



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

June 18, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Bob Rowland
Registered Agent
Rowlands Inc
1141 Roland Rd
Pocatello, Idaho 83204

Re: Adjudication Claim 29-2039

Dear Mr. Rowland:

Enclosed is a copy of an adjudication claim filed based upon license 29-2039. The license is for 0.56 cfs, for the irrigation of 28 acres. The claim is for 2.56 cfs, for the irrigation of 100 acres, and commercial use in a milk processing facility.

The claim references permit 1708, which was issued in 1905, for 2.56 cfs. Proof of Beneficial use was filed by the permit holder in 1912, claiming that 0.60 cfs had actually been applied to the permitted beneficial use of irrigation. The license exam performed in 1968 indicates that 0.56 cfs were in use for irrigation at that time. I've enclosed copies of the full microfiche record available here at Eastern Region of IDWR. If you can read them, it is very interesting. There is a great deal of correspondence regarding a power right which apparently was developed along with the irrigation right, but not licensed as part of this right.

In reviewing the adjudication claims, I cannot recommend to the court more water than licensed. However, up until 1971, it was legal to develop a water right from a surface source without a permit. If you can document the development of additional water uses above the licensed amounts, between the licensing exam in 1968 and the mandatory permit date of May 20, 1971, you may wish to file a "beneficial use" adjudication claim for the additional uses.

If you added acres after 1971 but before November 18, 1987, you may wish to file an "enlargement claim" for the additional acres. However, this will not increase the diversion rate above the licensed 0.56 cfs.

It may be possible to receive a "moratorium exemption" permit for additional diversion rate developed before November of 1987, but the standard for documentation is somewhat higher than for an adjudication claim. You may wish to speak to an "allocations agent" at this office about this option.

Please call me to discuss these options. This is a little complicated. I'm hard to catch up to, but I do return voice messages eventually. Usually Thursday and Friday are better days to catch me, this week I will be in on Thursday but not Friday.

Also enclosed is a pamphlet describing some sources of documentation you may use to provide evidence of uses that have been developed since the licensing exam.

Sincerely,

A handwritten signature in black ink that reads "Bryce A. Contor". The signature is written in a cursive, flowing style.

Bryce A. Contor
Senior Water Resource Agent