

200-7

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-02039
Date Received: 4/11/1990
Receipt No: E013082
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDWARD N. ROWLAND 208-237-1880
Address: D.B.A. ROWLAND'S INC.
PO BOX 700
POCATELLO ID 83204

2. Date of Priority: DEC 7, 1905

3. Source: BATISE SPRINGS Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	34E	6	NW	SE	SW		BANNOCK
		7		NW	NE	2	BANNOCK

5. Description of diverting works:
PUMP/ MAINLINE- ACREAGE// ADD DIVERSION IN BUILDING LT2 COMM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		
COMMERCIAL	01/01	12/31	0.560		

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:
COMMERICAL; MILK PROCESSING

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	34E	6	SW	SW		IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	30.0
		7	NE	NE	IRR	10.0
			NE	NE	COMMER	
			NE	NW	IRR	30.0
			NW	NW	IRR	30.0
					Section Acres	70.0
					Total Acres	100.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

WATER RIGHT FOR 2.56 CFS IS DERIVED FROM CLAIM ESTABLISHED
DEC 07, 1905 THROUGH APPL NO 2278, PERMIT NO 1708/ 29-02039.
A SSUBSEQUENT LICENSE WAS ISSUED IN ERROR ON JULY 7, 1969 FOR
0.56 CFS. SHOULD HAVE BEEN 2.56. SEE ATTACHED COPY OF PERMIT

15. Basis of Claim: LICENSE

Water Right Number: 1708

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number 429-02039
Date Received 4-11-90
Receipt Number E013082

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 11 1990

Department of Water Resou
Eastern District Office

A2902039



Please type or print clearly

1. Name of Claimant (s) Edward Rowland D.B.A. Rowland's, Inc. Phone (208) 237-1880
Mailing Address P. O. Box 700, Pocatello, Idaho Zip 83204-0700

2. Date of Priority (Only one (1) per claim) December 7, 1905

3. Source of water supply (a) Batise Springs
which is tributary to (b) Portneuf River

4. a. Location of existing point of diversion is: Township 6S Range 34E Section 6,
NW 1/4 of SE 1/4 of SW 1/4, Govt. Lot, B.M., County of Power

Additional points of diversion if any: (Lot 2) NW 1/4, NE 1/4 Sec 7 T6S R34E

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

 1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 125 HP motor w/pump located at "A"
on project map with 1000' 8" buried mainline extending to 100 acres
irrigated land. Motor & pump moved downstream from prior location.
Additional diversion is a 10 HP pump located in a building located in
Lot 2, Sec 7, T6S, R34E BM used for commercial purposes. Located at
(X) on project map.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 2.0 or _____

For Commercial purposes from 1-1 to 12-31 amount .56 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.56 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 200 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) .56 Sec feet used for milk processing

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	
6S	34E	6											30						
6S	34E	7	10				30	30											
6S	34E	7	C																

Total number of acres irrigated 100

11. In which county (ies) are lands listed above as place of use located? Power

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks:

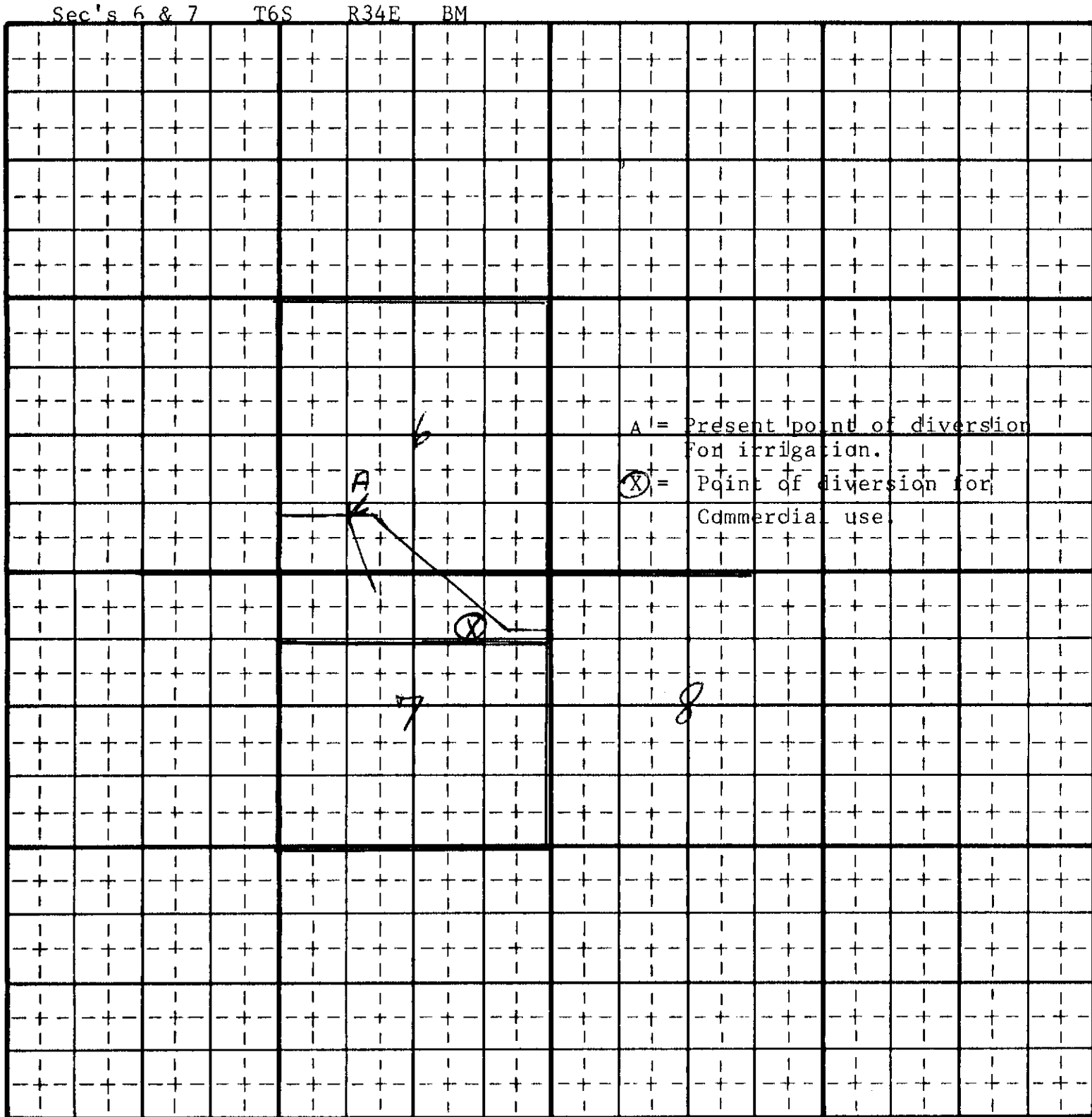
Water right for 2.56 second feet is derived from claim established
December 7, 1905 through application no. 2278, Permit No. 1708/29-2039.
A subsequent license was issued in error on July 7, 1969 for .56 second
feet. Should have been 2.56. See attached copy of permit

Last Name Rowland's Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name Rowland's Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit X

Decree _____

If applicable provide IDWR Water Right Number 1708/29-2039

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President

Title

of Rowland's, Inc., _____, that I have signed the foregoing

Organization

document in the space below as President of Rowland's, Inc.

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent X Bah Rowland

Title and Organization President, Rowland's, Inc. Date 4-5-90

State of Idaho/or _____)
County of Power) SS.

Subscribed and sworn (or affirmed) before me this 5th day of April 19 90

SEAL

Notary Public Zina Magee

Residing at Pocatello, Idaho

My Commission Expires May 20, 1991

Please Print Name Zina Magee

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Rowland's Ident. Number _____

Copies White-State, Yellow-Claimant

Log for claim A29-02039

Spatial Dynamics BTD

9/18/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s34e	6	SWSW	30	33	
06s34e	7	SWSW	30	33	Wrong tract in database?
06s34e	7	SESW	30	28	Wrong tract in database?
06s34e	7	SWSE	10	5.5	Wrong tract in database?
Totals:			100	99.5	

AJ5809NP
No. A29-02039

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 33

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EDWARD N ROWLAND DBA ROWLAND'S INC 1141 ROWLAND RD POCATELLO ID 83204 (208) 237-1880	12/07/1905	IRRIGATION COMMERCIAL	03-15 11-15 01-01 12-31	2.000 CFS 0.560 CFS	
TOTAL DIVERSION:					2.560 CFS	
CONSUMPTIVE USE:						200.00 AFA

Water Source: BATISE SPRINGS

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion: T06S R34E S06 NWSESW
S07 Lot02(NWNE)

BANNOCK County
BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06S	34E	6	:																	:	30.0
06S	34E	7	:	10						30	30									:	70.0
																				TOTAL ACRES	100.0

Place of use Legal Description for: COMMERCIAL

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
06S	34E	7	:	C																:	

POU County: BANNOCK

Non-Irrigation Uses: COMMERCIAL; MILK PROCESSING

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-04443A 29-12084 A29-04443A A29-11278 A29-12084 R29-11278

Remarks: GEN WATER RIGHT FOR 2.56 CFS IS DERIVED FROM CLAIM ESTABLISHED
DEC 07, 1905 THROUGH APPL NO 2278, PERMIT NO 1708/ 29-02039.
A SSUBSEQUENT LICENSE WAS ISSUED IN ERROR ON JULY 7, 1969 FOR
0.56 CFS. SHOULD HAVE BEEN 2.56. SEE ATTACHED COPY OF PERMIT

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: E

Audit: 04/12/90 DCARLSON 04/13/90 DCARLSON 11/18/92 SHAFF 05/10/94 DCARLSON
06/01/94 COX 03/29/95 POST-STD 03/19/98 AJONES

No. 2278.

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho.

-----0-----

1. Name of applicant: Edward E. Rowland
Postoffice address: P.O. Pocatello.
County: Pannock.
2. The quantity of water claimed is 2.56 cubic feet per second.
3. Source of water supply: Certain springs hereinafter described.
County of Pannock.
4. Location of point of diversion - I. At a point near the S.E. cor. of Lot 2 in Sec. 7 T. 6 S.R. 34 E. 1 cubic foot for irrigation and a stream for a water wheel as described later. 2. A certain spring on Lot 3 and the SE4 SW4 Sec. 6 on land of applicant, 1.56 cu.ft. in addition to 1. spring, No. 2 is to be diverted at a point within 400' westerly from the center of Sec. 7.
5. To be used for:
 - I. Irrigation and domestic use:
 - (a) Amount of land to be irrigated: 127.84 acres.
 - (b) In the following legal subdivisions: Lots 2 & 3 of Sec. 7. and the SE4 SW4 Sec. 6. T. 6 S.R. 34 E.R.M.
 - II. Mining, power, manufacturing or transportation purposes:
 - (a) To be used for water wheel or Ram or both.
 - (b) Amount of power to be generated - ? - horse power.
 - (c) At what point: Primarily at the S.E. cor. Lot 2 above.
 - (d) Is water to be returned to any stream? Yes.
 - (e) If so, name stream and locate point of return: The Port Neuf River, immediately below works.
6. Estimated cost of works: Part 1. \$300.00 Other parts of system \$1000.00
7. Description of works for diversion:
 - I. Kind of works: Confinement of Chappel by loose rock & earth wall.
 - II. Dimensions of works:
 - (a) Box flume at wheel, width at bottom 7.6 feet, width at water line 7.6 feet, depth of water 1.43 feet, Average grade per mile is 75 feet, Length of ditch - / on land of applicant.
8. Time required for the completion of the construction of such work is 5 years.
9. Time required for the complete application of the water to the proposed use is 4 additional years.

Remarks:

Mr. Rowland bought Lot 2 three years ago at the auction of the Five Mile Limit lands and within ten days began work upon the confining wall for part 1 above. He continued to work upon this part 1 since and now has a substantial water wheel installed and at work connecting it with a pump with which he is prepared to irrigated a small part of his present holding of 127.84 acres.

This water is from an immense spring in the S74 NE4 of sec. 7. as shown on the maps herewith, and is understood and intended to be surplus from the same.

Since the original purchase Mr. Rowland has acquired by homestead entry the other eighty odd acres indicated and wishes to include all in his plans, but expects to put in separate and distinct works for all but the water specified under 1, taking the rest of his irrigating water, 1.56 cu. ft. from spring No. 2 on his own land. Most of this land is thirty feet or more above the sources of supply and he will need all the time asked for to complete his system.

I may say that no amount of power water that Mr. Rowland can put to use as indicated can in any way interfere with one since it comes to him as surplus and is returned immediately to the river.

Geo. H. Perry,

Engineer for Mr. Rowland.

Time asked for in Section 8 is hereby reduced to 3 years, and time in section 9 is reduced to 3 years.

Jas. Stephenson, Jr.

----- State Engineer.

APPROVAL OF STATE ENGINEER.

The number of this permit is 1708.

Date of first receipt of application: 9.00 a.m. October 26, 1905.

Returned to applicant for correction October 26, 1905.

Corrected application received December 4, 1905.

Recorded in Book 5, 1708, Approved December 7, 1905.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before February 5, 1906, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before June 7, 1907.

The whole of said work to be completed on or before December 7, 1908.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to December 7, 1911.

Witness my hand this 7th day of December, 1905.

Jas. Stephenson, Jr.

State Engineer

Blank notice for proof of completion mailed applicant, September 1, 1908.

Notice received September 22, 1908, fixing November 20, 1908 as date, and Pocatello as place of proof.

Notice for publication mailed Pocatello Tribune, October 1, 1908.

Depositions blanks mailed applicant October 1, 1908.

Oscar Sonnenkalb, authorized to make examination of works; October 1, 1908.

Depositions, affidavit of publication and fees received November 23, 1908.

Report of Engineer received November 27, 1908.

Certificate of Completion of works, issued November 30, 1908.

Permit No. 1708.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that EDWARD H. ROWLAND, of Pocatello, County of Blaine, and State of Idaho, the holder of Permit No. 1708, issued upon Application No. 2278, bearing date of priority of October 26, 1905, authorizing the diversion of 2.56 second feet of the waters of springs, county of Blaine, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.56 second feet of the waters of springs, that the point of Diversion of said waters is at a point. First Near southeast corner of Lot 2, Sec. 7. and Second: Near southwest corner of southwest quarter of section 5, township 6 south, range 34 east of the Boise meridian, and that the lands proposed to be irrigated by the use of said waters are described as follows: to-wit: Lot 1 in northwest quarter of northeast quarter and lot 3 in northeast quarter of northwest quarter of section 7, and the southeast quarter of southwest quarter of section 6, township 6 south, range 34 east of the Boise meridian.

Witness my hand this 30th day of November . A.D. 1908.

Jas. Stephenson, Jr.

State Engineer,

WATER LICENSE

Water License No. 1708/29-2039 Priority December 4, 1905 Amount 0.56 c.f.s.
(late proof)

THIS IS TO CERTIFY, that EDWARD N. ROWLAND
of Pocatello, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated October 26, 1905; that Permit 1708/29-2039 was issued pursuant
to said application; that the proposed works were completed on or about 1905,
with a storage/or carrying capacity of 0.62 c.f.s., said works consisting of
pump; and that on January 15, 1912
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 98
acre feet per season, with a maximum rate of diversion of 0.56 cubic feet per second of the waters
of Springs, tributary of _____,
for the purpose of Irrigation from April 1 to October 31;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in Lot 2 xxx xx Sec. 7, T. 6 S, R. 34 E, B.M., and
other additional points _____, in the County of
Bannock; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 98 acre feet per year.

Description and location of place of use:

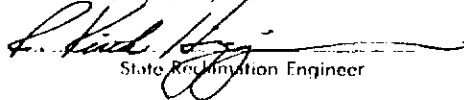
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>6 S</u>	<u>34 E</u>	<u>7</u>					<u>28</u>												<u>28</u>

Total number of acres irrigated 28

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

7th day of July, 19 69.


State Reclamation Engineer

29 2039

1708

29-2039

K B & E
 6
 5
 20
 25
 6
 56 c.f.s.
 98 20.75 / Season
 12-4-05

Permit No. 29-2039/11208 24-4
 Name of Applicant Edward N. Rowland, Pocatello, Idaho.
 Source of Water Unnamed springs
 a tributary of _____
 Location of P.D. SE cor. of Lot 2, Sec. 7, T. 6 S, R. 34 E, B.M.,

Water is used for Irrigation and Power
 Quantity of water claimed: Permit 2.56 c.f.s. Depositions 2.56 c.f.s.
 Type of measuring device installed or method of measurement and general description
 of diversion works See Attachment

Land to be irrigated or place of use:

TWP.	RGE.	SEC.	Description
6 S	34 E	6	SE 1/4 SW 1/4
		7	Lots 2 & 3

Total acreage _____

Filed October 26, 1905 Made January 15, 1912.
 Due b/u December 7, 1911. Priority: December 4, 1905
(Call 1905)

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and
 acreage covered by subdivision; also show land covered on the map.

Source of supply UNION SPRINGS

a tributary of _____

Location of P.D.(s) SE COR SEC. 7 63 SAC

Water is used for IRRIGATION

Quantity of water found _____

How was the measurement made? _____

Measurement calculations _____

DETERMINED FROM PUMP DESIGN
DATA - (275-280 gpm) @ 30' LIFT

262 cfs found

Diversion works description and diagram

10 HP CENTRIFUGAL
PUMPING 4x4 ELEC
PUMPED

Indicate area irrigated in each subdivision on the map.

Total acreage irrigated 22 ACRES

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

Who represented the permit holder at the examination?

Recommended allowance for licensing SEE MAP

Description of required amendments. Comments. _____

MR EDWARD N ROWLAND - AGGREGATE -
MR ROWLANDS SON ASSISTED WITH
INSPECTION - 1/4 ROWLANDS HAVE
DEVELOPED A FINE TROUT STREAM &
GRASS FOR RECREATION - FINE
CONTRIBUTION TO THE STATE.

IRRIGATION REQUIREMENT = 3.5 AC FT / YEAR / SEASON

Report checked? _____

Examination date 1-29-65

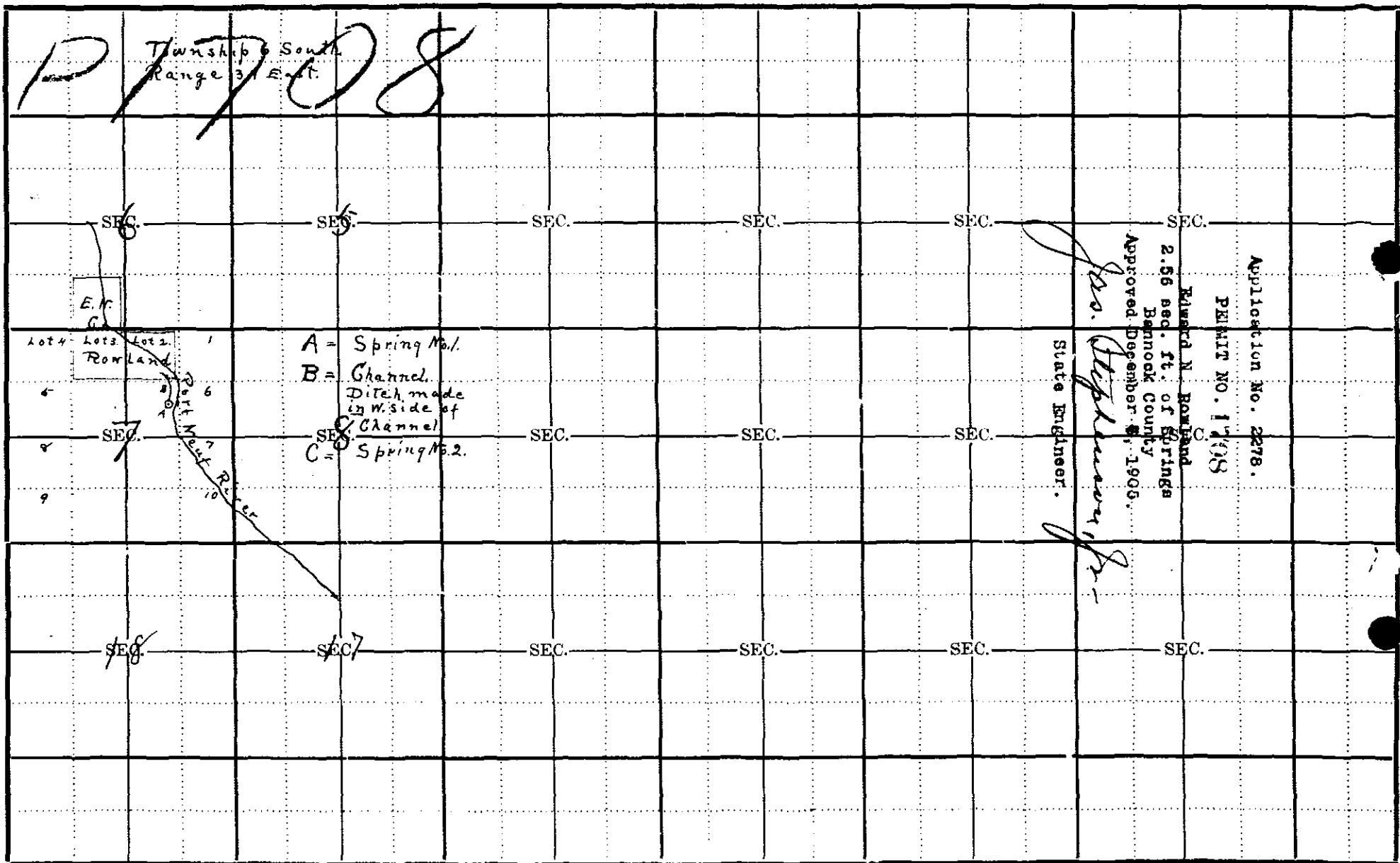
Signature

MR
John R. Roper

next
11

Scale: 2 inches = 1 mile. Draw Plans in Ink.

Printed and for sale by The Tribune Co., Ltd., Toronto, Ontario.



1 December 1998

James T. Chester
Pocatello, Idaho
Hm: 232-2261
fax: 208-233-7771 (Mailbox etc.)

Re: Request of Water Right status for lands in federal cropland set-aside program (CRP)

Dear Mr. Chester:

Pursuant to your request regarding the status of water rights for lands contracted to federal croplands set-aside programs I will reference §42-222 (2) IC, {excerpt enclosed}.

For your reference, I am also enclosing Profile Reports of the four referenced adjudication claims; A27-04000A, A27-04000B, A35-02039, and A35-11339.

Thank you for your inquiry. Should you have further questions regarding your water rights please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: Files A27-04000A & B, A27-02039, A27-11339

attachments: §42-222 (2) IC excerpt

Dec 1, 1998

to: Mr. Allen Ruberry

from: James T. Chester

The subject of this letter is to request written confirmation that if we enter into a government CRP program with our farm land, that the water rights listed below would not be affected by this conservation program.

The following water rights are listed below:

A27-04000A

A27-04000B

A27-02039

A27-11339

I am assuming that
this list is complete.

Thank you for your help and information in this matter.

James T. Chester

James T. Chester 232-2261

FAX # - 208-233-7771

that anyone who protests with the ration. Upon the fee as provided in the director of the and to conduct a of the district in watermaster shall of his recommen- department of water e application for recommendation and considered as

ged to municipal icipal provider to al provider shall ocumentation to ider and that the und the planning ents specified in al description nor ne area must be cal location where as and quantity of

ged is held by a i section 42-202B, anticipated future lace of use outside Code, or to a new

all examine all the e change in whole, rights are injured use of the original of water resources rest as defined in neficial use, which the water right is as provided in this nature of use from affect the agricul- o the use of stored argement in use of d, if no other water lication for change orized upon receipt

thereof to make the change and the original water right shall be presumed to have been amended by reason of such authorized change. In the event the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same and forward notice of such action to the applicant by certified mail, which decision shall be subject to judicial review as hereafter provided.

(2) All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter; except that all water rights appurtenant to land contracted in a federal cropland set-aside program, shall not be lost and forfeited for nonuse during the contracted period. The five (5) year period of nonuse for forfeiture of a water right shall begin to accrue upon termination of the contract if a period of nonuse did not occur prior to the effective date of the contract or shall continue to accrue if a period of nonuse occurred prior to the effective date of the contract. A water right held by a municipal provider to meet reasonably anticipated future needs shall be deemed to constitute a beneficial use, and such rights shall not be lost or forfeited for nonuse unless the planning horizon specified in the license has expired and the quantity of water authorized for use under the license is no longer needed to meet reasonably anticipated future needs. A water right shall not be forfeited by a failure to divert and apply the water to beneficial use if the water is not needed to maintain full beneficial use under the right because of land application of waste for disposal purposes including, but not limited to discharge from dairy lagoons, used in combination with or substituted for water diverted under the water right. Upon proper showing before the director of the department of water resources of good and sufficient reason for nonapplication to beneficial use of such water for such term of five (5) years, the director of the department of water resources is hereby authorized to grant an extension of time extending the time for forfeiture of title for nonuse thereof, to such waters for a period of not to exceed five (5) additional years. Application for an extension shall be made before the end of the five (5) year period upon forms to be furnished by the department of water resources and shall fully describe the right on which an extension of time to resume the use is requested and the reasons for such nonuse and shall be accompanied by the statutory filing fee; provided that water rights appurtenant to land contracted in a federal cropland set-aside program, or covered by the waste provision of this section, are exempt from this requirement. Upon the receipt of such application it shall be the duty of the director of the department of water resources to examine the same and to provide notice of the application for an extension in the same manner as applications under section 42-203A, Idaho Code. The notice shall fully describe the right, the extension which is requested and the reason for such nonuse and shall state that any person desiring to object to the requested extension may submit a protest, accompanied by the statutory filing fee as provided in section 42-221, Idaho Code, to the director of the department of

42-222



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

APR 1 - 1996

Department of Water Resources

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 29, 1996

ROWLANDS INC
C/O BOB ROWLAND REGISTERED AGENT
1141 ROWLAND RD
POCATELLO ID 83204

Re: Snake River Basin Adjudication (SRBA)
Notices of Claim #A29-02039 & #A29-11278
Change of Address

Dear Registered Agent:

IDWR has been notified the address presently in our claim records for Rowlands, Inc., is incorrect. As their Registered Agent, we need you to provide us with their correct mailing address or forward this letter to them. Future notices related to their SRBA claim can be sent only to the address on their claim or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about a claimant's mailing address.

Please sign your name at the bottom of this letter, print the correct mailing address for Rowlands, Inc., and return it to this office.

Please contact this office (800/451-4129) if you have any questions.

Thank you for your help. We hope to assure the claimant receives future notices about SRBA matters.

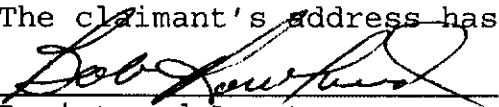
Sincerely,

Adjudication Bureau Staff

SO:ss:region

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The claimant's address has changed as follows:


Registered Agent

Rowland's Inc.
1141 Rowland ~~Inc.~~ ROAD
Pocatello, Idaho 83204-7416
Phone: 208-238-1259

WATER LICENSE

Water License No. 1708, 20-2039 Dated, December 1, 1905 Amount 0.56 c.f.s.
(late proof)

THIS IS TO CERTIFY, that EDWARD N. ROWLAND

Pocatello, Idaho made application for a permit to appropriate the public waters of the State of Idaho, dated October 26, 1905; that Permit, 1708, 20-2039 was issued pursuant to said application; that the proposed works were completed on or about 1905 with a storage or carrying capacity of 0.62 c.f.s.; said works consisting of pump and that on January 15, 1912

proof was made to the satisfaction of the State Reclamation Engineer of the beneficial use of 25 acre feet per season, with a maximum rate of diversion of 0.56 cubic feet per second of the waters of Springs, tributary of

for the purpose of Irrigation from April 1 to October 31 and for from to and for

from to and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation the point of diversion is located in Lot 2 XXX Sec 7 T 6 S R 34 E B.M. and other additional points in the County of

Bannock

and that the amount of water to which such right is entitled and which is hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 0.56 acre feet per year

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6 S	34 E	7					25												25

Total number of acres irrigated 25

The right to the use of the water hereby confirmed is restricted to the lands to which it is hereby confirmed as provided by the laws of Idaho

Witness the seal and signature of the State Reclamation Engineer, at Boise, Idaho, this

7th day of July, 1909

E. N. Rowland
State Reclamation Engineer