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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 17 2011
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	) Subcase: 29-14000
	)
Case No. 39576	) ORDER GRANTING LATE NOTICE OF
	) CLAIM
	)
	) ORDER FOR EXPEDITED LATE
	) CLAIM DIRECTOR'S REPORT AND
	) SETTING FORTH PROCEDURES AND
	) DEADLINES FOR EXPEDITED
	) PROCESS
	)

On May 10, 2011, Rowlands Inc. filed a *Motion to File Late Notice of Claim* for the above-captioned water right. A hearing on the *Motion* was held on August 16, 2011. No party appeared in opposition to the *Motion*. In addition to the above-captioned late notice of claim, Rowlands Inc. has various other water right claims presently pending unresolved in the SRBA. At the hearing it was represented to the Court that the late claim is associated with, relates to, and may affect water right claim 29-11278, filed by Rowlands Inc., which is currently pending unresolved before Special Master Bilyeu. It was also represented to the Court by the Idaho Department of Water Resources that, if granted, the late claim would be a candidate for an expedited late claim director's report given the current stage of the proceedings for water right claim 29-11278.

Accordingly, following a review of the file and after hearing the comments made in open court, the Court makes the following findings:

1. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this Late Notice of Claim. Good cause exists for granting the instant *Motion*.

2. The next regularly scheduled *Late and Miscellaneous Claims Director's Report* will not be issued in time to accommodate the proceedings presently set for related water right claim 29-11278.

3. In furtherance of the winding down process for the SRBA it is imperative that matters be timely processed. Therefore in limited circumstances such as this it is preferable to have a *Late Claims Director's Report* for certain late claims individually prepared and filed in advance of the next regularly scheduled *Late and Miscellaneous Claims Director's Report*. This is on a case-by-case basis and provided the Idaho Department of Water Resources (IDWR) is in a position to prepare the recommendation in advance and does not oppose preparing and filing a *Director's Report* in advance.

4. In this case IDWR does not oppose filing a *Director's Report* for the late claim and represented that it would be able to prepare a *Director's Report* and recommendation in a short time period.

5. This Court therefore finds that under the circumstances the issuance of an expedited *Late Claim Director's Report* for the above-captioned claim is appropriate.

THEREFORE, IT IS HEREBY ORDERED that the *Motion to File a Late Notice of Claim* for water right **29-14000** is **granted**. The original Notice 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.

IT IS HEREBY FURTHER ORDERED that the Director issue an expedited *Late Claim Director's Report* for the above-captioned water right claim, and that the parties abide by the following schedule with respect to the late claim:

1. Deadline for filing *Late Claim Director's Report*: The Director shall file an original of the *Late Claim Director's Report* for the above-captioned water right claim with this Court on or before **August 31, 2011** and shall distribute for display and review at least one (1) copy of the *Late Claim Director's Report* to the office of the clerk of the district court for each county in which any part of the water system is located, together with a copy of this **Order**. The Director shall also serve on each claimant or the claimant's attorney a notice of filing of the *Late Claim Director's Report*. Last, the

Director shall file with the Court an affidavit demonstrating compliance with the notice requirements of Idaho Code § 42-1411(6).

2. Deadline for the filing of objections to *Late Claim Director's Report*: Any party wishing to file an objection to the *Late Claim Director's Report* may do so within 21 days following the notice of filing of the *Late Claim Director's Report* in the Docket Sheet, or on or before **September 28, 2011**.

3. Deadline for the filing of responses to objections to *Late Claim Director's Report*: Responses to objections to the *Late Claim Director's Report* must be filed within 14 days following the close of the objection period, or on or before **October 12, 2011**.

4. Hearing on uncontested claim: In the event no objections are filed, the Court will hold a hearing on the entry of the ***Partial Decree*** as required by I.C. § 42-1412(7). **NOTICE IS HEREBY GIVEN** that the hearing will be held on **Tuesday, November 15, 2011, at 2:30 p.m. (Mountain Time)**, at the **Snake River Basin Adjudication District Court, 253 - 3rd Avenue North, Twin Falls, Idaho**. Parties may participate by telephone by dialing the number 1-215-446-0193 and when prompted entering code 406128#.

5. Publication of Notice: The clerk of the court is instructed to publish a notice of the issuance of this order, together with the applicable objection, response and hearing date, on the September 2011 docket sheet.

IT IS SO ORDERED.

Dated August 17, 2011



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING LATE NOTICE OF CLAIM / ORDER FOR EXPEIDTED LATE CLAIM DIRECTOR'S REPORT AND SETTING DEADLINES was mailed on August 17, 2011, 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

ORDER

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FILE COPY FOR 00534


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 29-14000

Date Received: 8/18/2011

Receipt No: 6093802

Received By: SRBA

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Rowlands, Inc.

Mailing Address 1141 Rowlands Rd.

Pocatello

City

ID

State

ZIP 83204

2. Date of Priority (Only one (1) per claim) 04/14/1964
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 2, 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. well with pump

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Industrial purposes from 01/01 to 12/31 amount 0.3 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.3 (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	7		I															n/a

Parcel (PIN) no(s). _____

Total number of acres irrigated n/a

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.

29-11278, 29-4445 or None ()

13. Remarks: This is an enlargement of water right no. 29-11278

Last Name _____ Identification No. _____

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 _____

16. Notice of Appearance:

Notice is hereby given that I, Thomas J. Budge, 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 5-6-2011

Address PO Box 1391

Pocatello, Idaho 83204

Last Name _____ Identification No. _____

SNAKE RIVER BASIN ADJUDICATION (SRBA)

DISTRICT COURT OF THE STATE OF IDAHO
PO BOX 2707
253 3RD AVENUE NORTH
TWIN FALLS, IDAHO 83303-2707
1-208-736-3011

***** RECEIPT # 2862 5-10-2011

RECEIVED FROM: RACINE OLSON NYE BUDGE

FOR: LATE CLAIM FEES	29-14000
TYPE OF PAYMENT	
AMOUNT PAID: 130.00	CHECK: 130.00 60845
	CASH: .00
	COIN: .00

AMOUNT RETURNED: .00 CHARGED: .00

ISSUED BY: JM

HELD: PENDING HEARING ON MOTION TO FILE LATE CLAIM

Fees Paid