



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

August 31, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Steven Rowlan
Nikki Sue Rowlan
544 S 1400 W
Pingree ID 83262

RE: Notice of Change in Water Right Ownership
Water Rights: 35-7502

Dear Sir/Madam:

On April 11, 2012, you filed a Notice of Change in Water Right Ownership (ownership change) with the Idaho Department of Water Resources (IDWR), seeking to update the ownership records for the water rights listed above. After an initial review, we determined that you did not include the proper filing fee (1 water rights x \$100.00 per water right = \$100.00). The ownership change only included a check for \$25.00, for a change not resulting in a division of the water right. On June 13, 2012 we sent a letter requesting the additional filing fee of \$75.00 or additional information. The additional fee or information was to be provided within 30 days.

During our investigation we had discussed another option of getting a Quit Claim Deed from Shawn and Chris Gardner for the entire water right. There are approx 4 acres of the place of use of the water right within the 20 acre parcel retained by the Gardners.

IDWR has never received a response to the request. Without the proper filing fee, we cannot complete the ownership change. We are therefore returning your original ownership change and have initiated a refund of your money (\$25.00). The refund from the state of Idaho will arrive at the address listed on the check, paid to Gary Ternus within a couple of weeks.

Please feel free to re-file your ownership change at any time in the future when you have collected the proper documentation of ownership and have included the correct filing fee.

If you have any questions, please contact me at (208) 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 11 2012

Department of Water Resources
Eastern Region

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
35-7502	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Shawn and Chris Gardner
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Steven Jerry Rowlan
Name of each new owner as listed on the conveyance document

Nikki Sue Rowlan
New owner continued ☒ and ☐ or ☐ and/or

544 S. 1400 W.
Mailing address

Boa Pingree ID 83262
City State ZIP

208-360-9661 rowlan-11@yahoo.com
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ 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.

5. Date you acquired the water rights and/or claims listed above: 03/15/2012

6. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed. (recorded) Full Chain Nii - Gardner / Gardner - Rowlan
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - o \$25 per undivided water right.
 - o \$100 per split water right.
 - o No fee is required for pending adjudication claims.

7. Signature: Steven Jerry Rowlan
Signature of new owner/claimant

Title, if applicable 3-25-12
Date

Signature: Nikki Sue Rowlan
Signature of new owner/claimant

Title, if applicable 3-25-12
Date

For IDWR Office Use Only:

Received by JTB Date 4/16/2012 Receipt No. E037494 Receipt Amt. \$25.-

Approved by _____ Processed by _____ Date _____

Refund Request sent 8/31/2012

RECORDING REQUESTED BY
First American Title Company

573786

BLINGHAM COUNTY, IDAHO
BLACKFOOT, IDAHO

FEE 6- DEP OM

AND WHEN RECORDED MAIL TO:

First American Title Company
168 West Pacific/P.O. Box 868
Blackfoot, ID 83221

2006 NOV -6 PM 2: 37

RECORDED AT THE REQUEST OF

FIRST AMERICAN TITLE COMPANY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **187715-B (vb)**

Date: **November 01, 2006**

For Value Received, **Amy Nii, as Trustee of the Tsuneo Nii Testamentary Trust, and Amy Nii, a widow, as her respective interests may appear**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Shawn Gardner and Chris Gardner, husband and wife**, hereinafter called the Grantee, whose current address is **565 North Ash, Blackfoot, ID 83221**, the following described premises, situated in **Bingham County, Idaho**, to-wit:

Township 3 South, Range 33 E.B.M., Bingham County, Idaho

Section 2: S $\frac{1}{2}$ SW $\frac{1}{4}$; EXCEPT: Beginning at the NW corner of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 2 and running thence East 25 feet along the North line of the S $\frac{1}{2}$ SW $\frac{1}{4}$; thence S. 00°02'59" W. parallel to and 25 feet distance from the West line of Section 2 approximately 1318.77 feet to the South line of said Section 2; thence West 25.00 feet to the SW corner of said Section 2; thence N. 00°02'59" E. approximately 1318.77 feet along the West line of said Section 2 to the Point of Beginning. ALSO EXCEPT: That portion lying within the following described legal: Beginning at the NW corner of Section 11, Township 3 South, Range 33 E.B.M., thence South 25 feet; thence East 2640 feet; thence North 50 feet; thence West 2640 feet; thence South 25 feet to the point of beginning.

Section 11: N $\frac{1}{2}$ NW $\frac{1}{4}$; EXCEPT: Beginning at a point that is S. 00°00'16" W. 603.53 feet along the West line of said Section 11 to the TRUE POINT OF BEGINNING, all from the NW corner of said Section 11, and running thence S. 89°59'44" E. 290.00 feet; thence S. 00°00'16" W. 226.57 feet; thence N. 89°59'44" W. 290.00 feet; thence N. 00°00'16" E. 226.57 feet along said Section line to the POINT OF BEGINNING. ALSO EXCEPT: All that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 11, lying South of the Northerly right-of-way line of the Rockford Canal. ALSO EXCEPT: That portion lying within the following described legal: Beginning at the NW corner of Section 11, Township 3 South, Range 33 E.B.M., thence South 25 feet; thence East 2640 feet; thence North 50 feet; thence West 2640 feet; thence South 25 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 11/01/2006

Warranty Deed
- continued

File No.: 187715-B (vb)

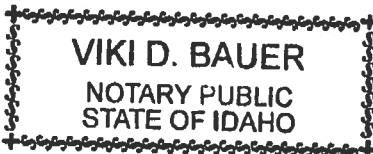
Amy Nii
Amy Nii

Amy Nii, as Trustee of the Tsuneo Nii
Testamentary Trust

Amy Nii
Amy Nii, Trustee

STATE OF Idaho)
SS.
COUNTY OF Bingham)

On this **3rd day of November, 2006**, before me, a Notary Public in and for said State, personally appeared **Amy Nii**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



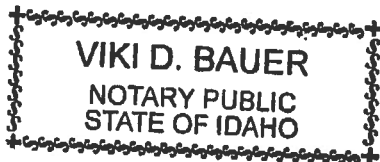
Viki D Bauer
Notary Public for the State of Idaho
Residing at: Blackfoot, ID
My Commission Expires: 03/29/08

STATE OF Idaho)
SS.
COUNTY OF Bingham)

On this **3rd day of November, 2006**, before me, a Notary Public in and for said State, personally appeared **Amy Nii**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Trustee of the **Tsuneo Nii Testamentary Trust** Trust, and acknowledged to me that she executed the same as such Trustee.

Viki D Bauer
Notary Public of Idaho
Residing at: Blackfoot, ID
Commission Expires: 03/29/08

573786



RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific/P.O. Box 868
Blackfoot, ID 83221

Instrument # 636454
BINGHAM COUNTY, IDAHO
2012-03-16 10:05:32 AM No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE - BLACKFO
SARA J. STAUB Fee: \$16.00
Ex-Officio Recorder Deputy CMiles
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **406516-B (vb)**

Date: **March 08, 2012**

For Value Received, **Shawn Gardner and Chris Gardner, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Steven Jerry Rowlan and Nikki Sue Rowlan, husband and wife**, hereinafter called the Grantee, whose current address is **544 South 1400 West, Pingree, ID 83262**, the following described premises, situated in **Bingham County, Idaho**, to-wit:

PARCEL 1:

TOWNSHIP 3 SOUTH, RANGE 33 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO.

SECTION 2: S $\frac{1}{2}$ SW $\frac{1}{4}$

EXCEPT THEREFROM A PARCEL OF LAND LOCATED IN THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 33 E., B.M., BINGHAM COUNTY, IDAHO DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF SAID SECTION 2; THENCE SOUTH 89°24'22" EAST (THE BASIS OF BEARINGS PER THE IDAHO STATE PLANE COORDINATE SYSTEM) ALONG THE SOUTH LINE OF SAID SECTION 2, A DISTANCE OF 25.00 FT TO THE POINT OF BEGINNING BEING MARKED BY A $\frac{1}{2}$ INCH REBAR; THENCE CONTINUING SOUTH 89°24'22" EAST, ALONG THE SOUTH LINE OF SAID SECTION 2, A DISTANCE OF 671.61 FT. TO A $\frac{1}{2}$ INCH REBAR; THENCE NORTH 0°01'01" WEST, PARALLEL TO THE WEST LINE OF SAID SECTION 2, A DISTANCE OF 1293.82 FT. TO A POINT THAT IS 25 FEET SOUTH OF THE NORTH LINE OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 2 AND TO A $\frac{1}{2}$ INCH REBAR; THENCE NORTH 89°24'26" WEST, PARALLEL TO THE SAID NORTH LINE, A DISTANCE OF 671.61 FT. TO A POINT THAT IS 25.00 FEET EAST OF THE WEST LINE OF SAID SECTION 2 BEING MARKED BY A $\frac{1}{2}$ INCH REBAR; THENCE SOUTH 0°01'01" EAST, PARALLEL TO THE WEST LINE OF SAID SECTION 2, A DISTANCE OF 1293.82 FT. TO THE POINT OF BEGINNING

ALSO EXCEPT: BEGINNING AT THE NW CORNER OF THE S $\frac{1}{2}$ SW $\frac{1}{4}$ OF SAID SECTION 2 AND RUNNING THENCE EAST 25 FEET ALONG THE NORTH LINE OF THE S $\frac{1}{2}$ SW $\frac{1}{4}$; THENCE S. 00°02'59" W. PARALLEL TO AND 25 FEET DISTANCE FROM THE WEST LINE OF SECTION 2 APPROXIMATELY 1318.77 FEET TO THE SOUTH LINE OF SAID SECTION 2; THENCE WEST 25.00 FEET TO THE SW CORNER OF SAID SECTION 2; THENCE N. 00°02'59" E. APPROXIMATELY 1318.77 FEET ALONG THE WEST LINE OF SAID SECTION 2 TO THE POINT OF BEGINNING.

ALSO EXCEPT: THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED LEGAL: BEGINNING AT THE NW CORNER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 33 E.B.M., THENCE SOUTH 25 FEET; THENCE EAST 2640 FEET; THENCE NORTH 50 FEET; THENCE WEST 2640 FEET; THENCE SOUTH 25 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

**TOWNSHIP 3 SOUTH, RANGE 33 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO.
SECTION 11: N $\frac{1}{2}$ NW $\frac{1}{4}$**

EXCEPT: BEGINNING AT A POINT THAT IS S. 00°00'16" W. 603.53 FEET ALONG THE WEST LINE OF SAID SECTION 11 TO THE TRUE POINT OF BEGINNING, ALL FROM THE NW CORNER OF SAID SECTION 11, AND RUNNING THENCE S. 89°59'44" E. 290.00 FEET; THENCE S. 00°00'16" W. 226.57 FEET; THENCE N. 89°59'44" W. 290.00 FEET; THENCE N. 00°00'16" E. 226.57 FEET ALONG SAID SECTION LINE TO THE POINT OF BEGINNING.

ALSO EXCEPT: ALL THAT PORTION OF THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SAID SECTION 11, LYING SOUTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE ROCKFORD CANAL.

ALSO EXCEPT: THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED LEGAL: BEGINNING AT THE NW CORNER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 33 E.B.M., THENCE SOUTH 25 FEET; THENCE EAST 2640 FEET; THENCE NORTH 50 FEET; THENCE WEST 2640 FEET; THENCE SOUTH 25 FEET TO THE POINT OF BEGINNING.

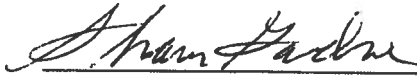
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

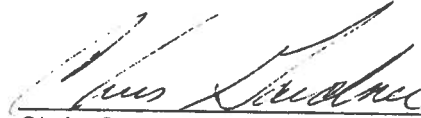
Date: 03/08/2012

Warranty Deed
- continued

File No.: 406516-B (vb)



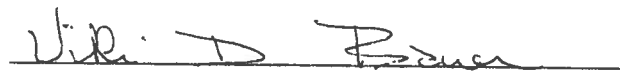
Shawn Gardner



Chris Gardner

STATE OF Idaho)
SS.
COUNTY OF Bingham)

On this 15 day of March, 2012, before me, a Notary Public in and for said State, personally appeared **Shawn Gardner and Chris Gardner**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.


Notary Public for the State of Idaho
Residing at: Blackfoot
My 3/29/14 Commission Expires:

