



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 30, 2011

T. J. Budge
201 E. Center Street
P.O. Box 1391
Pocatello, ID 83204-1391

RE: SRBA Subcase No. 29-11278 (Rowlands, Inc.)

Dear T.J.:

I am enclosing proposed SF5 for the above-referenced subcase. Please review the document, and if it is acceptable, please sign on the indicated signature line, initial the revised recommendation and forward the SF5 to Michael Holliday for signature.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

**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 No. 29-11278
	)	
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
_____	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described as per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:

Rowlands, Inc.

_____ Thomas J. Budge	_____ Date
Attorney for Claimant/Objector	

IDWR Concurrence:

Michael Holliday	Date
Water Rights Supervisor	

Chris Bromley	Date
Deputy Attorney General	
Attorney for IDWR	

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-11278

NAME AND ADDRESS:

ROWLANDS INC
1141 ROWLAND RD
POCATELLO ID 83204-7416

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

0.110 CFS
7.200 AFY

~~0.060 CFS~~

The rights listed below are limited to a total combined diversion rate of 0.11 cfs. Combined Right Nos.: 29-11278, 29-13956, and 29-14000.

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

~~The quantity of water under this right shall not exceed 13,000 gallons per day.~~

PRIORITY DATE:

12/31/1937
~~08/17/1949~~

POINT OF DIVERSION:

T06S R34E S7 Lot 2 NWNE
Within POWER County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

INDUSTRIAL

01/01 12/31

0.110 CFS 7.20 AFY

DOMESTIC

01/01 12/31

0.060 CFS

Industrial use is in a milk processing plant.

Domestic use is for a duplex.

PLACE OF USE:

INDUSTRIAL within POWER County
T06S R34E S07 Lot 2 NWNE

DOMESTIC within POWER County
T06S R34E S07 Lot 2 NWNE

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

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. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The following rights are diverted through point of diversion described above: 29-4443, 29-11278, 29-13956, 29-13957, 29-13958, and 29-14000.

Right No. 29-14000 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

~~The following rights are diverted through point of diversion described above: 29-4443, 29-11278, 29-13956, 29-13957, and 29-13958.~~

CERTIFICATE OF MAILING

I certify that on _____, 2011, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

ROWLANDS, INC.
Represented by:
THOMAS J. BUDGE
201 E. CENTER ST.
P.O. BOX 1391
POCATELLO, ID 83204-1391

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney