

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 28 2025

DEPT. OF WATER RESOURCES  
EASTERN REGION

## APPLICATION FOR TRANSFER OF WATER RIGHT

## GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website ([idwr.idaho.gov](http://idwr.idaho.gov)). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

## PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) BBMIW LLC  
Mailing Address 440 N 600 E Hyde Park, UT 84318  
Email\* rowlansteven@gmail.com Phone 704-996-9324  
Name of Representative (if any) Steven Rowlan, Manager  
Mailing Address \_\_\_\_\_  
Email\* \_\_\_\_\_ Phone \_\_\_\_\_

\*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

**A. Representative.** If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

**B. Current Owner.** If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

**C. Updating Ownership Records.** Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

**D. Business Entities.** If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☒ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

**E. Approval of Irrigation Delivery Entity.** Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

**F. Encumbered Properties.** If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

**G. Legal Access.** If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

## PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

**A. Current Water Rights.** For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website ([idwr.idaho.gov](http://idwr.idaho.gov)). Label water right reports as Attachment 2A.

**B. Map of Current System.** Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

**C. Current Location of Irrigated Acres.** If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☒ N/A. This application does not propose to change the place of use or nature or use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

**Current Location of Irrigated Acres to be Changed**

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Acre Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|-------------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

Total Irrigated Acres to be Changed: \_\_\_\_\_

**PART 3 – DESCRIPTION OF PROPOSED CHANGES**

**A. Purpose of Transfer.** Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- |                                                       |                                                                          |
|-------------------------------------------------------|--------------------------------------------------------------------------|
| <input type="checkbox"/> Change point(s) of diversion | <input checked="" type="checkbox"/> Change place of use                  |
| <input type="checkbox"/> Add point(s) of diversion    | <input type="checkbox"/> Change period of use                            |
| <input type="checkbox"/> Change nature of use         | <input checked="" type="checkbox"/> Update water right ownership records |

**B. Proposed Changes.** Describe the proposed changes in narrative form:

This application proposes to update the place of use for water right 35-7502 to reflect the current configuration of the irrigation system.

---



---



---



---



---



---

**C. Summary of Proposed Changes.**

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

| All or Part                         |                          | Right Number | Amount<br>(cfs/af) | Nature of Use | Period of Use | Source       |
|-------------------------------------|--------------------------|--------------|--------------------|---------------|---------------|--------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 35-7502      | 2.06 cfs           | Irrigation    | 4/1 to 11/1   | Ground Water |
| <input type="checkbox"/>            | <input type="checkbox"/> |              |                    |               | to            |              |
| <input type="checkbox"/>            | <input type="checkbox"/> |              |                    |               | to            |              |
| <input type="checkbox"/>            | <input type="checkbox"/> |              |                    |               | to            |              |
| <input type="checkbox"/>            | <input type="checkbox"/> |              |                    |               | to            |              |
| <input type="checkbox"/>            | <input type="checkbox"/> |              |                    |               | to            |              |
| <input type="checkbox"/>            | <input type="checkbox"/> |              |                    |               | to            |              |
| <input type="checkbox"/>            | <input type="checkbox"/> |              |                    |               | to            |              |
| <input type="checkbox"/>            | <input type="checkbox"/> |              |                    |               | to            |              |
| <input type="checkbox"/>            | <input type="checkbox"/> |              |                    |               | to            |              |
| <input type="checkbox"/>            | <input type="checkbox"/> |              |                    |               | to            |              |

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

**Total Amount of Water Rights Proposed to be Changed:** 0.08 cfs and/or \_\_\_\_\_ af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☒ **N/A. This application does not propose to add or change any points of diversion.**

**Proposed Points of Diversion**

| New? | Twp | Rge | Sec | Lot | 1/4 | 1/4 | 1/4 | County | Source | Diversion Name/Number |
|------|-----|-----|-----|-----|-----|-----|-----|--------|--------|-----------------------|
|      |     |     |     |     |     |     |     |        |        |                       |
|      |     |     |     |     |     |     |     |        |        |                       |
|      |     |     |     |     |     |     |     |        |        |                       |
|      |     |     |     |     |     |     |     |        |        |                       |
|      |     |     |     |     |     |     |     |        |        |                       |
|      |     |     |     |     |     |     |     |        |        |                       |

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ **N/A. This application does not propose to change the place of use.**

**Proposed Place of Use**

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Acre Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|-------------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |             |
| 03S | 33E | 2   |      |    |    |    |      |    |    |    |      |    | 19 | 38 |      |    |    |    | 57          |
|     |     | 11  |      |    |    |    | 20   | 26 |    |    |      |    |    |    |      |    |    |    | 46          |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

**Total Irrigated Acres:** 103

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

**PART 4 – ADDITIONAL INFORMATION**

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

#### A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2.

Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☐ No.

#### B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

None.

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

N/A. Point of diversion will not change.

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 120. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☒ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website ([idwr.idaho.gov](http://idwr.idaho.gov)). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

### C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

None. Aberdeen-Springfiled Canal Company shares were moved off of property prior to the Snake River Basin Adjudication. Property is no longer in service area for ASCC.

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

None. Aberdeen-Springfiled Canal Company shares were moved off of property prior to the Snake River Basin Adjudication. Property is no longer in service area for ASCC.

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☒ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website ([idwr.idaho.gov](http://idwr.idaho.gov)). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes

No

☐☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website ([idwr.idaho.gov](http://idwr.idaho.gov)). Label the Form as Attachment 4C-7.

☐☒

currently used in a mitigation plan limiting the use of water under the right?

☐☒

subject to an agreement not to divert (CREP)?

☐☒

currently enrolled in a federal set-aside program (CRP)?

**D. Local Public Interest**

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

**E. Conservation of Water Resources**

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

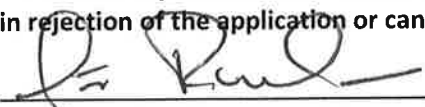
Water diverted at ground water well distributed through wheel lines for sprinkler irrigation.

**PART 5 – FILING FEE AND SIGNATURE**

**A. Filing Fee.** Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

**B. Affidavit of Applicant or Representative:**

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

|                                                                                     |                                     |                  |
|-------------------------------------------------------------------------------------|-------------------------------------|------------------|
|  | <u>Steven Rowland Manager</u>       | <u>2/28/2025</u> |
| Signature of Applicant or Representative*                                           | Print Name and Title, if applicable | Date             |
| <br>                                                                                | <br>                                | <br>             |
| Signature of Applicant or Representative*                                           | Print Name and Title, if applicable | Date             |

\*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

**FOR DEPARTMENT USE ONLY**

|                           |                           |                        |                        |
|---------------------------|---------------------------|------------------------|------------------------|
| Fee Paid: \$ <u>225.-</u> | Receipt #: <u>E050682</u> | Date: <u>2/28/2025</u> | Received by: <u>JB</u> |
| Add'l Paid: \$ _____      | Receipt #: _____          | Date: _____            | Received by: _____     |

89627

**RECORDING REQUESTED BY**  
First American Title Company

573786

BLINGHAM COUNTY, IDAHO  
BLACKFOOT, IDAHO  
FEE 60 DEP CM

**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 Nil, as Trustee of the Tsuneo Nil Testamentary Trust, and Amy Nil, 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 Blingham County, Idaho, to-wit:

Township 3 South, Range 33 E.B.M., Blingham 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)

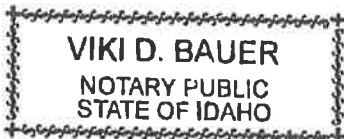
Amy Nii  
Amy Nii

Amy Nii, as Trustee of the Tsuneo Nii  
Testamentary Trust

Amy Nii  
Amy Nii, Trustee

STATE OF Idaho )  
SS.  
COUNTY OF Bingham )

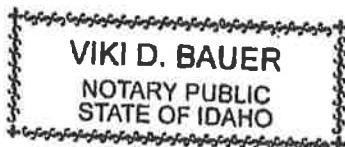
On this **3rd day of November, 2006**, before me, a Notary Public in and for said State, personally appeared **Amy Nii**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



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:**

**89627**

**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.**

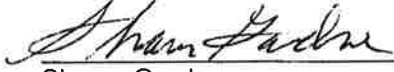
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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

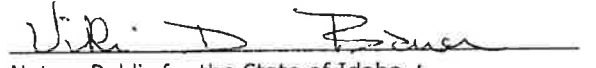
File No.: 406516-B (vb)

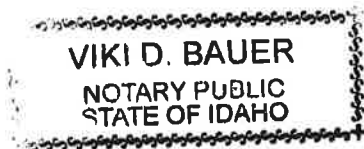
  
Shawn Gardner

  
Chris Gardner

STATE OF Idaho )  
COUNTY OF Bingham )  
SS.

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:



AFTER RECORDING MAIL TO:

RECEIVED

JUN 28 2012

Department of Water Resources  
Eastern Region

Instrument # 647304

BINGHAM COUNTY

3-14-2013

11:59:40 No. of Pages: 1

Recorded for: STEVEN ROWLAN

SARA J. STAUB

Fee: 10.00

Ex-Officio Recorder Deputy

CR

Space Above This Line for Recorder's Use Only

QUITCLAIM DEED

Date: 05/12/2012

For Value Received, by Shawn B Gardner, & Chris Gardner do(es) hereby convey, release, remise, and forever quit claim unto Steven Jerry & Nikki Sue Rowlan whose address is 544 S. 1400 W. Pingree ID, herein after called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit:  
water right # 35-7502

together with its appurtenances.

Dated: 6-18-12

Shawn B Gardner / Chris Gardner

STATE OF Idaho )  
COUNTY OF Bingham )

GINA WIXOM  
NOTARY PUBLIC  
STATE OF IDAHO

On this June 18, 2012, before me, a Notary Public in and for said State, personally appeared Shawn B Gardner & Chris Gardner known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that executed the same.

Gina Wixom  
Notary Public of Idaho  
Residing at: Blackfoot ID  
Commission Expires: January 2014

647304

89627

Instrument # 692902

BINGHAM COUNTY

12-18-2017 02:20:45 PM No. of Pages: 2

Recorded for : 2113 STEVEN ROWLAN

PAMELA W. ECKHARDT

Ex-Officio Recorder Deputy

Fee: 15.00

## QUITCLAIM DEED

**FOR VALUE RECEIVED,**

**Steven Jerry Rowlan and Nikki Sue Rowlan (husband and wife)**

do hereby convey, release, remise and forever quitclaim unto

**BBMIW LLC**

whose current address is:

440 N 600 E  
Hyde Park, UT 84318

the following described premises:

Exhibit A

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: 12/18/17



**Steven Jerry Rowlan**



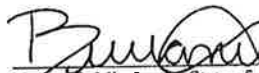
**Nikki Sue Rowlan**

State of Idaho ) ss  
County of Bingham )

On this 18<sup>th</sup> day of December, 2017, before me, Brittany Carlson,  
a Notary Public in and for said state, personally appeared Steven Jerry Rowlan & Nikki Sue Rowlan  
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 same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in  
this certificate first above written.



  
Notary Public for the State of Idaho  
Residing at: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_  
RESIDES IN  
BLACKFOOT  
EXPIRES 01-16-2019

# Exhibit A

**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.

692902



0005647338

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State  
PO Box 83720  
Boise, ID 83720-0080  
(208) 334-2301  
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0005647338

Date Filed: 3/14/2024 12:28:12 PM

## Entity Name and Mailing Address:

Entity Name: BBMIW LLC  
The file number of this entity on the records of the Idaho  
Secretary of State is: 0000343644  
Address: 440 N 600 E  
HYDE PARK, UT 84318-3309

## Entity Details:

Entity Status: Active-Existing  
This entity is organized under the laws of: IDAHO  
If applicable, the old file number of this entity on the records of  
the Idaho Secretary of State was: W111594

## The registered agent on record is:

Registered Agent: STEVEN J ROWLAN  
Registered Agent  
Physical Address  
2146 W 850 S  
STERLING, ID 83262  
Mailing Address

## Limited Liability Company Managers and Members

| Name            | Title   | Business Address                   |
|-----------------|---------|------------------------------------|
| Steven J Rowlan | Manager | 440 N 600 E<br>HYDE PARK, UT 84318 |
| Nikki S Rowlan  | Member  | 440 N 600 E<br>HYDE PARK, UT 84318 |

The annual report must be signed by an authorized signer of the entity.

Job Title: Manager

Steven J Rowlan03/14/2024

Sign Here

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 SRBA  
Case No. 39576

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 35-07502

2002 FEB 15 AM 9:06

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: AMY NII  
119 S 1400 W  
PINGREE, ID 83262

SOURCE: GROUNDWATER

QUANTITY: 2.06 CFS  
412.00 AFY

PRIORITY DATE: 04/25/1975

POINT OF DIVERSION: T03S R33E S11 NWNW Within Bingham County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 04-01 TO 11-01 | 2.06 CFS<br>412.00 AFY |

| PLACE OF USE: | Irrigation                        | Within Bingham County |
|---------------|-----------------------------------|-----------------------|
|               | T03S R33E S02 SWSW 21.0 SESW 34.0 |                       |
|               | S11 NENW 22.0 NWNW 26.0           |                       |
|               | 103.0 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).

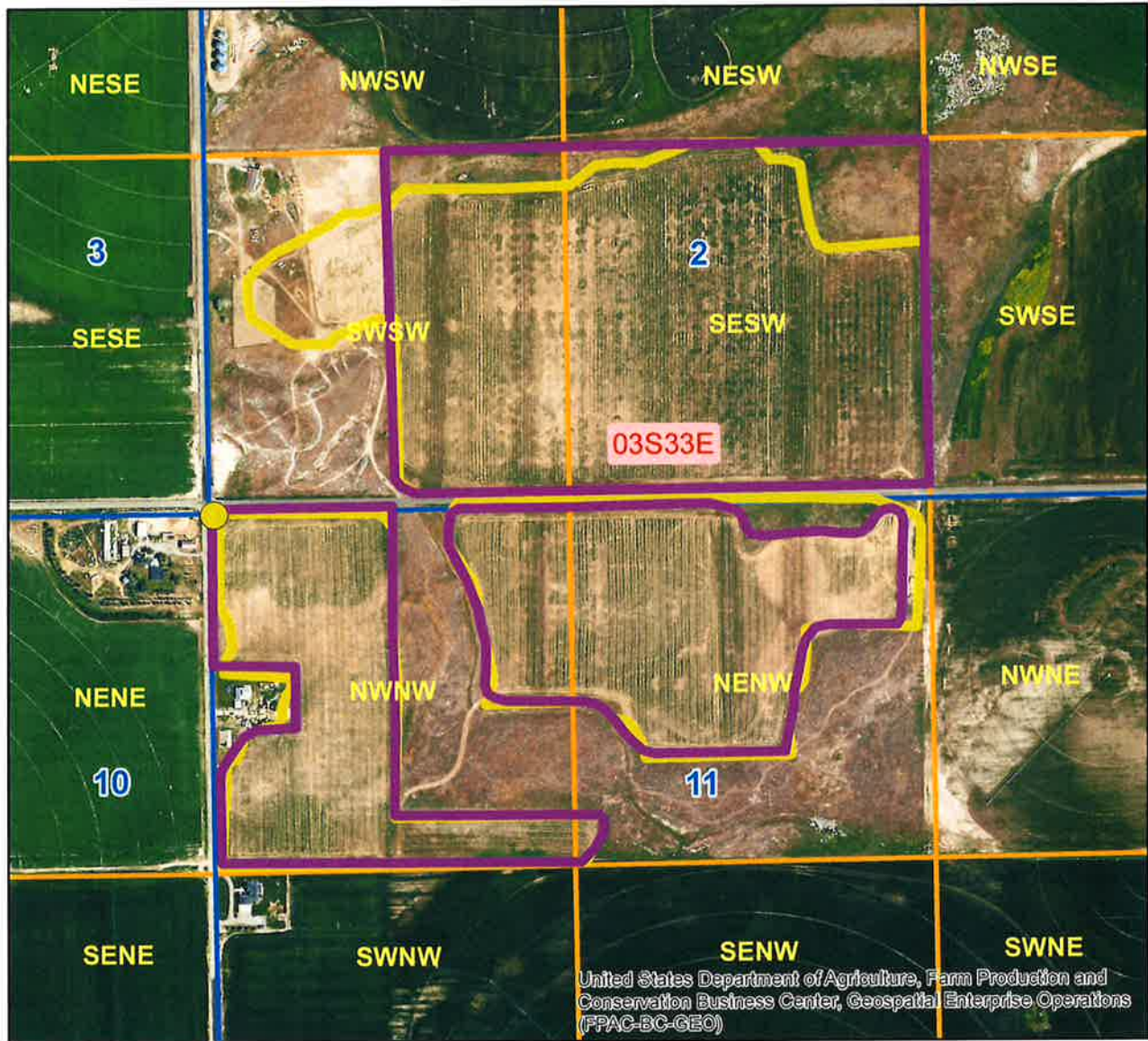
RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

*Roger Burdick*

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

# Application for Transfer - BBMIW LLC



- Water Right POD
- 35-7502\_Proposed
- Township/Range
- Sections
- QQ
- Water Right POU

0 375 750 1,500 Feet



Application for Transfer – BBMIW LLC  
Water Right 35-7502

Attachment 4A-2

Part 4A-2

Water right 35-7502 authorizes 103 acres of irrigation. We purchased the property in March 2012. Prior to that time, 103 acres were regularly irrigated. For example, 2011 aerial imagery shows at least 103 acres of irrigation. Beginning in 2015, a portion of the acres have been held unirrigated to satisfy the requirements of the 2015 IGWA Mitigation Plan.

## MEMORANDUM

**Date:** March 6, 2025  
**To:** Transfer 89627  
**From:** Jon Davidson  
**Re:** Legal Notice Not Required

Legal Notice Not Required  
3/6/2025

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.