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DEPARTMENT OF
WATER RESOURCES

Thomas J. Budge, ISB No. 7465
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BAILEY, CHARTERED
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Pocatello, Idaho 83204-1391
208-232-6101 - Telephone
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**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 Nos. 29-14000

AFFIDAVIT OF ROBERT ROWLAND

STATE OF IDAHO)
 : SS
County of Bannock)

ROBERT ROWLAND, being first duly sworn, deposes and states as follows:

1. I am a Director and the registered agent of Rowland's, Inc., an Idaho corporation.
2. Rowland's, Inc., was incorporated in 1962 for the purpose of operating a milk plant that my family had owned and operated since the early 1900s northwest of Pocatello in Section 7, Township 6 South, Range 34 East, Boise Meridian, Power County, Idaho.
3. I grew up and have lived on the property all of my life with the exception of military service from 1961-1964. I still live there today.
4. I am very familiar with the operation of the milk plant. I worked at various jobs in the plant as a teenager and continuing through my adult life. I became the manager in 1967 and continued in that position until September 1988 when the business was sold to Meadow Gold Dairy. Meadow Gold Dairy continued the milk processing operation until August 2005, but continues to utilize the facility for a distribution center.
5. The milk plant was used primarily to process milk, but also in the manufacturing of juice products and bottled water.

6. A groundwater well located outside of the milk plant was used to produce steam through a boiler which in turn was used for both heating milk and cleaning equipment. Water from the well was also used in producing reconstituted orange juice and other flavored fruit drinks.

7. The milk plant operated five days per week. The amount of milk processed at the plant varied over time depending on demand and other factors.

8. Up until 1965 the milk plant utilized a homogenizer with capacity to process 600 gallons of milk per hour. The plant typically operated 8-10 hours per day, processing up to 6,000 gallons of milk daily. In 1965 the homogenizer was replaced at which time the processing speed increased to 1,000 gallons per hour, thereby increasing daily milk processing to 10,000 gallons. In 1976 Rowlands, Inc., began processing milk for Meadowgold Dairy and installed a new homogenizer that processed up to 3,000 gallons per hour. In 1982 the processing speed was increased to 3,500 gallons per hour, processing up to 40,000 gallons per day, five days per week.

9. In recent years, approximately 1 gallon of water was needed to process 1 gallon of milk. Therefore, I estimate that we diverted up 40,000 gallons per day from the groundwater well into the milk plant for milk processing purposes in recent years. Additional water was used in the production of juices and bottled water, but this was a relatively minimal use of water that I believe did not exceed more than 400 gallons per day.

10. While the volume of milk that was processed at the plant increased over time, so did the efficiencies involved in milk processing. I have been unable to locate records of the amount of water diverted into the milk plant historically, but I expect that the amount of water diverted into the milk plant remained relatively constant. Even before the new homogenizer was installed in 1965 I estimate that up to 30,000 gallons were used in the milk plant daily from the well.

11. Rowland's, Inc., originally used a diaphragm pump to divert water from the well to an elevated 5,000 storage tank. My understanding is that the diaphragm pump could divert water at up to 50 gallons per minute (GPM). In 1964 the diaphragm pump was replaced with submersible pump with a 25 horse power motor that was able to pump up to 150 GPM. Under both pumps, water was pumped to the elevated storage tank, and from there water was delivered to the milk plant.

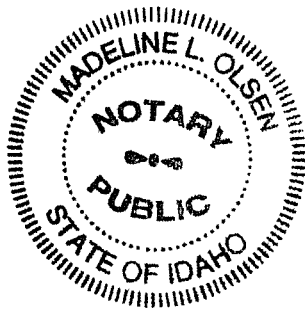
12. A portion of the water diverted into the milk plant from the groundwater well was consumed by evaporation, cleaning, and flavored drink production. The remainder left the milk plant through a pipe that spanned the Portneuf River and was discharged into the first of a series of three holding ponds on the other side of the River. Water from the upper pond flowed into the second pond which is lower in elevation, and from there into the lowest pond. Wastewater from the lowest pond was measured & discharged to the City of Pocatello wastewater treatment plant. The records attached hereto as Appendix A show up to 25,000 gallons per day being discharged to the City of Pocatello wastewater treatment plant. Given that some of the water in the ponds evaporated or seeped into the ground, and that some water was consumed within the milk plant before being piped across the River, these discharge records are consistent with my calculation that up to 40,000 gallons per day were diverted into the milk plant from the groundwater well.

FURTHER YOUR AFFIANT SAITH NAUGHT.

DATED this 5th day of May, 2011.

Robert Rowland
ROBERT ROWLAND

SUBSCRIBED AND SWORN TO before me this 5th day of May, 2011.



Madeline L. Olsen
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID
My Commission Expires: April 22, 2016

CERTIFICATE OF MAILING

I certify that on this 9th day of May, 2010, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

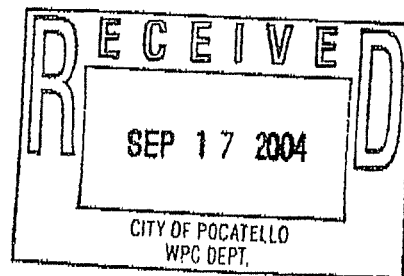
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724


THOMAS J. BUDGE
Attorney for the Claimant

Exhibit A

CITY OF POCA TELLO
WATER POLLUTION CONTROL DEPARTMENT
(208) 234-6254



INDUSTRIAL WASTEWATER SELF-MONITORING REPORT FORM

PERMITEE Rowland's Inc.

Flow Measuring Equipment

PERMIT NO. RD 965491

Calibration Last Verified

Date: March 16, 2004

DISCHARGE LOCATION: Adjacent to Wastewater Treatment plant

Monitoring Period From August 1, 2004

To August 31, 2004

INDUSTRIAL FLOW

COMMENTS:

METER READINGS:

Contact Andy Rowland at

719-567-4634 with questions

BEGINNING: 6,149,400

ENDING: 6,804,200

TOTAL FLOW: 654,800

AVERAGE FLOW: 21,123

MAXIMUM FLOW:

MINIMUM FLOW:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person(s) who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations

Andrew B. Rowland

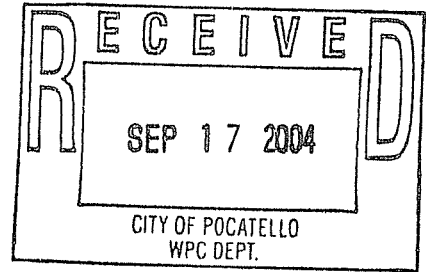
Print Name of Individual Completing Form

A handwritten signature in cursive script, appearing to read "Andrew B. Rowland".

Signature

13-Sep-04

CITY OF POCA TELLO
WATER POLLUTION CONTROL DEPARTMENT
(208) 234-6254



INDUSTRIAL WASTEWATER SELF-MONITORING REPORT FORM

PERMITEE Rowland's Inc.

Flow Measuring Equipment

Calibration Last Verified

PERMIT NO. RD 965491

Date: March 16, 2004

DISCHARGE LOCATION: Adjacent to Wastewater Treatment plant

Monitoring Period From August 1, 2004 To August 31, 2004

INDUSTRIAL FLOW

COMMENTS:

Contact Andy Rowland at
719-567-4634 with questions

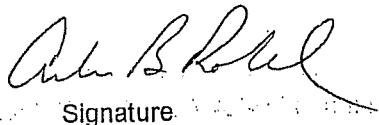
METER READINGS:

BEGINNING: 6,149,400
ENDING: 6,804,200

TOTAL FLOW: 654,800
AVERAGE FLOW: 21,123
MAXIMUM FLOW:
MINIMUM FLOW:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person(s) who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations

Andrew B. Rowland
Print Name of Individual Completing Form


Signature

13-Sep-04

CITY OF POCA TELLO
WATER POLLUTION CONTROL DEPARTMENT
(208) 234-6254

INDUSTRIAL WASTEWATER SELF-MONITORING REPORT FORM

PERMITEE Rowland's Inc.

Flow Measuring Equipment

PERMIT NO. RD 965491

Calibration Last Verified

Date: May 13, 2003

DISCHARGE LOCATION: Adjacent to Wastewater Treatment plant

Monitoring Period From July 1, 2003	To July 31, 2003
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INDUSTRIAL FLOW

COMMENTS:

METER READINGS:	
BEGINNING:	1,527,859
ENDING:	300,881

Total flow reported is greater than actual flow due to blockage at weir which raised the water level and resulted in a false flow rate. Blockage was cleared. Contact Andy Rowland at 719-567-4634 with questions

TOTAL FLOW:	773,002
AVERAGE FLOW:	24,936
MAXIMUM FLOW:	
MINIMUM FLOW:	

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person(s) who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations

Andrew B. Rowland

Print Name of Individual Completing Form



Signature

August 12, 2003

SENT VIA MAIL 13 AUG 03

CITY OF POCA TELLO
WATER POLLUTION CONTROL DEPARTMENT
(208) 234-6254

INDUSTRIAL WASTEWATER SELF-MONITORING REPORT FORM

PERMITEE Rowland's Inc.

Flow Measuring Equipment
Calibration Last Verified

PERMIT NO. RD 965491

Date: May 13, 2003

DISCHARGE LOCATION: Adjacent to Wastewater Treatment plant

Monitoring Period From June 1, 2003	To June 30, 2003
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INDUSTRIAL FLOW

COMMENTS:

METER READINGS:	
BEGINNING:	902,870
ENDING:	1,527,859

Total flow reported is greater than actual flow due to blockage at weir which raised the water level and resulted in a false flow rate. Blockage was cleared.

TOTAL FLOW:	624,989
AVERAGE FLOW:	20,833
MAXIMUM FLOW:	
MINIMUM FLOW:	

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person(s) who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations

BOB ROWLAND

Print Name of Individual Completing Form


Signature

July 7, 2003

CITY OF POCA TELLO
WATER POLLUTION CONTROL DEPARTMENT
(208) 234-6254

INDUSTRIAL WASTEWATER SELF-MONITORING REPORT FORM

PERMITEE Rowland's Inc.

Flow Measuring Equipment
Calibration Last Verified
Date: May 13, 2003

PERMIT NO. RD 965491

DISCHARGE LOCATION: Adjacent to Wastewater Treatment plant

Monitoring Period From May 1, 2003	To May 31, 2003
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INDUSTRIAL FLOW

COMMENTS:

METER READINGS:	
BEGINNING:	351,569
ENDING:	902,870

TOTAL FLOW:	551,301
AVERAGE FLOW:	18,377
MAXIMUM FLOW:	
MINIMUM FLOW:	

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person(s) who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOB ROWLAND

Print Name of Individual Completing Form


Signature

June 6, 2003

CITY OF POCA TELLO
WATER POLLUTION CONTROL DEPARTMENT
(208) 234-6254

INDUSTRIAL WASTEWATER SELF-MONITORING REPORT FORM

PERMITEE Rowland's Inc.

Flow Measuring Equipment

Calibration Last Verified

PERMIT NO. RD 965491

Date: February 8, 2003

DISCHARGE LOCATION: Adjacent to Wastewater Treatment plant

Monitoring Period From April 1, 2003	To April 30, 2003
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INDUSTRIAL FLOW

COMMENTS:

METER READINGS:	
BEGINNING:	795,518
ENDING:	1,351,569

TOTAL FLOW:	556,051
AVERAGE FLOW:	18,535
MAXIMUM FLOW:	
MINIMUM FLOW:	

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person(s) who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations

BOB ROWLAND

Print Name of Individual Completing Form


Signature

May 7, 2003

CITY OF POCA TELLO
WATER POLLUTION CONTROL DEPARTMENT
(208) 234-6254

INDUSTRIAL WASTEWATER SELF-MONITORING REPORT FORM

PERMITEE Rowland's Inc.

Flow Measuring Equipment
Calibration Last Verified

PERMIT NO. RD 965491

Date: February 8, 2003

DISCHARGE LOCATION: Adjacent to Wastewater Treatment plant

Monitoring Period From: March 1, 2003	To March 31, 2003
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INDUSTRIAL FLOW

COMMENTS:

METER READINGS:	
BEGINNING:	241,703
ENDING:	795,518

TOTAL FLOW:	553,815
AVERAGE FLOW:	18,461
MAXIMUM FLOW:	
MINIMUM FLOW:	

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person(s) who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations

BOB ROWLAND
Print Name of Individual Completing Form


Signature

April 9, 2003

CITY OF POCA TELLO
WATER POLLUTION CONTROL DEPARTMENT
(208) 234-6254

INDUSTRIAL WASTEWATER SELF-MONITORING REPORT FORM

PERMITEE Rowland's Inc.

Flow Measuring Equipment
Calibration Last Verified

PERMIT NO. RD 965491

Date: February 8, 2003

DISCHARGE LOCATION: Adjacent to Wastewater Treatment plant

Monitoring Period From: February 1, 2003

To February 28, 2003

INDUSTRIAL FLOW

COMMENTS:

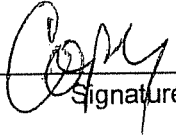
METER READINGS:	
BEGINNING:	654,520
ENDING:	1,241,703

TOTAL FLOW:	587,183
AVERAGE FLOW:	19,573
MAXIMUM FLOW:	
MINIMUM FLOW:	

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BOB ROWLAND

Print Name of Individual Completing Form


Signature

March 3, 2003

CITY OF POCATELLO
WATER POLLUTION CONTROL DEPARTMENT
(208) 234-6254

INDUSTRIAL WASTEWATER SELF-MONITORING REPORT FORM

PERMITEE Rowland's Inc.

Flow Measuring Equipment
Calibration Last Verified

PERMIT NO. RD 965491

Date: November 5, 2002

DISCHARGE LOCATION: Adjacent to Wastewater Treatment plant

Monitoring Period From: January 1, 2003	To January 31, 2003
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INDUSTRIAL FLOW

COMMENTS:

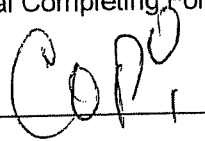
METER READINGS:	
BEGINNING:	39,112
ENDING:	654,520

TOTAL FLOW:	615,408
AVERAGE FLOW:	20,514
MAXIMUM FLOW:	
MINIMUM FLOW:	

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BOB ROWLAND

Print Name of Individual Completing Form

Signature 

February 4, 2003

CITY OF POCATELLO
WATER POLLUTION CONTROL DEPARTMENT
(208) 234-6254

INDUSTRIAL WASTEWATER SELF-MONITORING REPORT FORM

PERMITEE Rowland's Inc. Flow Measuring Equipment
PERMIT NO. RD 965491 Calibration Last Verified
Date: November 5, 2002
DISCHARGE LOCATION: Adjacent to Wastewater Treatment plant

Monitoring Period From: December 1, 2002 To December 31, 2002

INDUSTRIAL FLOW

COMMENTS:

METER READINGS:	
BEGINNING:	328,562
ENDING:	1,039,112
TOTAL FLOW:	710,550
AVERAGE FLOW:	23,685
MAXIMUM FLOW:	
MINIMUM FLOW:	

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BOB ROWLAND
Print Name of Individual Completing Form

Signature

Bob Rowland

January 10, 2003

CITY OF POCA TELLO
WATER POLLUTION CONTROL DEPARTMENT
(208) 234-6254

INDUSTRIAL WASTEWATER SELF-MONITORING REPORT FORM

PERMITEE Rowland's Inc.

Flow Measuring Equipment
Calibration Last Verified

PERMIT NO. RD 965491

Date: November 5, 2002

DISCHARGE LOCATION: Adjacent to Wastewater Treatment plant

Monitoring Period From: November 1, 2002	To November 30, 2002
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INDUSTRIAL FLOW

COMMENTS:

METER READINGS:	
BEGINNING:	701,315
ENDING:	1,328,562

TOTAL FLOW:	627,247
AVERAGE FLOW:	20,908
MAXIMUM FLOW:	
MINIMUM FLOW:	

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BOB ROWLAND

Print Name of Individual Completing Form


Signature

December 10, 2002