

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

RECEIVED  
MAY 13 2019  
Department of Water Resources  
Northern Region

## APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s)     
 ☐ Add diversion point(s)     
 ☐ Ownership change     
 ☐ Ownership split  
☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** ROWLANDS INC. Phone 208-237-1880

2. MAILING ADDRESS 1141 ROWLAND ROAD City POCATELLO

State \_\_\_\_\_ ID \_\_\_\_\_ Zip 83204 Email \_\_\_\_\_

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 29-2039, 29-4444, 29-13955

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](http://idwr.idaho.gov), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.96 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](http://idwr.idaho.gov), *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

## 6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Electric pump with measuring device. Log book and controlling works may be added if needed.

- b. Who owns the property at the point(s) of diversion? ROWLANDS INC.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,  
☒ ☐ currently used in a mitigation plan limiting the use of water under the right(s), or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

A portion of water right 29-13955 is used for mitigation.

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☒ Yes ☐ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.  
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.  
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at [idwr.idaho.gov](http://idwr.idaho.gov), *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Thomas J. Budge  
Signature of applicant or authorized agent

Thomas J. Budge, Attorney  
Print name and title if applicable

5.9.19  
Date

\_\_\_\_\_  
Signature of applicant or authorized agent

\_\_\_\_\_  
Print name and title if applicable

\_\_\_\_\_  
Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

### FOR DEPARTMENT USE ONLY

Transfer includes \_\_\_\_\_ pages of attachments.

Received by 5/13/19

Date

Fee paid 500 Date 5/13/19

Received by 5/13/19

Receipt # E044963

Preliminary review by \_\_\_\_\_

Date \_\_\_\_\_

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 \_\_\_\_\_

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

8/16/2018

WATER RIGHT NO. 29-2039

| <u>Owner Type</u> | <u>Name and Address</u>                                                                      |
|-------------------|----------------------------------------------------------------------------------------------|
| Current Owner     | EDWARD N ROWLAND<br>DBA ROWLANDS INC<br>1141 ROWLAND RD<br>POCATELLO, ID 83204<br>2082371880 |

Priority Date: 12/04/1905

Basis: Decreed

Status: Active

| <u>Source</u>   | <u>Tributary</u> |
|-----------------|------------------|
| BAPTISTE SPRING | PORTNEUF RIVER   |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 0.56 CFS              |               |
| Total Diversion       |             |           | 0.56 CFS              |               |

Location of Point(s) of Diversion:

BAPTISTE SPRING|NENENW Lt 3|Sec. 07|Township 06S|Range 34E|BANNOCK County

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 06S             | 34E          | 7              | 2          | NWNE         | 4            |            |              |              |            |              |              |            |              |              |
|                 |              |                | 3          | NENW         | 24           |            |              |              |            |              |              |            |              |              |

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.

Dates:

Licensed Date:

Decreed Date: 03/22/2004

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 29D

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 76.3

Combined Volume Limit:

Combined Rate Limit: 0.62

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

8/16/2018

WATER RIGHT NO. 29-4444

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                    |
|-------------------|------------------------------------------------------------------------------------------------------------|
| Current Owner     | ROWLANDS INC<br>1141 ROWLAND RD<br>POCATELLO, ID 83204-7416<br>2082381259                                  |
| Attorney          | THOMAS J BUDGE<br>RACINE OLSON NYE & BUDGE CHARTERED PO BOX 1391<br>POCATELLO, ID 83204-1391<br>2082326101 |

Priority Date: 10/15/1956

Basis: Decreed

Status: Active

| <u>Source</u>  | <u>Tributary</u> |
|----------------|------------------|
| BATISTE SPRING | PORTNEUF RIVER   |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 0.06 CFS              |               |
| Total Diversion       |             |           | 0.06 CFS              |               |

Location of Point(s) of Diversion:

BATISTE SPRING|NWNWNE Lt 2|Sec. 07|Township 06S|Range 34E|POWER County

## IRRIGATION Use:

Acre Limit: 22

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 06S      | 34E   | 6       | 7   | SWSW  | 13    |     | SESW  | 0.5   |     |       |       |     |       |       |
|          |       | 7       | 2   | NWNE  | 5.9   |     |       |       |     |       |       |     |       |       |
|          |       |         | 3   | NENW  | 28    | 4   | NWNW  | 30    |     |       |       |     |       |       |

Total Acres: 77.4

## Conditions of Approval:

1. E52 The rights listed below are limited to a total combined diversion rate of 0.62 cfs. Combined Right Nos.: 29-2039, 29-4444, and 29-13955.
2. 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.
3. E56 The rights listed below are limited to the irrigation of a combined total of 76.3 acres in a single irrigation season. Combined Right Nos.: 29-2039, 29-4444, and 29-13955.
4. K06 This right is limited to the irrigation of 22 acres within the place of use described above in a single irrigation season.
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
6. K01 Right No. 29-13955 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

## Dates:

Licensed Date:

Decreed Date: 06/29/2011

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

## Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 29D

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 76.3

Combined Volume Limit:

Combined Rate Limit: 0.62

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

8/16/2018

WATER RIGHT NO. 29-13955

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                    |
|-------------------|------------------------------------------------------------------------------------------------------------|
| Current Owner     | ROWLANDS INC<br>1141 ROWLAND RD<br>POCATELLO, ID 83204-7416<br>2082381259                                  |
| Attorney          | THOMAS J BUDGE<br>RACINE OLSON NYE & BUDGE CHARTERED PO BOX 1391<br>POCATELLO, ID 83204-1391<br>2082326101 |

Priority Date: 07/23/1987

Basis: Decreed

Status: Active

| <u>Source</u>  | <u>Tributary</u> |
|----------------|------------------|
| BATISTE SPRING | PORTNEUF RIVER   |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 0.33 CFS              |               |
| MITIGATION            | 04/01       | 10/31     | 0.01 CFS              |               |
| Total Diversion       |             |           | 0.34 CFS              |               |

Location of Point(s) of Diversion:

BATISTE SPRING|NWNWNE Lt 2|Sec. 07|Township 06S|Range 34E|POWER County

IRRIGATION Use:

Acre Limit: 26.3

MITIGATION Use:

Acre Limit: 1.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 06S      | 34E   | 6       | 7   | SWSW  | 13    |     | SESW  | 0.5   |     |       |       |     |       |       |
|          |       | 7       | 2   | NWNE  | 4.8   |     |       |       |     |       |       |     |       |       |
|          |       |         | 3   | NENW  | 28    | 4   | NWNW  | 30    |     |       |       |     |       |       |

Place of Use Legal Description: MITIGATION POWER County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 06S      | 34E   | 7       | 2   | NWNE  | 1.1   |     |       |       |     |       |       |     |       |       |

Total Acres: 77.4

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.
2. E52 The rights listed below are limited to a total combined diversion rate of 0.62 cfs. Combined Right Nos.: 29-2039, 29-4444, and 29-13955.
3. E56 The rights listed below are limited to the irrigation of a combined total of 76.3 acres in a single irrigation season. Combined Right Nos.: 29-2039, 29-4444, and 29-13955.
4. K09 This right is for an enlargement of 26.3 acres within the place of use described for this right.
5. K02 This right is based upon an enlargement of Right Nos. 29-2039 and 29-4444 pursuant to Section 42-1426, Idaho Code.
6. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

83256

## Dates:

Licensed Date:

Decreed Date: 07/20/2011

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

## Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 29D

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 76.3

Combined Volume Limit:

Combined Rate Limit: 0.62

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

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- [illegible]



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Esri, HERE, Garmin, ©OpenStreetMap contributors, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

## SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on its behalf.

DATED this 6<sup>th</sup> day of JUNE, 2017.

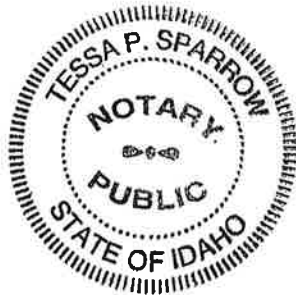
ROWLAND'S, INC.

By: *Bob Rowland*  
Name: BOB ROWLAND  
Title: Vice President

STATE OF IDAHO                     )  
                                              :SS  
County of Bannock                )

On this 6<sup>th</sup> day of June, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Bob Rowland, known or identified to me to be the Vice President of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



*Tessa Sparrow*  
NOTARY PUBLIC FOR IDAHO  
Residing at: Bannock County  
Commission expires: 10/05/2021



May 9, 2019

Sharla Cox  
Idaho Department of Water Resources  
Eastern Regional Office  
900 North Skyline Drive, Suite A  
Idaho Falls, Idaho 83402-1718

RECEIVED  
MAY 13 2019  
Department of Water Resources  
Eastern Region

**Re: Rowlands, Inc. Transfer Application**

Dear Sharla:

Enclosed is the original and one copy of an Application for Transfer of Water Right Nos. 29-2039, 29-4444 and 29-13955 submitted on behalf of Rowlands, Inc. This Application simply seeks to change the point of diversion to the location that is actually used to divert water under these water rights. Please file the original and conform stamp and return the copy in the enclosed envelope. Enclosed is a check in the amount of \$500.00 for the filing fee.

Should you have any questions, please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'T.J. Budge', with a stylized flourish at the end.

T.J BUDGE