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DEPARTMENT OF
WATER RESOURCES

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

OCT - 7 2010

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) Water Right Claims: 29-13955, 29-13956,
Case No. 39576) 29-13957 and 29-13958
)
) ORDER GRANTING LATE NOTICES
) OF CLAIM
)
)

On August 18, 2010, Claimant Rowlands Inc., through its attorney of record Thomas J. Budge, filed a *Motion to File Late Notice of Claim* for each of the above-captioned water right claims. Accompanying the *Motions* was a letter notifying the Court that the *Late Notices of Claim* relate to various other water right claims previously filed by Claimant and presently pending in the SRBA.¹ Claimant requested that the *Motions* be granted by leave of the Court without a hearing so that the *Late Notices of Claim* could be included in the Fall 2010 *Late and Miscellaneous Claims Director's Report* in order to proceed with Claimant's other pending claims. The Court declined to grant the *Motions* without a hearing but treated Claimant's request as a motion to have its *Motions* heard on an expedited basis.

An *Order Conditionally Granting Motion for Expedited Hearing; Order of Reference to Special Master Bilyeu* ("Order") was entered by this Court on August 27, 2010, conditionally granting Claimant's *Motion for Expedited Hearing* and referring the matter to Special Master Bilyeu to conduct all necessary proceedings on the issue of whether the *Motions* should be granted. Pursuant to the *Order*, Claimant was required to, and did, send a copy of the *Order* and its *Motions to File Late Notice of Claim* to all

¹ *Motions to File Late Notice of Claim* for water rights 29-04443, 29-04444 and 29-04445 were granted and are awaiting reporting by IDWR. Also pending are *Motions to Set Aside Partial Decrees* for water right claims 29-11278 and 29-4443A.

parties listed in *SRBA Administrative Order section 6.e.(2)* and each party appearing on the *Court Certificate of Mailing for Expedited Hearings*.²

On October 1, 2010, a *Special Master's Report and Recommendation* was filed recommending that Claimant's *Motions to File Late Claim* for the above-captioned water right claims be granted.

The purpose of the expedited hearing on the *Motions* in this case was to allow for the Idaho Department of Water Resources ("IDWR") to include, if possible, recommendations for the *Late Notices of Claim* in the forthcoming Fall 2010 *Late and Miscellaneous Claims Director's Report* so that the claims may proceed with Claimant's related pending claims. This Court therefore finds that in limited circumstances such as this where there is good cause for hearing a *Motion to File Late Notice of Claim* on an expedited basis, and the claimant serves process of the *Motion* on all parties listed in *SRBA Administrative Order*, Section 6.e.(2) and on each person on the *Court Certificate of Mailing for Expedited Hearings*, the issuance of an order granting the *Late Claim* prior to the expiration of the deadline to file a *Motion to Alter or Amend* is appropriate. All parties to the adjudication still the opportunity to file a *Standard Form 1 Objection* to a recommendation in the Director's Reports for the above-captioned claims pursuant to *SRBA Administrative Order 1*, Section 4d.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

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

The original Notices of Claim, 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.

Dated October 7, 2010.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

² See the *Certificate of Service* filed by Claimant in the above-captioned subcases on September 10, 2010.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING LATE NOTICES OF CLAIM was mailed on October 07, 2010, with sufficient first-class postage to the following:

ROWLANDS 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


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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number 29-13955

Date Received: _____

Receipt No: _____

Received By: _____

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Rowlands Inc. Phone (208) 238-1259

Mailing Address 1141 Rowland Rd Pocatello ID 83204-7416
Street or Box City State ZIP

2. Date of Priority (Only one (1) per claim) 03/01/1975
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Batiste Spring
which is tributary to (b) Portneuf River

4. a. Location of Point of Diversion is: Township 6S, Range 34E, Section 7,
NENE, 1/4 of NW, 1/4 Govt. Lot _____, BM., County of Power

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. concrete channel w/vertical slots in which boards are placed

horizontally to create a dam and pool of water from which a 100 hp motor drives a vertical pump mounted to
the concrete channel. The pump delivers water to a buried 8" mainline for approximately 1000' to the base
of a center pivot irrigation system. Both a portable 6" mainline and a buried 6" mainline branch from the 8"
mainline to deliver water to hand lines for irrigation of the land that the center pivot does not cover.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 0.38 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.38 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.)

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	34E	6S											9						9
6S	34E	7S						10											10

Parcel (PIN) no(s).

Total number of acres irrigated 19

10. In which county (ies) are lands listed above as place of use located? Power

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is 'No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

29-2039, 29-4444

or None ()

13. Remarks:

Last Name Rowlands

Identification No. 29-13955

14. Basis of Claim (Check One) Beneficial Use (✓) Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Snake River Basin Adjudication." (b.) I/We do () do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

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

_____ of _____
Title Organization

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

_____ of _____
Title Organization

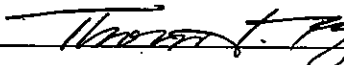
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization Thomas J. Budge, Attorney

16. Notice of Appearance:

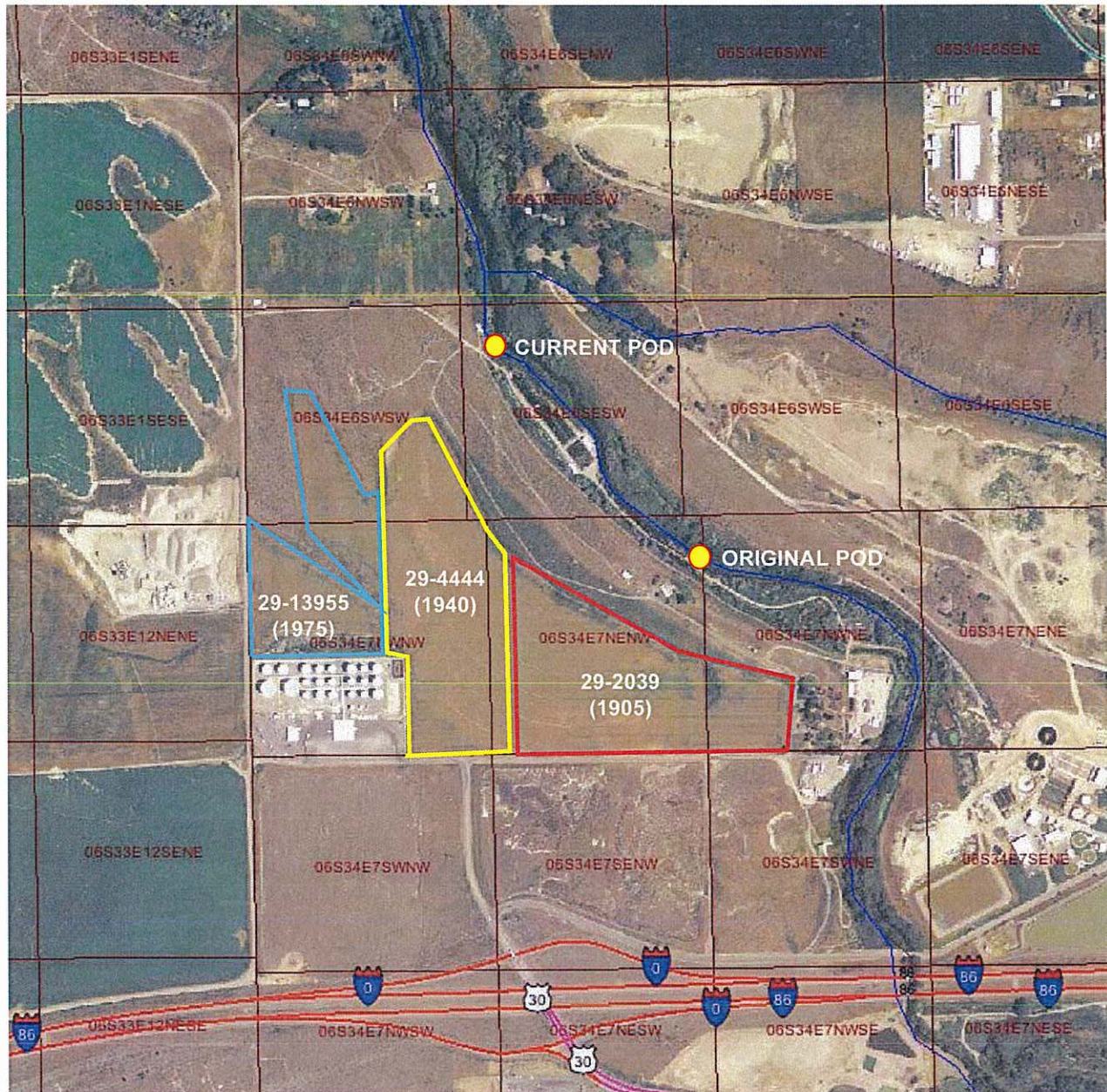
Notice is hereby given that I, Thomas J. Budge, Attorney, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature  Date 8-16-10

Address 201 E Center Street, PO Box 1391

Pocatello, ID 83204-1391

Rowlands, Inc.
 Water Right Nos. 29-2039, 29-2944, 29-13955



- = 28 acres first irrigated in 1905
- = 31 acres first irrigated in 1940
- = 19 acres first irrigated in 1975

**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 29-13956

Date Received: _____

Receipt No: _____

Received By: _____

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Rowlands Inc. Phone (208) 238-1259

Mailing Address 1141 Rowland Rd Pocatello ID 83204-7416
Street or Box City State ZIP

2. Date of Priority (Only one (1) per claim) 03/01/1949
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____

4. a. Location of Point of Diversion is: Township 6S, Range 34E, Section 7,
NW, 1/4 of NE, 1/4 Govt. Lot _____, BM., County of Power

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates ,Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. 160' deep well, 10" casing, 25 hp submersible pump

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 0.04 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.)

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	34E	7S		2															2

Parcel (PIN) no(s).

Total number of acres irrigated 2

10. In which county (ies) are lands listed above as place of use located? Power

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is 'No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

or None ()

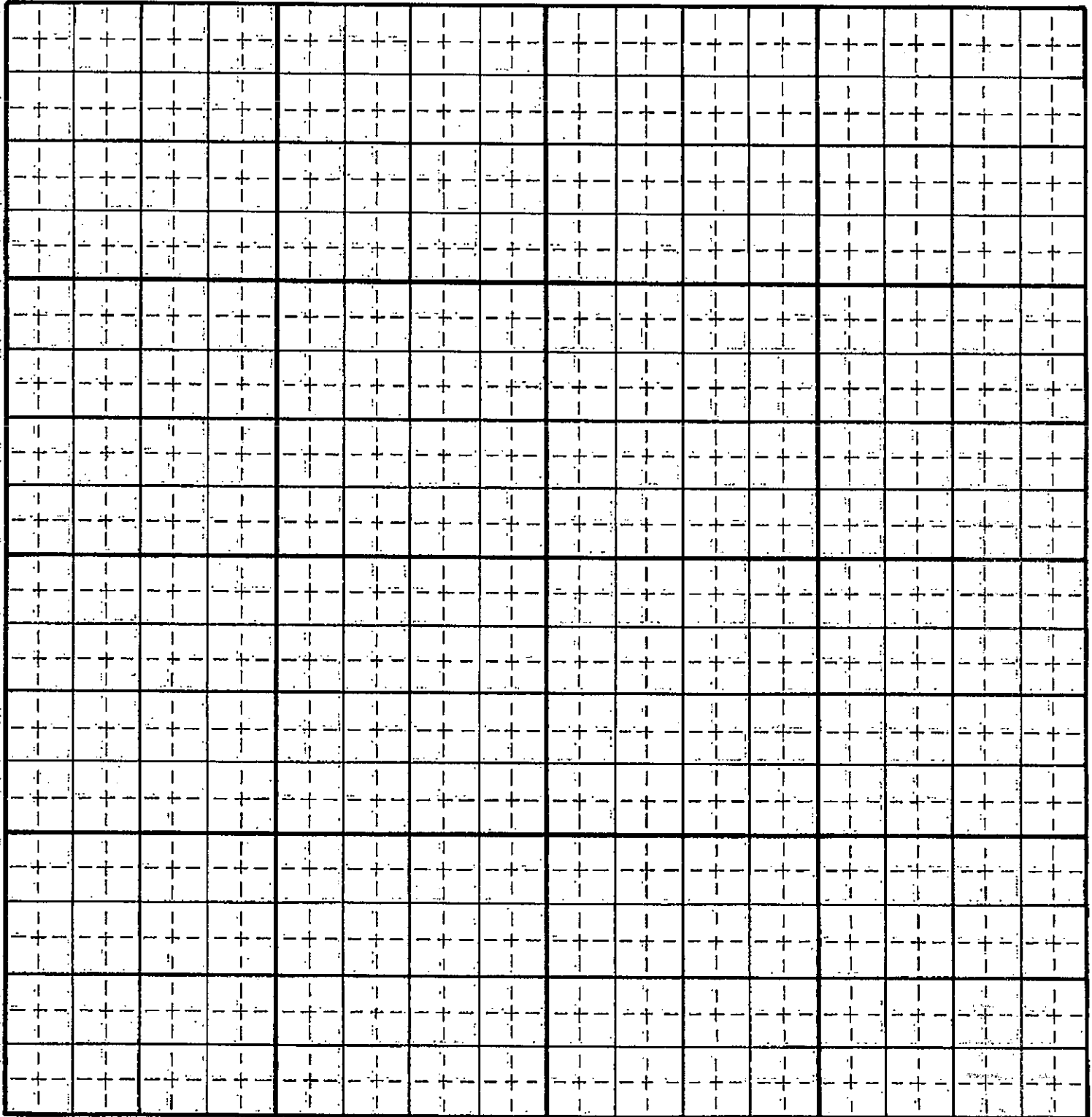
13. Remarks:

Last Name Rowlands

Identification No. 29-13956

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile



Last Name Rowlands

Identification No. 29-13956

14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Snake River Basin Adjudication." (b.) I/We do (☐) do not (☐) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

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

_____ of _____
Title Organization

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

_____ of _____
Title Organization

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

Signature of Authorized Agent Thomas J. Budge Date 8-16-10

Title and Organization Thomas J. Budge, Attorney

16. Notice of Appearance:

Notice is hereby given that I, Thomas J. Budge, Attorney, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Thomas J. Budge Date 8-16-10

Address 201 E Center Street, PO Box 1391

Pocatello, ID 83204-1391

**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 29-13957

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) Rowlands, Inc. Phone (208) 238-1259

Mailing Address 1141 Rowland Rd Pocatello ID Zip 83,204
Street or Box City State

2. Date of Priority: (Only one per claim) 03/01/1942
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water ☒ or Other ☐ (a) _____
which is tributary to (b) Portneuf River

4. Location of Point of Diversion is: Township 6S, Range 34E, Section 7,
NW 1/4 of NE 1/4, or Govt. Lot _____ BM., County of _____;

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS coordinates: _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, Etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

160' well, 10" casing, 25 hp submersible pump

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Domestic purposes from 1/1 to 12/31 amount 0.02
Month/Day Month/Day cfs ☒ or AFY ☐

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed 0.02 cfs ☒ or AFY ☐

8. Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) Domestic use for 1 residence.

9. Location of Place of Use is: Township 6S, Range 34E, Section 7
NW 1/4 of NE 1/4, Govt. Lot _____ BM. Parcel (PIN) no. _____
If different than shown in Item 4
for (Check One) Domestic ☒ Stock ☐ Domestic and Stock ☐

Additional places of use, if any _____

10. In which county (ies) are lands listed above as place of use located? _____

11. Do you own the property listed above as place of use? Yes ☒ No ☐

If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

None ☒ _____

13. Remarks:

14. Basis of Claim (Check One) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. 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 ☐ wish to receive do not ☒ and pay a small annual fee for monthly copies of the docket sheet

Number of attachments: 0

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

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

_____ of _____
Title Organization

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

_____ of _____
Title Organization

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

Signature of Authorized Agent Thomas J. Budge Date 8-16-10

Title and Organization Thomas J. Budge, Attorney

16. Notice of Appearance:

Notice is hereby given that I, Thomas J. Budge, Attorney, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Thomas J. Budge Date 8-16-10

Address 210 E. Center Street, PO Box 1391, Pocatello, ID 83204-1391

Last Name Rowlands Identification No. 29-13957

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 29-13958

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) Rowlands, Inc. Phone (208) 238-1259

Mailing Address 1141 Rowland Rd Pocatello ID Zip 83,204
Street or Box City State

2. Date of Priority: (Only one per claim) 03/01/1968
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water ☒ or Other ☐ (a) _____
which is tributary to (b) _____

4. Location of Point of Diversion is: Township 6S, Range 34E, Section 7,
SE NW 1/4 of NE 1/4, or Govt. Lot _____ BM., County of _____;

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS coordinates: _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, Etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

160' well, 10" casing, 25 hp submersible pump

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Domestic purposes from 1/1 to 12/31 amount 0.02
Month/Day Month/Day cfs ☒ or AFY ☐

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed 0.02 cfs ☒ or AFY ☐

8. Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) Domestic use for 1 residence.

9. Location of Place of Use is: Township 6S, Range 34E, Section 7,
NW 1/4 of NE 1/4, Govt. Lot _____ BM. Parcel (PIN) no. _____
If different than shown in Item 4
for (Check One) Domestic ☒ Stock ☐ Domestic and Stock ☐

Additional places of use, if any _____

10. In which county (ies) are lands listed above as place of use located? _____

11. Do you own the property listed above as place of use? Yes ☒ No ☐

If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

None ☒ _____

13. Remarks:

14. Basis of Claim (Check One) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. 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 ☐ wish to receive do not ☒ and pay a small annual fee for monthly copies of the docket sheet

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

_____ of _____
Title Organization

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

_____ of _____
Title Organization

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

Signature of Authorized Agent Thomas J. Budge Date 8-16-10

Title and Organization Thomas J. Budge, Attorney

16. Notice of Appearance:

Notice is hereby given that I, Thomas J. Budge, Attorney, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Thomas J. Budge Date 8-16-10

Address 210 E. Center Street, PO Box 1391, Pocatello, ID 83204-1391

Last Name Rowlands Identification No. 29-13958