

RECEIVED

JUL 01 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 30 2009

By

Clerk
Deputy Clerk

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

) Subcase: 29-04443, 29-04444 and
) 29-04445

) ORDER GRANTING MOTIONS TO FILE
) LATE NOTICE OF CLAIM
)

On January 28, 2009, Rowland's Inc. filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on April 21, 2009. No party appeared in opposition to the *Motions to File Late Notice of Claim*, however, following the hearing the Court referred this matter to a special master to make findings consistent with the I.R.C.P. 55(s) standard.

On June 26, 2009, Special Master Brigitte Bilyeu issued a *Special Master's Report and Recommendation on Motions to File Late Claim* recommending the late claims be granted. No party appeared in opposition to the motion in conjunction with the proceedings before the special master. Although the time for filing a *Motion to Alter or Amend* to the *Special Master's Report and Recommendation* has not expired, the Court can find no reason to delay the issuance of this *Order* and will forward the late claim to IDWR for investigation and reporting.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for the above-captioned water rights are **granted**.

The original Notice of Claim for each right, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation

for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated June 30, 2009.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on June 30,
2009, with sufficient first-class postage to the following:

ROWLAND'S INC

Represented by:

BUDGE, THOMAS J

201 E CENTER ST

PO BOX 1391

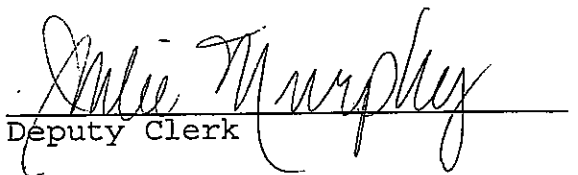
POCATELLO, ID 83204-1391

Phone: 208-232-6101

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first and last names being clearly legible despite the cursive style.

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 29-4443
Date Received: 2/18/2009
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROWLANDS INC Phone: (208)238-1259

1141 ROWLAND RD
POCATELLO ID USA 83204-7416

2. Date of Priority: 08/17/1949

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	34E	7	NW NE 2	POWER	

5. Description of diverting works:

Well, 10" diameter casing, 160 feet deep, 25 hp.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	1/01	12/31	0.3	
DOMESTIC	1/01	12/31	0.04	

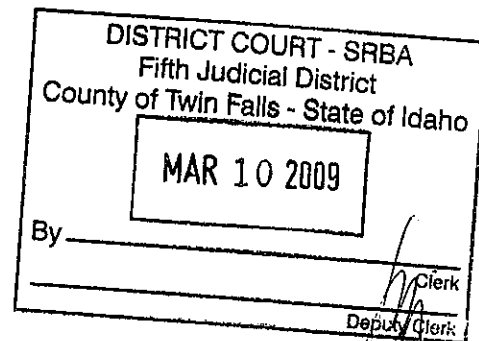
7. Total Quantity Appropriated is:
0.3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06S	34E	7	NW NE 2	INDUSTRIAL	
			NW NE 2	DOMESTIC	



11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Well is used to supply water to seven households and industrial use associate with processing and packaging milk at Rowlands Inc., same location.

15. Basis of Claim: Beneficial Use

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 Organizations:

I do solemnly swear or affirm under penalty of perjury that I am

V-PRESIDENT of ROWLAND'S INC
Title Organization

that I have signed the foregoing document in the space below as

V-PRESIDENT of ROWLAND'S INC
Title Organization

and that the statements contained in the foregoing document are true and correct.

Bob Rowland
Signature of Authorized Agent

V-PRES ROWLAND'S INC
Title and Organization

3-9-09
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

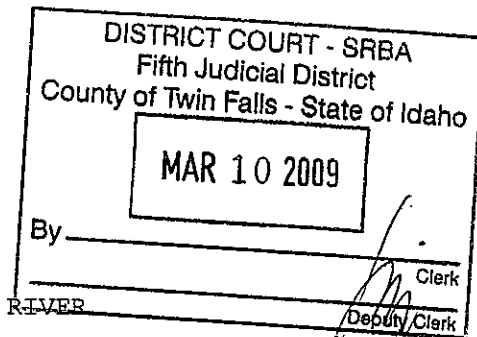
CIVIL CASE NUMBER: 39576

Ident. Number 29-4444
Date Received: 12/29/2008
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROWLANDS INC Phone: (208)238-1259
1141 ROWLAND RD
POCATELLO ID USA 83204-7416



2. Date of Priority: 03/01/1940

3. Source: BAPTISTE SPRING Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	34E	7	NW NW 4	POWER	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1	

7. Total Quantity Appropriated is:
1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06S	34E	7	NW NE	IRRIGATION	10
			NE NW	IRRIGATION	30
			NW NW	IRRIGATION	10
Section Acres					50

Total Acres 50

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Statutory Claim

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 Organizations:

I do solemnly swear or affirm under penalty of perjury that I am

V-PRESIDENT of ROWLAND'S INC
Title Organization

that I have signed the foregoing document in the space below as

V-PRESIDENT of ROWLAND'S INC
Title Organization

and that the statements contained in the foregoing document are true and correct.

Bob Rowland
Signature of Authorized Agent

V-PRESIDENT / ROWLAND'S INC
Title and Organization

3-9-09
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 29-4445
Date Received: 12/29/2008
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROWLANDS INC Phone: (208)238-1259
1141 ROWLAND RD
POCATELLO ID USA 83204-7416

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 10 2009	
By _____	Clerk
_____	Deputy Clerk

2. Date of Priority: 06/01/1930

3. Source: SPRING Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	34E	7	NW NE	POWER	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	01/01	12/31	0.25	

7. Total Quantity Appropriated is:
0.25 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06S	34E	7	NW NE	INDUSTRIAL	

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Statutory Claim

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 Organizations:

I do solemnly swear or affirm under penalty of perjury that I am

V-PRESIDENT of ROWLAND'S INC
Title Organization

that I have signed the foregoing document in the space below as

V-PRESIDENT of ROWLAND'S INC
Title Organization

and that the statements contained in the foregoing document are true and correct.

Dore Rowland
Signature of Authorized Agent

V-PRESIDENT/ROWLAND'S INC
Title and Organization

3-9-09
Date

Idaho Department of Water Resources Receipt

Receipt ID: C088918

Payment Amount	\$25.00	Date Received	7/1/09 11:33	Region	STATE
Payment Type	Check	Check Number	7488		
Payer	ROWLAND'S INC.				

Comments Subcase: 29-4443

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$25.00	ADJUDICATION FILING FEE	0337		41503	1155

SR7

Signature Line (Department Representative)

Idaho Department of Water Resources Receipt

Receipt ID: C088919

Payment Amount	\$105.00	Date Received	7/1/09 11:36	Region	STATE
Payment Type	Check	Check Number	7505		
Payer	ROWLAND'S INC				

Comments Subcase: 29-4443

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$105.00	ADJUDICATION FILING FEE	0337		41503	1155

SRT

Signature Line (Department Representative)

Idaho Department of Water Resources Receipt

Receipt ID: C088920

Payment Amount	\$75.00	Date Received	7/1/09 11:38	Region	STATE
Payment Type	Check	Check Number	7489		
Payer	ROWLAND'S INC.				

Comments Subcase: 24-4445

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$75.00	ADJUDICATION FILING FEE	0337		41503	1155

SRJ

Signature Line (Department Representative)

Idaho Department of Water Resources Receipt

Receipt ID: C088921

Payment Amount	\$100.00	Date Received	7/1/09 11:39	Region	STATE
Payment Type	Check	Check Number	7490		
Payer	ROWLAND'S INC.				

Comments Subcase: 29-4444

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$100.00	ADJUDICATION FILING FEE	0337		41503	1155

S R 7

Signature Line (Department Representative)