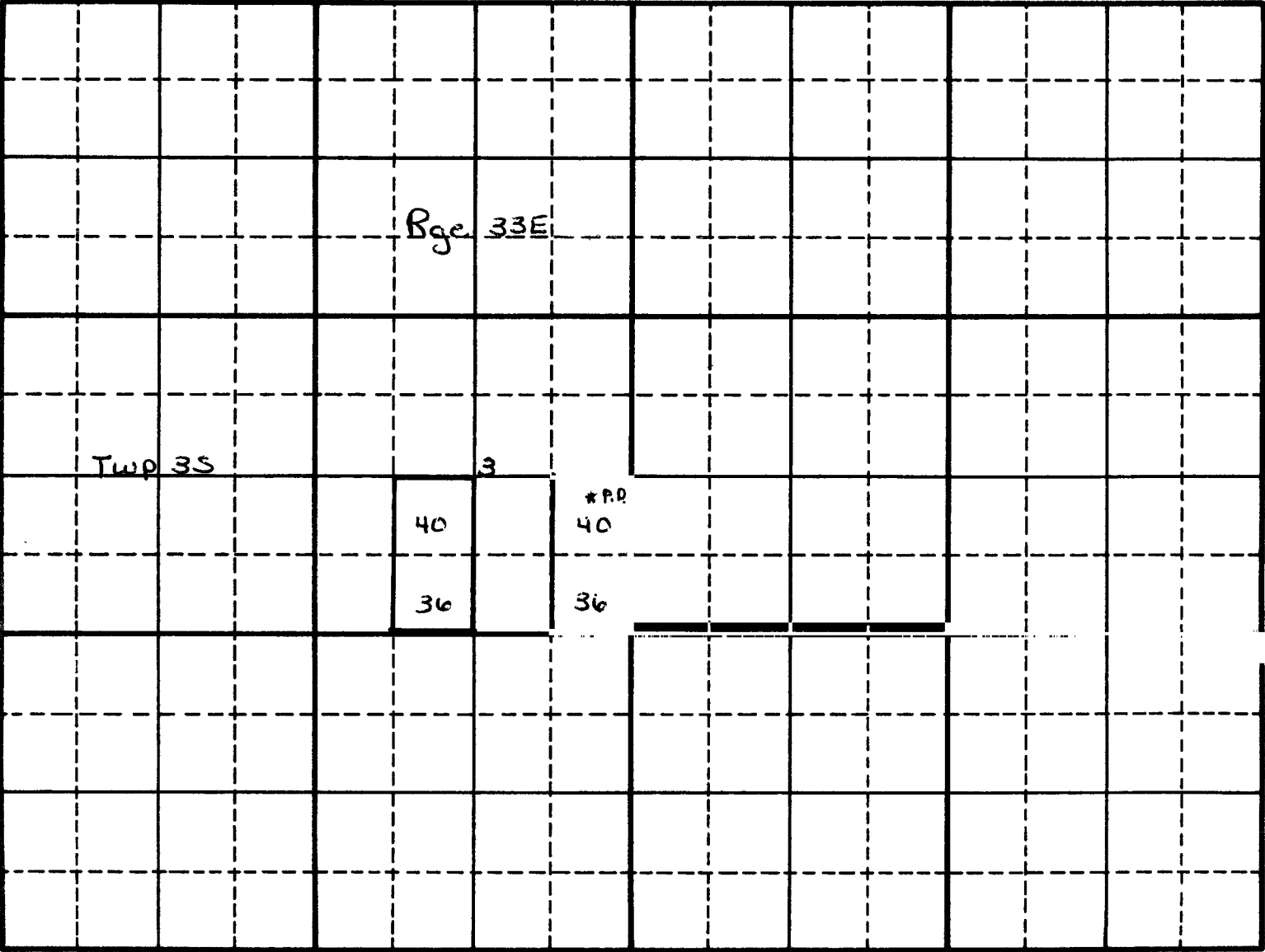
3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

152

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 holders own risk.

Signed at Blackfoot, this 5 day of April, 19 78.
Frank Tomlinson
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources
hereby approve the above application for amendment for Permit No. 35-7040.

Witness my hand this 24 day of April, 19 78.
C. Stephen Allred
Director

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-7040)

in the name of FRANK TOMINAGA)

ORDER OF REINSTATEMENT

WHEREAS, on September 4, 1968, Frank Tominaga applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 3.1 cubic feet per second of groundwater within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, Twp. 3S, Rge. 33E, B.M., Bingham County, to be used for irrigation purposes; and,

WHEREAS, on October 20, 1969, the Department approved said application and issued Permit No. 35-7040 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before October 1, 1974; and,

WHEREAS, on August 1, 1974, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on October 7, 1974, the Department notified the permit holder that Permit No. 35-7040 had lapsed for failure to submit proof of beneficial use; and,

WHEREAS, on November 12, 1974, the Department received the required proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 35-7040 be REINSTATED and the priority advanced to October 16, 1968.

Dated this 15th day of November, 1974.


A. KENNETH DUNN, Administrator
Operations Division

JG

MICROFILMED

Identification No.

35-7040

Application No.

42811

APPROVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant Frank Tominaga
post office address R.F.D. # 5 Box 138 Blackfoot, Idaho 83221
2. Source of water supply Drilled well from underground supply which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3 Township 38
Range 35 E. B.M. Bingham County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M.
4. Quantity to be appropriated:
a. 3.1 cubic feet per second and/or
b. None acre feet per annum will be stored.
5. Water will be used for the following purposes:
Irrigation purpose from March 1 to November 30 (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. To be sprinkler irrigated.

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

c. Proposed well diameter is 16 inches; proposed depth of well is 140 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 \$ 16000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ 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: _____

35-2040

plat gms

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

[illegible]

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes. 120 shares of Rockford Canal Co. stock are for this land but will be sold or abandoned before well water is used.

9. a. Who owns the property at the point of diversion Frank Tominaga

- b. Who owns the land to be irrigated or place of use Frank Tominaga

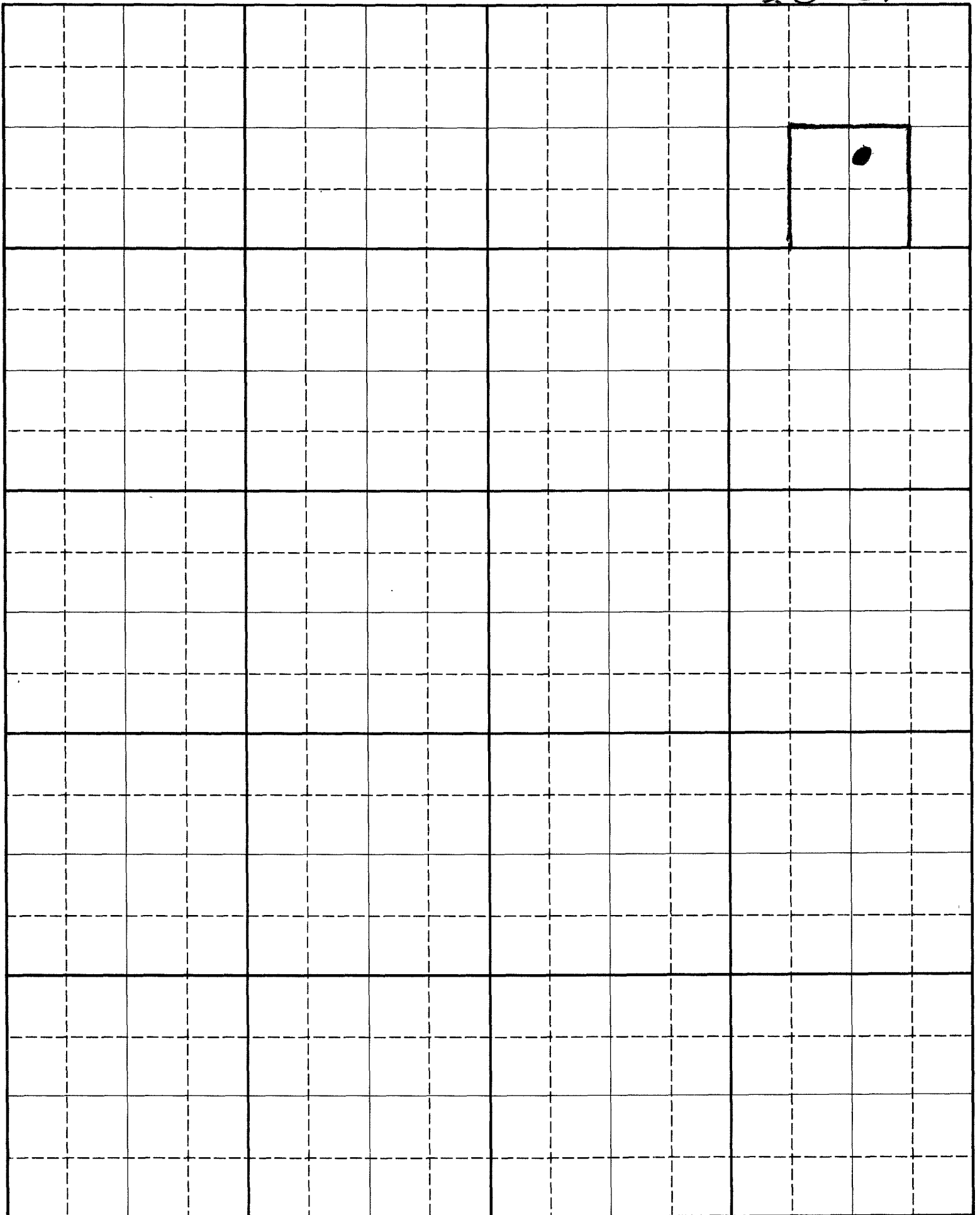
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____.

10. Remarks

Boundary • Point of diversion

11. Map of proposed project:

Sec. 3



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.

Frank Tomlinaga
(Applicant)

35-2040

Received by df Date 9-4-68 Time 4:00 pm
Preliminary check by DW Fee \$ 35.00 9-5-68
Receipted by ef Date 9-5-68
Publication prepared by du Date 9-17-69
Published in Blackfoot News
Publication dates 9-25 and 10-2 - 1969
Publication approved du Date 10-10-69
Priority reduced to _____ Reason _____

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DAD NY R.H.

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7040, 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 October 1, 19 74.
- c. Other: The applicant shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 20th day of October 19 69.

R. Keith Higin
State Reclamation Engineer

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that Frank Thompson, P. O. Box 138, Blackfoot, Idaho, has on September 4, 1969, applied for permit under application No. 33-7040 to divert 100 cubic feet per second of water from a ground-water source, water will be diverted by well and sprinklers.

tem. within the NW1/4 Sec. 3, T. 33 N., R. 33 E., B. 15, Bingham County, and is to be used from March 1 to November 30, 1972, for irrigation in the NW1/4, NE1/4, SE1/4, Sec. 3, T. 33 N., R. 33 E., B. 15.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

W. J. GINSON,
State Reclamation Engineer
(216)
Pub.: Sept. 10 and Oct. 2

AFFIDAVIT of PUBLICATION

County of Bingham
State of Idaho

} ss.

I, Drury R. Brown do solemnly

swear that I am the publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Saturday and Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Friday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said

Friday issue of said newspaper 2 consecutive weeks, the first publication having been made on the 25th day of September, 1969,

and the last publication having been made on the 2nd day of October, 1969; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Drury R. Brown

Subscribed and sworn to before me this 2nd day of October, 1969

W. J. Ginson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho

My commission expires ~~June 1, 1972~~ November 10, 1972

File in 11111

35-7040



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

~~STEPHEN K. LUND~~

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

June 16, 1981

Frank Tominaga
Route #5 Box 138
Blackfoot, Idaho 83221

Dear Mr. Tominaga,

RE: Permit No. 35-7040

Enclosed is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,

JIM JOHNSON

Water Distribution Supervisor

JJ:mr

Enclosure

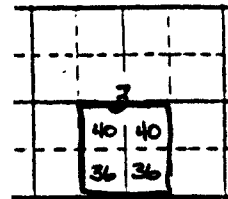
MICROFILMED

June 9, 1981

Memo to File
From Robyn Carlson
License 35-7040

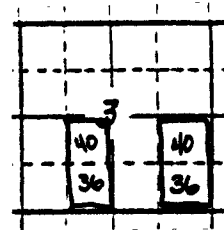
In a recent research of BLM lands, Ernie Carlsen in Eastern Region called me concerning questions on this file. His question was why was a amendment requested before licensing changing the place of use to part of BLM lands? In my review of the file I found the field exam showing the place of use as:

T3S R33E Sec. 3 NESW 40 acres
 SESW 36 acres
 NWSE 40 acres
 SWSE 36 acres



Before the license was issued an Amendment of Permit was requested changing the place of use to (NO INDICATION OF WHY):

T3S R33E Sec. 3 NESW 40 acres
 SESW 36 acres
 NESE 40 acres
 SESE 36 acres



The permit holder signed and returned the Amendment, thus a license was issued.

Lands in Sec. 3 NESE and SESE are BLM lands and are covered by other water rights.

Conclusion is the amendment was requested in error and therefore the license is in error.

As a direct result, I am amending the license to show the place of use as the original field exam showed and the amendment which is in error should no longer have any further effect as of this date and should be considered invalid.

ORT 6/11/81

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 3, 1978

Re: Permit No. 35-7040

Frank Tominaga
Route #5, Box 138
Blackfoot, ID 83221

Dear Mr. Tominaga:

A representative of this Department made an examination of the works covered by your Permit No. 35-7040 on July 8, 1975, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 2.45 cfs Source: groundwater

The maximum quantity diverted shall not exceed 532 acre feet per
year.

Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, Twp. 3S, Rge. 33E, B. M.

Beneficial use: Irrigation of 152 acres within the E $\frac{1}{2}$ SW $\frac{1}{4}$, and
E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 3, Twp. 3S, Rge. 33E, B. M.

Priority date established: October 16, 1968 (late proof)

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$10.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JAN GROVER
Supervisor,
Water Rights

JG:kw
Encl.

RECEIVED
APR 10 1978
WATER RIGHTS

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Frank Tominaga
Post office address Route #5, Box 138, Blackfoot, ID
Person to contact _____
Phone _____

RECEIVED
APR 21 1974

2. Source of water supply: Groundwater ☒ Surface water ☐
Tributary to _____
(name spring, stream, etc.)

3. Water will be used for the following purposes:
Amount 3.1 c.f.s. for irrigation
_____ AF/Annum (nature of use)
Period of Use: from Mar. 1 to Nov. 30
(mo.-day) inclusive (mo.-day)
Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)
Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)
Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)
Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)
Other uses: _____

Permit No. 35-7040
Examination for b/u

4. Total amount to be appropriated:
Max Rate of Diversion 3.1 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:
Township 3S N/S, Range 33E E/W, B.M., Section 3, Subdivision NW 1/4 SE 1/4, Bingham County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County
Other Points of Diversions: _____

Description of diverting works: 75 hp motor, well size-16", 140' deep, 4 stage pump.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3S	33E	3									40			40		40	40		160

TOTAL ACREAGE 160

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3
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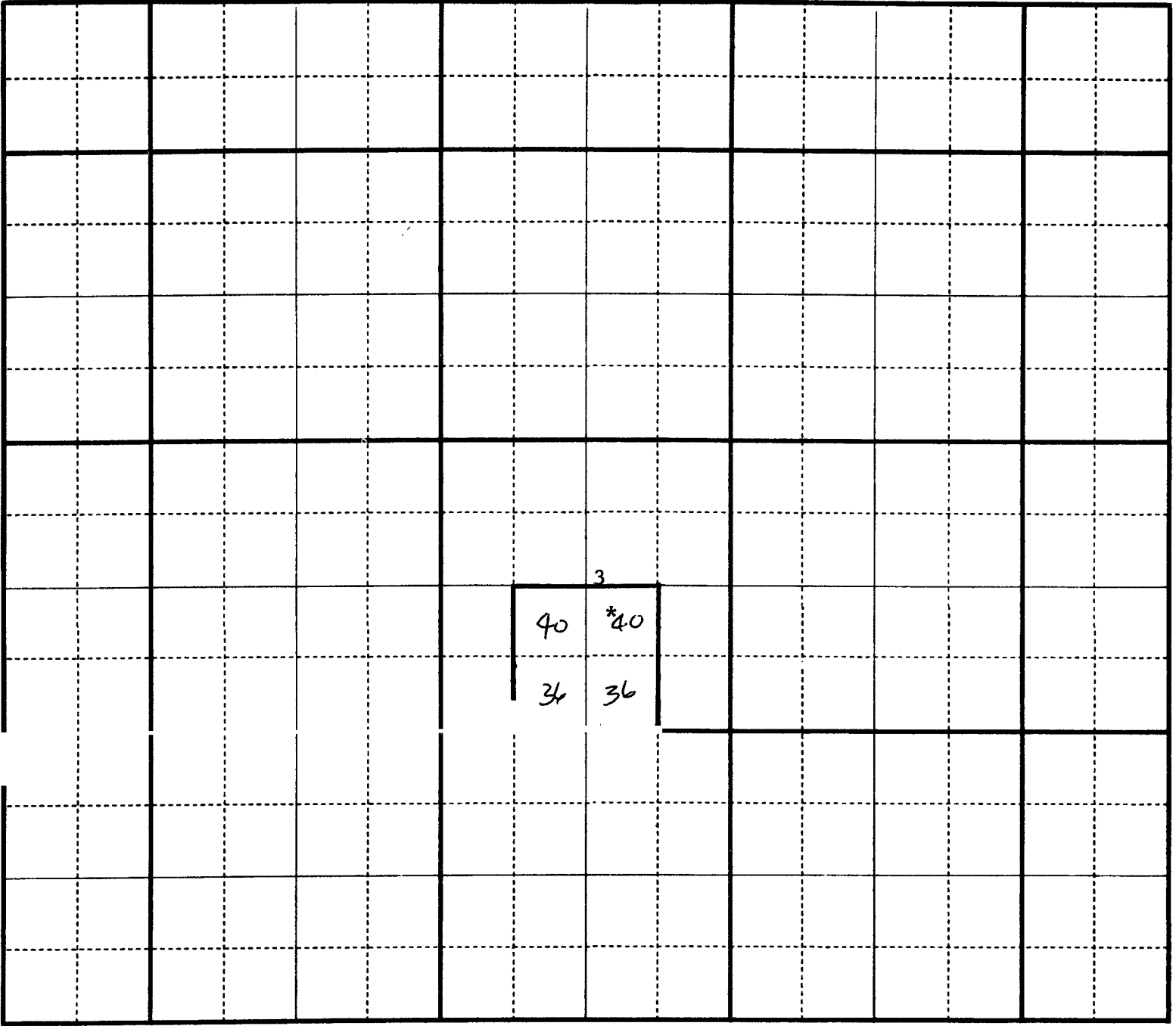
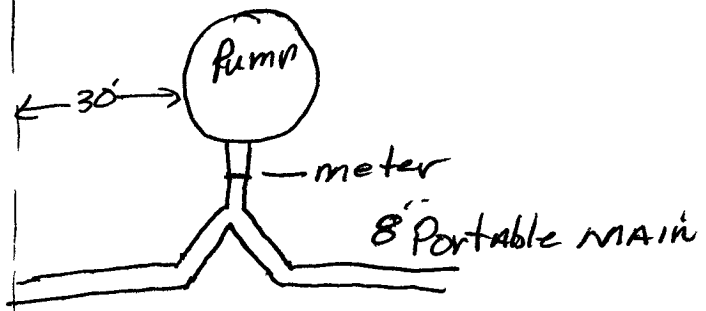
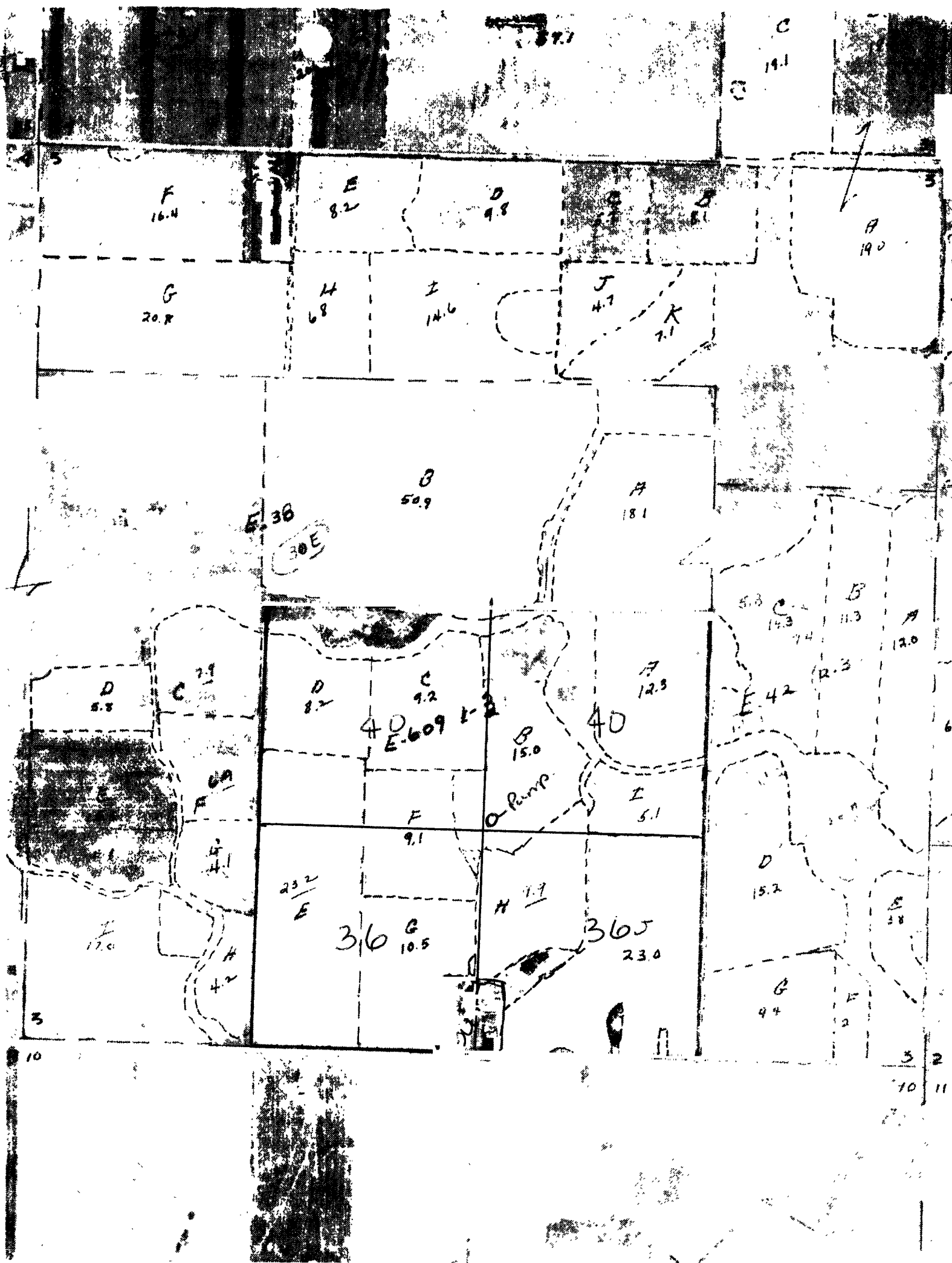


Diagram of System



1/2 Section
Line



DATE OF EXAM July 8, 1975

ACREAGE
Found 152
Recommended 152

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q= 245 c.f.s. V= 532 AF/Ann. from Apr 1 to Nov 1
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: N.A.
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ☒

Name source exchanged with: N.A.
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: N.A.
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: N.A.
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 2.45 cts Method of measurement In line Meter

Total Q recommended 245 cts Meter No 743779 Type DATE-A-Flow Condition —

Total V recommended 532

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____
Amendment needed for place of use J.C. 3/27/78

MEASUREMENT CALCULATION:

$$Q = 1,100 \text{ gal/min} = 2.45 \text{ cts}$$

$$V = 152 \text{ Ac} \cdot 3.5 = 532 \text{ Af/Ann}$$

SYSTEM DESCRIPTION:

U.S. MOTORS 75 Hp Ser# 1211579
Layne & Bowler Pump Ser# 447434

7 mile line w/ 5/32" NO2

REMARKS:

System and land shown by Frank Tomlinaga

Examiner's Signature Bill Rhoads Date July 8, 1975

Checked by Ernest M. Carlsson Date Oct. 25, 1976

Approved by _____ Date _____

RC 6/9/1981 See Memo to file

April 26, 1978

Re: Permit No. 35-7040

Frank Tominaga
Route #5, Box 138
Blackfoot, ID 83221

Dear Mr. Tominaga:

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Also enclosed is a copy of the approved Application for Amendment along with Receipt No. 11255 in the amount of \$10.00.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enc.

November 18, 1974

Re: Permit No. 35-7040

Frank Tominaga
Route #5, Box 138
Blackfoot, ID 83221

Dear Mr. Tominaga:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order of Reinstatement; please note that the priority has been advanced to October 16, 1968.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions concerning the field exam, please contact our Eastern District Office in Idaho Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

MICROFILMED

Identification No. _____

Permit No. 35-7040

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

NOV 12 1974

Department of Water Resources

1. a) Name of Permit Holder Frank Tamiraga
b) Post Office Address Route 5 - Box 138 - Blackfoot - Idaho
2. Permit Number 35-7040
3. Date of Priority that you are prepared to establish 9-4-1968
4. a) Source from which water was appropriated under ground
b) Location of the point of diversion: N. W 1/4 S. E. 1/4, Section 3
Township 3 S, Range 33 E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
Amount 3.1 for IRRIGATION purposes from Mar. to November incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated 3.1 cubic ft. per second cfs and/or acre-feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: were done for the season, so I will enable to read the meter at this time.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

None

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 75 h. P. Motor. well size 16" - 140" depth, full

Size of well casing - 8" x 2 1/2" x 1 1/2"
Pump size - 4 stage - 12 R.K. 9 h.
90° setting.

b) Describe the type and size of measuring device which you have installed at your point of diversion:

8" Roten A. Flow water meter - from Ag. Service of
Blackfoot, Idaho.

c) Give well driller's name and address and the date the well was completed:

Jack Cushman 1405 South Broadway, Blackfoot, Idaho
Completed Aug. 14 - 1970

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: no

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3 S	33 E	3	.									X		X					160 A.

Total number of acres irrigated 160

10. Remarks: _____

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

Oct 30 1974 (Date) Frank Lominago (Signature)

State of Idaho)

County of Benzon) ss.

On this 30 day of Oct, 1974, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

William M. J...
Notary Public residing at Bluffton

My commission expires Aug. 24, 1975

October 28, 1974

Re: Permit No. 35-7040

Frank Tominaga
R. F. D. #5, Box 138
Blackfoot, ID 83221

Dear Mr. Tominaga:

We have received your recent letter concerning your purchase of a measuring device to be installed on your diverting works on the above referenced permit.

You should immediately submit the proof of beneficial use indicating the type of measuring device that will be installed. Unless this proof of beneficial use is received by December 6, 1974, your permit cannot be reinstated and will be removed from the records of the Department.

We are enclosing a proof of beneficial use form with instructions for your use in this matter. If you have any questions concerning the completion of this proof affidavit, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG
Enclosure

NOTICE - Your permit requires, as a condition of approval, that a permanent measuring device of a type approved by this Department be installed and maintained as part of the diverting works. Proof affidavits will not be accepted unless item 7(b) is completed, describing the type of measuring device installed. You should be aware that your permit may be subject to cancellation if this requirement is not met.

*I didn't have this diversion unit on so I was
Confused as to what application for.*



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

October 7, 1974

Re: Permit No. 35-7040

Frank Tominga
R.F.D. #5, Box 138
Blackfoot, ID 83221

Dear Mr. Tominga:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 35-7040 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.

R. Keith Higginson
R. KEITH HIGGINSON
Director

RKH:jg

cc: Federal Land Bank Association
Attn: Harry B. Gambles, Asst. Mgr.
P. O. Box 72, 188 W. Judicial
Blackfoot, ID 83221

Oct. 21 - 1974
Dear Sir -
at the time of installation of the
pump, I didn't know this was required,
therefore it was not known to me and didn't
wish to have one put on. I have
purchased this 1/2 horsepower unit and
will be installed immediately.
So I hope that I can be re-instated
and will fill in the application for water
Benefit use. Up for your reply

Sincerely,
Frank Tominga

WATER RESOURCE BOARD:

John F. Streiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

October 7, 1974

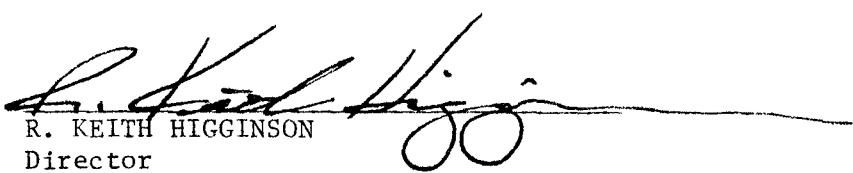
Re: Permit No. 35-7040

Frank Tominga
R.F.D. #5, Box 138
Blackfoot, ID 83221

Dear Mr. Tominga:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 35-7040 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

RKH:jg

cc: Federal Land Bank Association
Attn: Harry B. Gambles, Asst. Mgr.
P. O. Box 72, 188 W. Judicial
Blackfoot, ID 83221

RECEIVED

WATER RESOURCE BOARD:

John F. Streiff
Chairman
Franklin Jones

George L. Yost
Vice-Chairman
M. Reed Hansen

Donald R. Kramer
Secretary
Scott W. Reed

Edwin C. Schlender
Member
Joseph H. Nettles

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

DATE DELIVERED

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

①

②

③

Frank Tommoy

Mr. Frank Tommoy

8.2.74

**DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720**



Print in the space below your name, address, including ZIP Code.
 • If special services are desired, check block(s) on other side.
 • Moiston gummed ends and attach to back of article.

SENDER INSTRUCTIONS

Postmark of Delivering Office

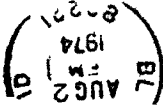
**RETURN
TO**



**PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300**



**U.S. POSTAL SERVICE
OFFICIAL BUSINESS**



August 1, 1974

CERTIFIED MAIL

#25876

Re: Permit No. 35-7040

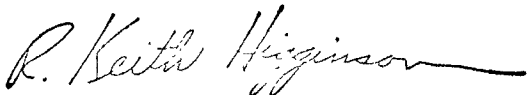
Frank Tominaga
R.F.D. #5, Box 138
Blackfoot, ID 83221

Dear Mr. Tominaga:

One of the conditions of approval of your water Permit No. 35-7040 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before October 1, 1974. Enclosed is an affidavit form which must 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 affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit
cc: Federal Land Bank Assoc. of Blackfoot
Attn: Harry B. Gambles, Asst. Mgr.
P. O. Box 72, 188 W. Judicial
Blackfoot, ID 83221

FEDERAL LAND BANK ASSOCIATION OF BLACKFOOT

P. O. BOX 72, 188 WEST JUDICIAL

BLACKFOOT, IDAHO 83221

TELEPHONE: 785-0820

Federal
LAND BANK
Association

BLAIR W. ARCHIBALD, MANAGER

July 2, 1970

R. Keith Higginson
Idaho Department of Water Administration
State House Annex 2
Boise, Idaho 83707

ATTENTION: Dorian Clay, Appropriation Examiner

Re: Loan #140907-Tominaga

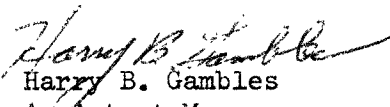
Gentlemen:

The information contained in your letter of June 22, 1970 varied considerably with that reported by telephone from the Department. According to the telephone conversation I had with your Department they stated that Mr. Tominaga had Permit No. 35-7040 for 3.1 cubic feet per second for use on the E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 3, T. 3 S. R. 33 EBM, with priority date of 9-4-68 subject to filing completion of works by 9-4-73; License No. G 25239 for 2.4 cubic feet per second with priority date of 10-22-54 for use on the SE $\frac{1}{4}$ Sec. 5, T. 3 S. R. 32 EBM; and Permit No. 29231 cancelled for the reason that the applicant did not file completion of works.

It was my understanding after talking to the Department that the only water rights not perfected are Permit No. 35 7040 and Permit No. 29231. The first can be perfected by filing completion of works on or before 9-4-1973 and the second by filing a claim for right to use under cancelled Permit No. 29231.

If these assumptions are incorrect, we would appreciate you clarifying these points as we are trying to close a loan to Mr. Frank Tominaga of Blackfoot who owns and is a contract purchaser of this land. We are attaching a description of the land we are planning to mortgage as security for the loan.

Yours very truly,


Harry B. Gambles
Assistant Manager

HBG:jm

Enclosure



**FEDERAL LAND BANK ASSOCIATION
OF BLACKFOOT**

P. O. Box 72 — 188 West Judicial
BLACKFOOT, IDAHO 83221



R. Keith Higginson
Idaho Department of Water Administration
State House Annex 2
Boise, Idaho 83707

ATTENTION: Dorian Clay, Appropriation Examiner



Description: Frank Tominaga

Township 3 South, Range 32 East of the Boise Meridian, Bingham
County, Idaho

Section 5: $S\frac{1}{2}$

Township 3 South, Range 33, East of the Boise Meridian
Section 3: $E\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$

June 22, 1970

C
O
P
Y

Harry B. Gambles, Assistant Manager
FEDERAL LAND BANK ASSOCIATION OF BLACKFOOT
P.O. Box 72, 188 West Judicial
Blackfoot, Idaho 83221

Dear Mr. Gambles:

Pursuant to your letter of June 16, 1970, we have checked our files and find a permit, no. 35-7040, filed by Frank Tominaga in the amount of 3.1 cubic feet per second on the following lands: 160 acres in the E $\frac{1}{2}$ SW $\frac{1}{4}$, and the W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 3, T. 3 S, R. 33 E, B. M. The date of priority for this permit is September 4, 1968.

In the SW $\frac{1}{4}$, Sec. 25, T. 3 S, R. 33 E, B. M., we find a license, no. 35-2527, issued to Edwin Whitehead in the amount of 2.48 cubic feet per second with the priority date of February 21, 1958. The lands under this license are 160 acres in the SW $\frac{1}{4}$, Sec. 5, T. 3 S, R. 33 E, B. M.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC/DG

35-7040

FEDERAL LAND BANK ASSOCIATION OF BLACKFOOT

P. O. BOX 72, 188 WEST JUDICIAL

BLACKFOOT, IDAHO 83221

TELEPHONE: 785-0820

Federal
LAND BANK
Association

BLAIR W. ARCHIBALD, MANAGER

7

June 16, 1970

State Department of Reclamation
State House
Boise, Idaho 83701

Re: Frank Tominaga

Gentlemen:

We are in the process of making a loan to Frank Tominaga of Route #5, Box 138, Blackfoot, Idaho, and the security pledged for this loan is irrigated by three wells. Would you please check your files and let us know whether or not a permit has been issued for a well in the NW¹/₄SE¹/₄ Section 3, Township 3 South, Range 33, EBM. If the permit has been approved, would you please give us the date of the permit and the amount of water to be appropriated under the permit.

Mr. Tominaga also has a well under License No. G25239 located in the NW¹/₄SE¹/₄ Section 5, Township 3 South, Range 32, EBM. I would appreciate it if you would check to see if there is a license or permit issued covering a well in the SW¹/₄ Sec. 5, Township 3 South, Range 33 EBM. If so would you give us the amount, priority date and permit or license number. 27264

Any information you can furnish us regarding these wells will be greatly appreciated.

Yours very truly,

Harry B. Gambles
Harry B. Gambles
Assistant Manager

HBG:jm



"OWNED BY FARMERS : FOR FARMERS"

35-7046

October 23, 1969

Re: Permit No. 35-7040

Mr. Frank Tominaga
R.F.D. # 5 Box 138
Blackfoot, Idaho 83221

Dear Mr. Tominaga:

We enclose a copy of your approved application for permit 35-7040 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures: Copy of permit
Receipt No. 2024 for \$35.00
2 letters

35-7040

Re: Application for Permit No. 35-7040
Frank Tominaga

September 17, 1969

Blackfoot News
P.O. Box 70
Blackfoot, Idaho

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 ample 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 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 of Reclamation along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

(Signature of the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Legal notice

NOTICE OF APPLICATION
FOR WATER

Notice is hereby given that Frank Tominaga, R.F.D. 5, Box 138, Blackfoot, Idaho, has on September 4, 1968, applied for permit under application No. 35-7040 to divert 3.1 cubic feet per second of water from a ground-water source. Water will be diverted by well and sprinkler system within the NW1/4SE1/4, Sec. 3, T. 3S, R. 33E, B.M., Bingham County, and is to be used from March 1 to November 30 for irrigation in the E1/2SW1/4, W1/2SE1/4, Sec. 3, T. 3S, R. 33E, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON,
State Reclamation Engineer
(2166)
Pub.: Sept. 25 and Oct. 2

35-7040

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Frank Tominaga, R.F.D. 5, Box 138,
Blackfoot, Idaho, has on September 4, 1968,
applied for permit under application No. 35-7040
to divert ~~4666~~ 3.1 cubic feet per second acre/feet
of water from a groundwater source.
Water will be diverted by well and sprinkler system

within the NW¹/4 Sec. 3, T. 3S, R. 33E, B.M., Bingham County

and is to be used from March 1 to November 30 for irrigation

in the E¹/4SW¹, W¹/4SE¹, Sec. 3, T. 3S, R. 33E, B.M.,

Any protest against this application must be filed with the Department
of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Blackfoot News, Blackfoot, Idaho,
on September 25 and October 2, 1969.

L.H.

35-7040

Oct. 2 - 1960

Dear Sir,

Received your letter dated Sept. 30.
We have returned the Application
to your department. Few weeks
ago. I hope you will be
able to locate it. If not
let us know.

Sincerely,

Frank P. Rominger

RECEIVED

OCT 6 1960

Department of Reclamation

35-7040

September 30, 1969

Re: Application for Permit No. 35-7040

Mr. Frank Tominaga
R.F.D. #5, Box 138
Blackfoot, Idaho

Dear Mr. Tominaga:

As of this date, we have had no response to our letters of October 24, 1968, and July 30, 1969.

If we have not heard from you by November 1, 1969, regarding the above referenced application for permit, we will assume you do not wish to proceed with the filing for a water right and our records will be cleared.

Very truly yours,

C. STEPHEN ALLRED, Acting Deputy
State Reclamation Engineer

CSA:DR

Enc: Copies of previous letters

35-7040

July 30, 1969

C Re: Application for Permit No. 35-7040

O Mr. Frank Tominaga
R.F.D. 5, Box 138
Blackfoot, Idaho

Dear Mr. Tominaga:

P Please find enclosed a copy of our letter to you dated October 24,
1968. The Department as yet has had no response to this letter and would
appreciate being informed as to whether or not you wish to withdraw the
application or are going to resubmit it for processing. Please reply by
Y return mail.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TC

Enc: copy of 10-24-68 letter

35-7040

October 24, 1968

Re: Application No. 35-7040

Mr. Frank Tominaga
R.F.D. #3, Box 138
Blackfoot, Idaho

Dear Mr. Tominaga:

We are returning your application to appropriate the public waters of the State of Idaho.

Please be advised that the lands you have listed under Item 8b of the application do not correspond with the lands you have listed under Item 11. The map under Item 11 indicates that the lands to be irrigated are in the W₁SE₄, E₁SW₄, sec. 3.

Correct Item 8b and 11 so that they correspond and return the application to this Department. Your assistance to this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosure: Application for Permit

11-22-68

35-7040