

IDAHO DEPARTMENT OF WATER RESOURCES 09/12/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: EDWARD N ROWLAND
DBA ROWLAND'S INC
1141 ROWLAND RD
POCATELLO ID 83204

SOURCE: BATISTE SPRINGS TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.56 CFS

PRIORITY DATE: 12/04/1905

POINT OF DIVERSION:

T06S R34E S7 NENENW Lot 3 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.560 CFS

PLACE OF USE: IRRIGATION Within POWER County

T06S R34E S07 Lot 2 NWNE 4.0 T06S R34E S07 Lot 3 NENW 24.0

28 ACRES TOTAL

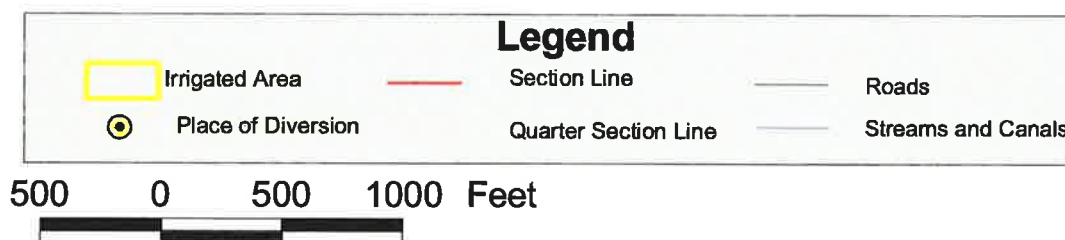
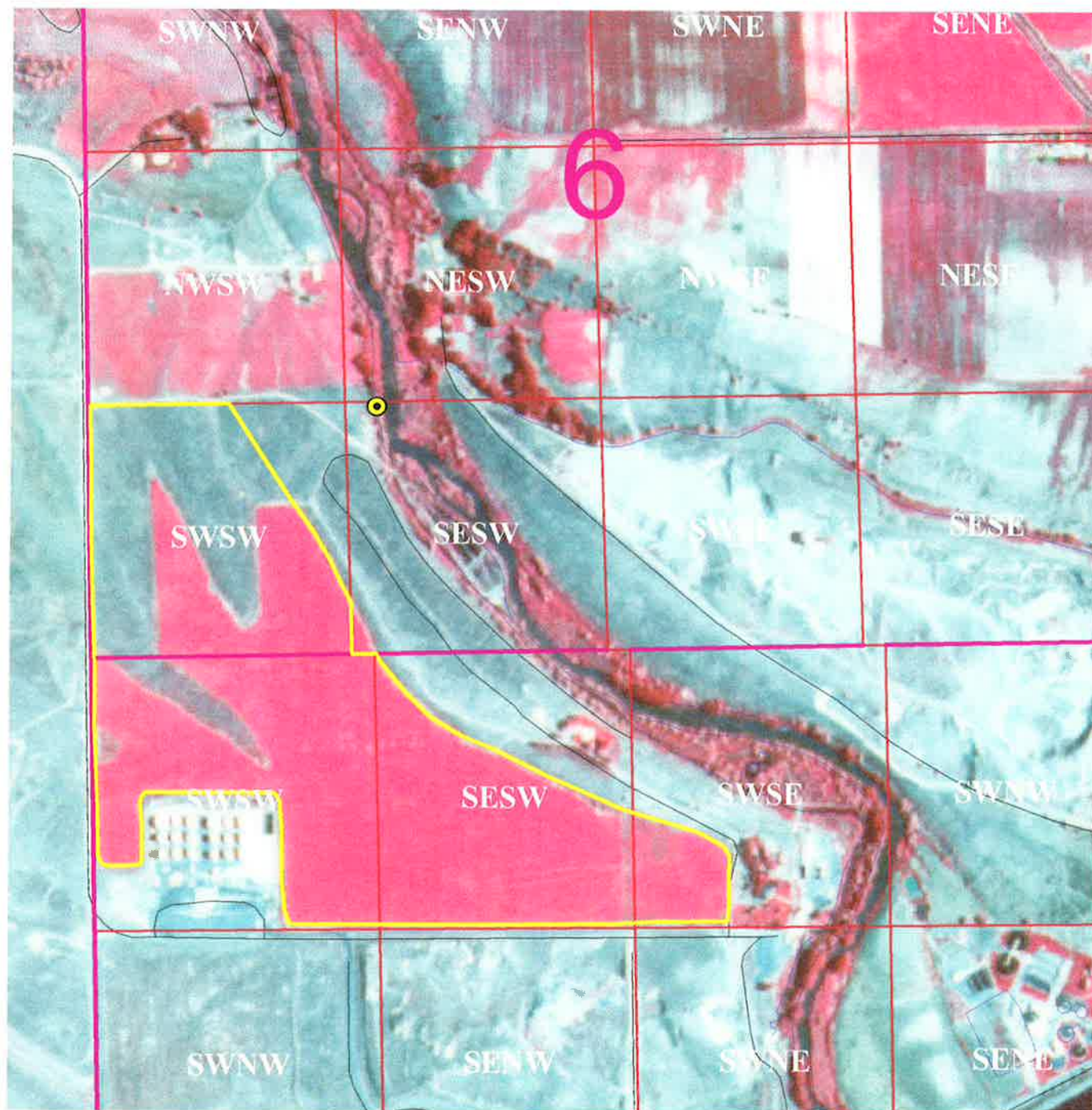
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

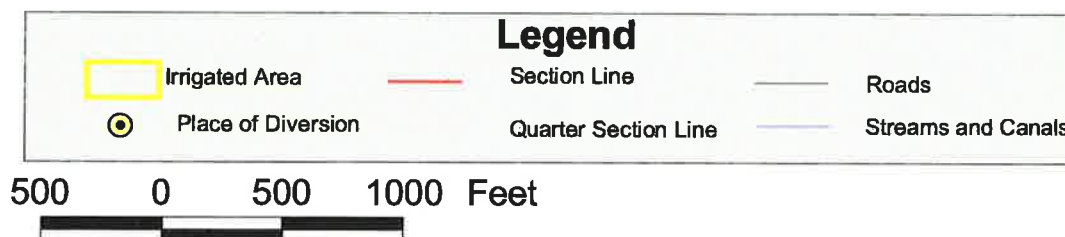
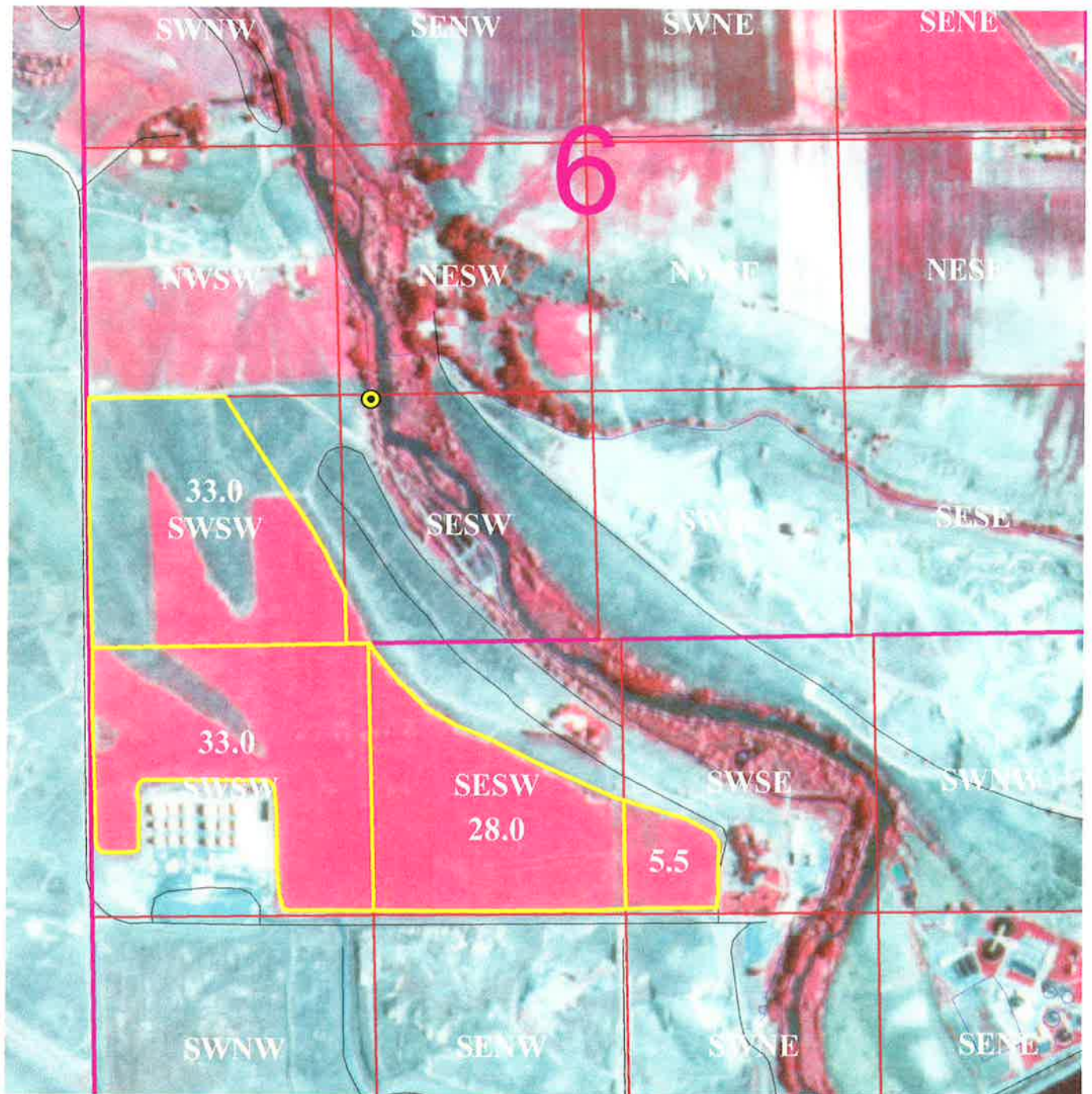
Water Right Claim Number A29-02039
Township , 6S34E

09/18/2000



Water Right Claim Number A29-02039
Township , 6S34E

09/18/2000



SRBA

PARTIAL DECREE 29-02039

Issued on 03-22-2004.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	EDWARD N ROWLAND DBA ROWLANDS INC 1 141 ROWLAND RD POCATELLO, ID 83204		
SOURCE:	BAPTISTE SPRING TRIBUTARY: PORTNEUF RIVER		
QUANTITY:	0.56 CFS		
PRIORITY DATE:	12/04/1905		
POINT OF DIVERSION:	T06S R34E S07 LOT 3 (NENENW) Within Bannock County		
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.56 CFS
PLACE OF USE:	Irrigation	Within Power County	
	T06S R34E S07 LOT 2 (NWNE) 4.0	LOT 3 (NENW) 24.0	
	28.0 Acres Total		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

[Return to SRBA Home Page](#)



P. O. BOX 1151, POCA TELLO, IDAHO—PHONE 233-0380

July 2, 1969

Mr. Dean H. Reynolds
Department of Reclamation
State of Idaho
Boise, Idaho 83707

Dear Mr. Reynolds:

Regarding Permit Number 29-2039 and your letter of June 27, 1969, our check in the amount of seven dollars (\$7.00) for License and Certificate of Water Right is enclosed.

Thank you for your attention and completion of this record.

Sincerely yours,

ROWLAND'S, INC.

A handwritten signature in cursive script, appearing to read "Bob Rowland".
Bob Rowland
General Manager

RNR:r
Encl.

RECEIVED
JUL 7 1969
Department of Reclamation

1708

19-5039

June 27, 1969

Re: Permit No. 29-2039

Edward N. Rowland
Pocatello, Idaho 83201

Dear Mr. Rowland:

A representative of this department has made an examination of the works covered by your Permit 29-2039 and has found the following:

Quantity of water diverted: .62 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: .56 c.f.s.

The maximum quantity diverted shall not exceed 98 acre feet per season.

Purpose of use: Power and Irrigation of 28 acres in NE 1/4, Sec. 7, T. 6S, R. 34E.

The priority date established is: December 4, 1905 (late proof)

A fee totaling \$ 7.00 must be received within 30 days from the date of this letter in order that we can issue you the License and Certificate of Water Right as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR/mh

1708
29-2039

July 7, 1969

Re: Permit No. 1708/29-2039

Mr. Edward N. Rowland
Pocatello,
Idaho 83201

Dear Mr. Rowland:

Enclosed you will find your Water License issued on the above
numbered permit.

Also enclosed is departmental receipt No. 3237 in the amount
of \$7.00 covering the fees.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh
Enclosure

1708

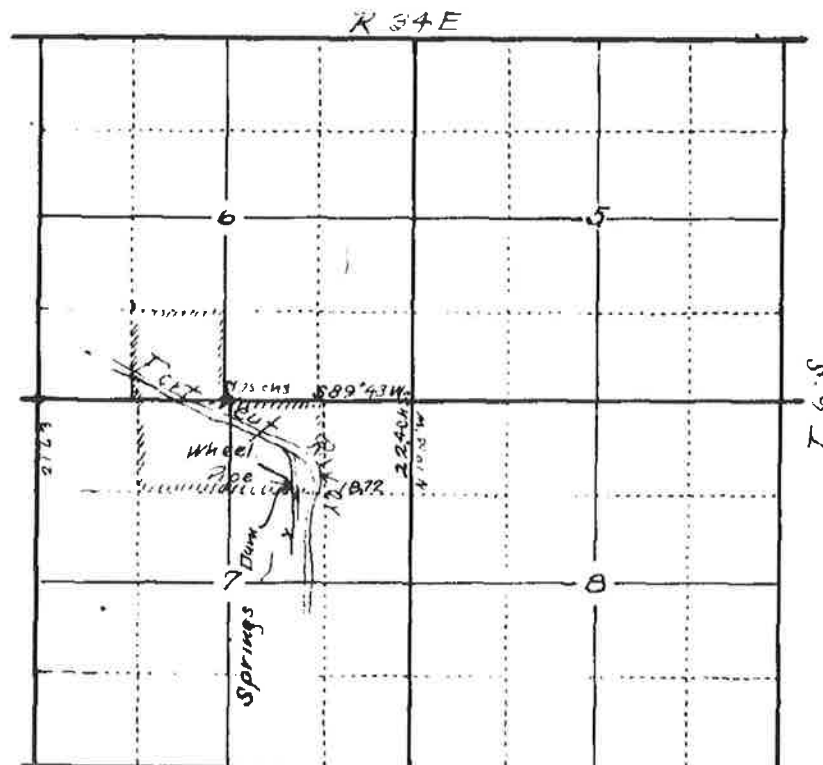
29-2039

C
O
P
Y

Examination
for
Proof of Completion of Works of Diversion
under
Permit No 1708.

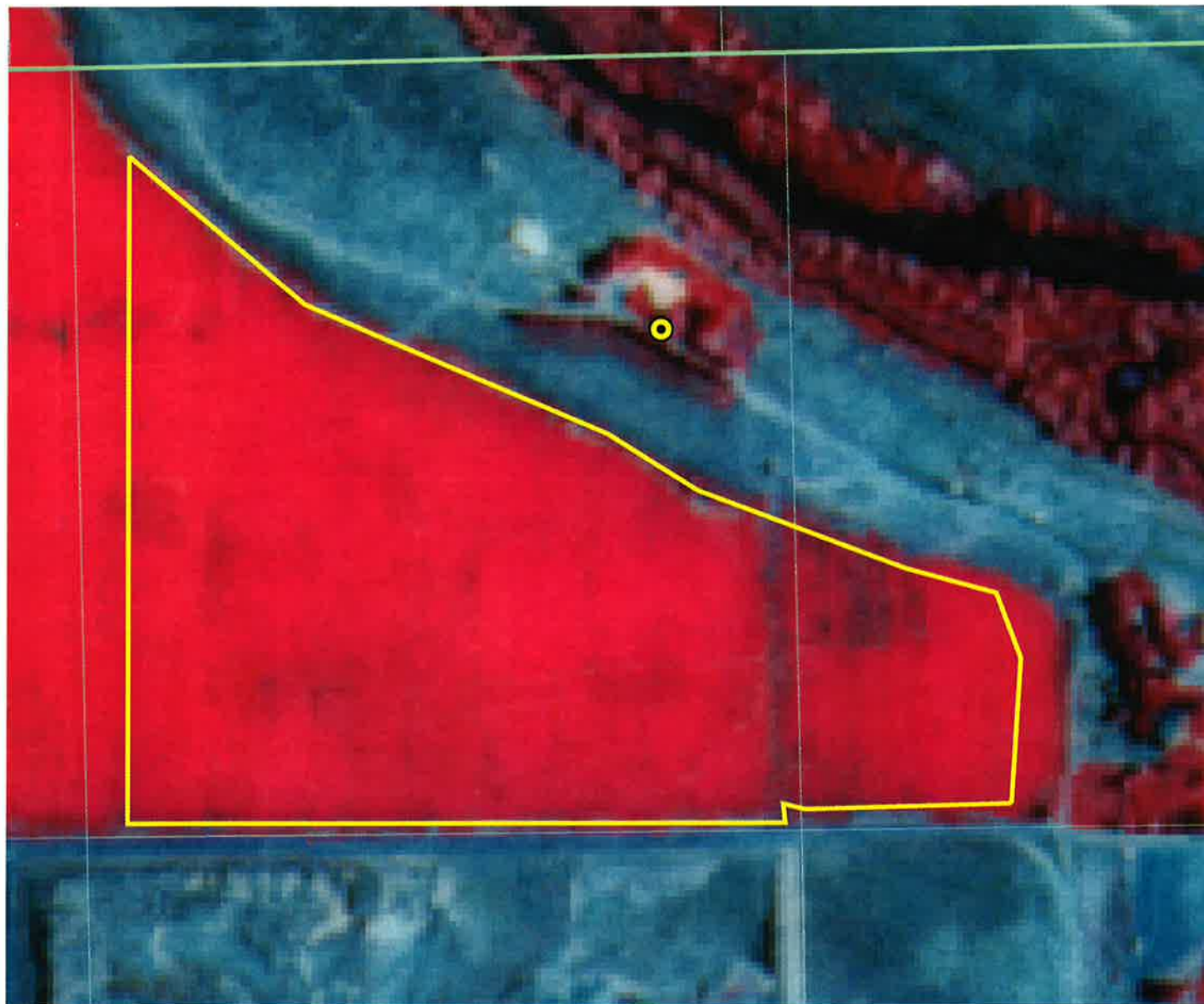
Samms + Smith Pocatello.

Nov 12 1908.



Idaho Department of Water Resources

Water Right 29-2039

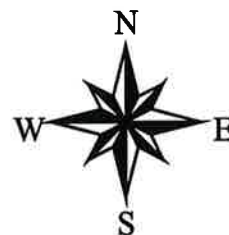


500 0 500 Feet

-  Point of Diversion - This Right
-  Point of Diversion - Other Rights
-  Place of Use - This Right
-  Place of Use - Other Rights
-  Township
-  Section
-  Quarter-quarter Section

PROVIDED

SCANNED
DEC 16 2005



Township 6S 34E Section 7

Prepared from 1987/1988 NAPP photography by B. Contor, 9/2001.



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

September 13, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Rob Rowland
Registered Agent
Rowlands Inc
1141 ROWLAND RD
POCATELLO ID 83204

Re: Claim A29-2039

Dear Water User:

Last spring I wrote you requesting additional information or documentation of the use of this water right. I need this information to make an accurate recommendation to the court in the Snake River Basin Adjudication. Because your claim includes elements of this right that have never been confirmed by a court decree or a department investigation, I need documentation that the additional uses were developed prior to March 25, 1963 (ground water source) or May 20, 1971 (surface water source). As explained in the other letter, an additional claim is also needed.

Please refer to the letter and pamphlet sent last spring, and provide documentation. Remember that affidavits must clearly identify "first person" knowledge (I did..., I saw...) and clearly state when the use of water was first seen by the person.

Feel free to contact me or my supervisor Ernest Carlsen if you have questions, or if you wish to file a claim for the additional uses of water.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

PROFILED

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DEC 16 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2039 V1

WATER RIGHT NUMBER: 29-2039 V1

Owner Type Name and Address
 Current Owner EDWARD N ROWLAND

Priority Date: 12/04/1905

Basis: License

Status: Active

Source Tributary
 BATISTE SPRINGS PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.560 CFS	
	<u>Total Diversion:</u>	0.560 CFS	

Location of Point(s) of Diversion

BATISTE SPRINGS L3 NE1/4NE1/4NW1/4 Sec. 7, Twp 06S, Rge 34E, B.M.
 BANNOCK 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	
06S	34E	7		4.0			24.0												28.0
				L 2			L 3												

Total Acres: 28

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:Comments:

1. bcontor 9/12/2001 Recommendation
 Comment: Claim exceeds original license significantly. Claimant has not responded to 6/18/2001 request for additional claims and/or documentation. Recommendation based upon original license.
2. bcontor 9/12/2001 Change in POU
 Comment: License showed 28 acres irr in NENW. GIS shows fewer acres, so recommendation picks up additional acres in NWNE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2039 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	9/12/2001 2:51:03 PM	bcontor			Active
POD	9/12/2001 2:53:22 PM	bcontor			Active
Source	9/12/2001 2:53:44 PM	bcontor			Active
Use	9/12/2001 2:56:54 PM	bcontor			Active
Season	9/12/2001 2:58:12 PM	bcontor			Active
Quantity	9/12/2001 2:58:39 PM	bcontor			Active
Summary	9/12/2001 3:01:47 PM	bcontor	9/12/2001 3:01:47 PM	bcontor	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/12/2001 2:51:21 PM	bcontor	Edited point location
Contacts	9/12/2001 2:49:45 PM	bcontor	(No) 1. Do you want to schedule an appointment? Comment for 1: REcommended per original license.
Priority Date	9/12/2001 2:49:37 PM	bcontor	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (No) 6. Did the Claimant claim the decreed or licensed Priority Date ? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2039 V1

Use	9/12/2001 2:55:29 PM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a Purpose of Use? (No) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the Purpose of Use? (No) 7. Can the change be verified as an accomplished transfer? (Yes) 8. Does the change include an enlargement of the Purpose of Use? (No) 9. Was an enlargement claim filed? (No) 10. Did the claimant file an enlargement claim? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 8 - Claim and GIS are for more acres of irrigation. Claim also includes additional Q for additional use. Only licensed uses are recommended, see paper file for correspondence to claimant. Description for Question 10,11,12 - GIS
POD	9/12/2001 2:51:40 PM	bcontor	Edited PLS
Source	9/12/2001 2:52:18 PM	bcontor	(Yes) 1. Is the basis of claim decree or license? (Yes) 4. Does the parent right have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	9/12/2001 2:52:56 PM	bcontor	Edited PLS
POD	9/12/2001 2:51:57 PM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	9/12/2001 2:52:36 PM	bcontor	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2039 V1

Season	9/12/2001 2:56:46 PM	bcontor	(Yes) 1. Is the basis of claim decree or license? (Yes) 4. Does the parent right have a Period of Use? (No) 5. Can the claimed Period of Use be verified using the water right file? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
POD	9/12/2001 2:57:13 PM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a diversion rate and/or volume? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Recommended as licensed
Summary	9/12/2001 3:00:22 PM	bcontor	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?



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.v

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.

PROCESSED
FACSIMILE

SCANNED

DEC 16 2005

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 cursive script that reads "Bryce A. Contor".

Bryce A. Contor
Senior Water Resource Agent

SCANNED

DEC 16 2005

MAY 10 2001

Log for claim A29-02039

Spatial Dynamics LTD

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.

A P P L I C A T I O N F O R P E R M I T

To Appropriate the Public Waters of the State of Idaho.

-----0-----

1. Name of applicant: Edward N. Rowland

Postoffice address: P.O. Pocatello.

County: Bannock.

2. The quantity of water claimed is 2.56 cubic feet per second.

3. Source of water supply: Certain springs hereinafter described.

County of Bannock.

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 ^{in Sec. 7,} 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.B.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 Channel by loose rock & earth wall.

II. Dimensions of works:

(d) 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 -} ~~75 feet~~ 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 SW4 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 6, 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 N. ROWLAND, of Pocatello, County of Bannock, 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 Bannock, 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~~ 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 98 acre feet per year.

Description and location of place of use:

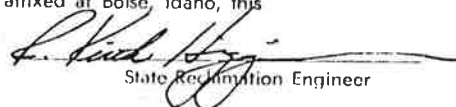
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>6 S</u>	<u>34 E</u>	<u>7</u>					<u>28</u>												<u>28</u>

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 2019

1708

29-2039

R B-1 E

T
G
S

0
20
28

7

TRAIL - allows

SUBD - 1

G - .56 c.f.s.

FCL - 98 AC-Ft / SEASON

PRIORITY - (LATE PROCT 12)

Permit No. 29-2039/1708

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

Total acreage _____

Filed October 26, 1905 Made January 15, 1912.

Due b/u December 7, 1911. Priority: *December 4, 1905
(date paid)*

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

Application No. 2278.

PERMIT NO. 1708

Edward N. Rowland
2.56 sec. ft. of Springs
Bannock County

Approved December 8, 1905.

Jas. Stephenson, Jr.
State Engineer.

12
Twp. 36 South
Range 31 E. 1st

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

A = Spring No. 1
B = Channel
Ditch made
in W. side of
Channel
C = Spring No. 2

Lot 4
Lot 3
Lot 2
Rowland
E. N.

6
7
8
9
10
Next River

WATER LICENSE

Water License No. 1708/29-2039

Priority December 1, 1905
(late proof)

Amount 0.56 c.f.s.

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 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 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				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					28												28

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 specified 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, 1909.


 State Reclamation Engineer

that anyone who protests with the department. Upon the decision as provided in section 42-202B, the director of the department of water resources shall conduct a hearing and to conduct a hearing of the district in which the watermaster shall be held. If his recommendation is not approved, the department of water resources shall prepare an application for a new recommendation and considered as

submitted to municipal or private provider to determine if a new provider shall be approved. Documentation to support the decision and that the department and the planning commission shall specify in the license description nor the area must be defined. The location where the water right is held and the quantity of

water right is held by a person under section 42-202B, the anticipated future use of the water right outside the Code, or to a new

water right. All examine all the water rights in whole, and if the water rights are injured, the use of the original water right shall be restored as defined in section 42-202B, which is the water right is as provided in this section. The nature of use from the water right shall affect the agricultural use of the water right. The use of stored water in the water right shall be argued in use of the water right, if no other water right is provided for change of the water right 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

#####

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

Notice of Proof of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Engineer at least 60 days before the time set for application of water.)

(P. O.) Pocatello, Idaho

(Date) November 2, 1911

TO THE STATE ENGINEER OF THE STATE OF IDAHO, BOISE, IDAHO:

DEAR SIR: Notice is hereby given that at 10 A. M., on the 7th day of December, 1911, at Pocatello, County of Bannock, State of Idaho, before Theo. Turner

proof will be submitted of the application to beneficial use of 20 2.56 cubic feet per second of the waters of unnamed springs in SE 37 Sec. 6, and SW 37 Sec. 7, Tp. 6 S. R. 34 E. B. 11 in accordance with the terms and conditions of Permit No. 1708 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Edward H. Rowland, Pocatello, Bannock County, Idaho

2. The use to which said water has been applied is irrigation and power

3. The amount applied to beneficial use is 2.56 twenty cubic feet per second

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) Lots 2 and 3 of Section 7 and the SE 37 Sec. 6, Tp. 6 South, Range 34 East, Boise meridian

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is

6. The right to take the water from such works is based upon Permit No. 1708

7. The source of supply from which such water is diverted is unnamed springs in Bannock County, Idaho

8. The date of the priority which said user is prepared to establish is October 26, 1905.

I desire that the above notice be published, according to law, in the Pocatello Tribune of Pocatello, Idaho, published in the county in which said water is to be used; the expense of which publication will be borne by me.

1708

(Sign)

Edward H. Rowland

STATE ENGINEER

DO NOT MICROFILM
From WR License File Microfiche

1) Det. Lt. near S. E. 1/4 Sec. 37, Tp. 6 S. R. 34 E.
2) 4th 1/4 Sec. 37, Tp. 6 S. R. 34 E.

Proof of Application of Water to Beneficial Use

1708

DEPOSITION OF HOLDER

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Edward T. Rowland, age 55 years, residence ranch 5 miles west of Pocatello, Idaho, occupation farmer, P.O. address Pocatello, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 1708, dated December 7, 1905, date of priority October 26, 1905

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Unnamed springs in SW 1/4 Sec. 7, Tp. 6 S. R. 34 E. B. M. Point of diversion in the SE corner of lot 2, Sec. 7, Tp. 6 S. R. 34 E. B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

1. A dam which diverts the water from its natural channel and delivers it at the point where the water wheel and pumps are located. This dam is about 400 feet long and about 3 feet high and from four to ten feet in thickness.

2. A wheel having a capacity of developing 15 to 20 horse power. This wheel operates two pumps which are capable of raising about 36 cubic feet per minute to the level of the lands which I irrigate, and in delivering the same into a ditch which distributes such water over these lands. The canal extending from the point at which the pumps deliver the water, and distributing it over the lands, is about 2 1/2 feet wide and about 15 inches deep and 1 mile long. From this the water is applied to the crops growing upon the lands irrigated, by means of small ditches or flow furrows.

The capacity of this last mentioned ditch is two-tenths second foot.

Township 6 South, Range 34 E. B. M. having irrigated about 20 acres in

lot 2 and about 10 acres in lot 3. Cultivated land. Have built a home and furnished water for domestic use therein from these springs and have brought under cultivation about 20 acres.

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power required, etc.

Ans.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. Six tenths of a second foot.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Sworn to and signed

1708

Proof of Application of Water to Beneficial Use

1708

DEPOSITION OF HOLDER

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Edward E. Rowland, age 56 years, residence ranch 5 miles west of

Postville, Idaho, occupation, farmer, P.O. address Postville, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 1708, dated December 7, 1905, date of priority October 26, 1905

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Unnamed springs in SE 1/4 Sec. 7, Tp. 6 S. R. 34 E. B. M. Point of diversion in the SE corner of Lot 2, Sec. 7, Tp. 6 S. R. 34 E. B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic purposes on Lots 2 and 3, of Section 7, Township 6 South, Range 34 E. B. M. having irrigated about 10 acres in Lot 2 and about 10 acres in Lot 3. Cultivated land. Have built a home and furnished water for domestic use, wherein from these springs and have brought under cultivation about 20 acres.

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. None.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. Six tenths of a second foot.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

SWIFT ENGINEER

1708

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Each irrigating season since the year 1905, for irrigating about 20 acres of land and for domestic purposes at my upon and Lot 2, Sec. 7, Tp. 6, S. R. 34, E. B. M. I have made use of about six tenths of one second foot of water.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. I have used none.

(Sign) *Edward N Rowland*

I do hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Pocatello, County of

Benewah, State of Idaho, on this 15th day of January, A. D. 1912.

[Signature]
Notary Public.

Permit No. 1708

Proof of Application of Water to
Beneficial Use

DEPOSITION OF HOLDER

Amount of Water 2.56 second foot

Source Unnamed Springs

County Benewah

Purpose Irrigation and Domestic

Place of use Lots 2 and 3, Sec. 7,

Tp. 6 S. R. 34 E. B. M.

Date of Priority October 26, 1905

Received and filed

THE CLERK OF THE DISTRICT COURT

1708

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Permit No. 1708

1708

Affidavit of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Gus Sautsbere, age 56 years, residence Rodastello, Idaho, occupation carpenter, P.O. address 441 So. Main St., Rodastello, Idaho.

Ques. 2. Are you acquainted with Edward H. Rowland, the holder of Permit No. 1708?

Ans. Yes. Have known him about 20 years. He resides on his ranch about 4 1/2 miles west of Rodastello.

Ques. 3. Have you read or heard read said Permit No. 1708 and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Unnamed springs situate in SW 1/4 Sec. 7, T.P. 6 S.R. 34 E.B.M. Place of diversion at the SE corner of Lot 2, Sec. 7, T.P. 6 S.R. 34 E.B.M.

1. A dam which diverts the water from the natural channel and delivers it at the point where the water wheel and pump are located. This dam is about 400 feet long and about 4 feet high and from 4 to 10 feet in thickness.

2. A wheel having a capacity of developing 15 or 20 horse power. This wheel operates two pumps, which combined are capable of raising about 20 cubic feet per minute to the level of the lands which are irrigated, and deliver the same into a ditch which distributes such water over these lands. The canal extending from the point at which the pumps deliver the water and distributing the same over the lands is about 2 1/2 feet wide and about 15 inches deep and 1 mile long. From this ditch the water is applied to the crops growing upon the lands irrigated by means of small ditches or plow furrows. The natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For Irrigation and domestic use. Lots 2 and 3, Sec. 7, T.P. 6 S.R. 34 E.B.M. There are about 20 acres irrigated altogether, but I don't know just how much on each forty. Cultivated land. He has built a home and carried water to the same from this spring for domestic use, and has cultivated about 20 acres.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Not used for other purposes.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Bench land. Don't know how much water it would require to profitably cultivate the same.

1708

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Guy Sahlberg, age 50 years, residence Pocatello, Idaho, occupation carpenter, P.O. address 441 No. Main St., Pocatello, Idaho.

Ques. 2. Are you acquainted with Edward N. Rowland, the holder of Permit No. 1708? How long have you known him and where does he reside?

Ans. Yes. Have known him about 20 years. He resides on his ranch about 4 1/2 miles west of Pocatello.

Ques. 3. Have you read or heard read said Permit No. 1708, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Unnamed springs situate in SW 1/4 Sec. 7, Tp. 6 S. R. 34 E. B. M. Place of diversion at the SE corner of Lot 2, Sec. 7, Tp. 6 S. R. 34 E. B. M.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed.

Ans. six tenths of a second foot. .6 of a second foot.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For irrigation and domestic use. Lots 2 and 3, Sec. 7, Tp. 6 S. R. 34 E. B. M. There are about 20 acres irrigated altogether, but I don't know just how much on each forty. Cultivated land. He has built a home and carried water to the same from this spring for domestic use, and has cultivated about 20 acres.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Not used for other purposes.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Bench land. Don't know how much water it would require to profitably cultivate the same.

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Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Seen the water applied about 2 years ago, for irrigation and domestic purposes, to the amount of about six tenths of a second foot, to the extent of cultivating about 20 acres and for domestic use.

(Sign *Eino Dahlberg*)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Pocantello County of Bunnoch

State of Idaho, on this 15th day of January A. D. 1912.

W. H. Jones
Notary Public.

My Commission Expires April 3, 1914

1708

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Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Ashley E. Lyon, 29053 years, Pocatello, Idaho, occupation farmer, P.O. address Pocatello, Idaho.

Ques. 2. Are you acquainted with Edward Rowland, the holder of Permit No. 1708? How long have you known him and where does he reside?

Ans. Yes, I know him for about 25 years.

Ques. 3. Have you read or heard read said Permit No. 1708, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Unmanned springs situate in SW 1/4 Sec. 7, Tp. 6S.R.34 E.2.N.

In the SE corner of Lot 2, Sec. 7, Twp. 6 S.R.34 E.2.N.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed.

Ans. Six-tenths of a second foot

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For irrigation and domestic purposes on Lots 2 and 3, Sec. 7, Tp. 6 S.R.34 E.2.N. In Lots 2 and 3 there are about 20 acres altogether, but I don't know just how much there are in each lot. Cultivated land.

built a home and applied the water to domestic use therein, and cultivated about 20 acres of land.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None of it used for power purposes.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its probable cultivation.

Ans. Bench land. Require about 87 inches of water to profitably cultivate all of the land.

OFFICE OF STATE ENGINEER

1708

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From WR License File Microfiche

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what effect you have witnessed the application to beneficial use of water directed under said permit.

Ans. Have seen the water applied for about 4 years almost every day for domestic purposes and irrigating about 20 acres of land, to the amount of about six-tenths second foot.

(Sgn

Asahley M. Meyer

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in _____, _____, County of _____, Bannock _____.

State of Idaho, on the 15th day of January A.D. 1912.

Notary Public.

My Commission Expires _____

Wm. S. [unclear]

Wm. S. [unclear]

1708

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

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 A29-02036 2039
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,

_____ 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:

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

b. 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

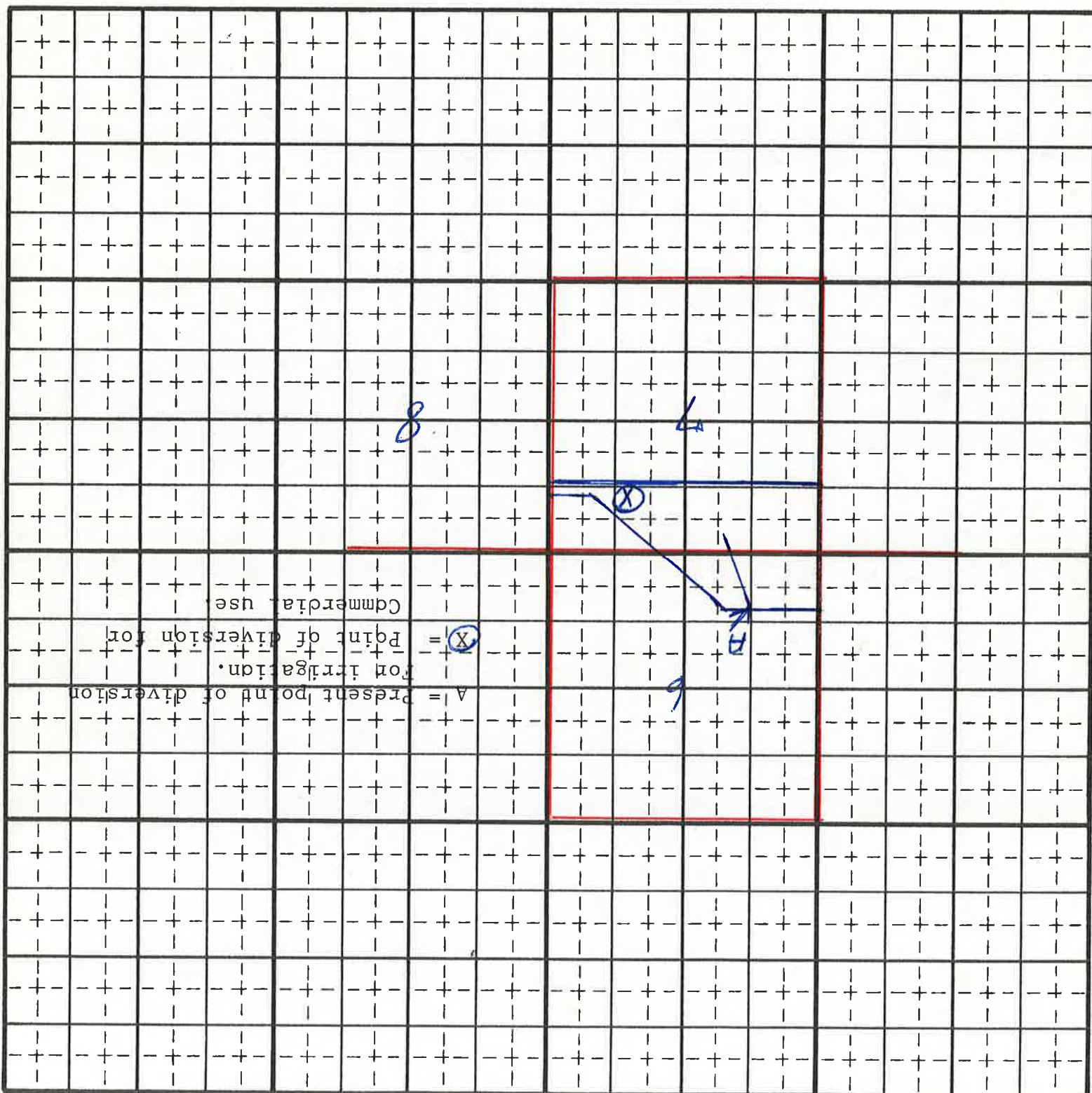
Last Name Rowland's Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

Sec's 6 & 7 T6S R34E BM

A = Present point of diversion	-	+/-			
For irrigation.	-	+/-			
Point of diversion for	-	+/-			
Commercial use.	-	+/-			



Last Name _____ Rowland's _____ Ident No. _____
 Copies: White-State, Yellow-Claimant

Ident No.

Rowland's

Last Name

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 Beth 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