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DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 25 2011
By _____
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 Nos. 29-14000

**SECOND 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 over the age of 18, competent to testify, and state the following based on my own personal knowledge.
2. This affidavit supplements my prior affidavit filed in this subcase on May 10, 2011.
3. I was born on August 17, 1939, and grew up in a home near a milk plant operated by my family north of Pocatello, Idaho, in Section 7, Township 6 South, Range 34 East, Boise Meridian, Power County, Idaho. I have lived on the property all of my life with the exception of military service from 1961-1964. I still live there today.
4. The milk plant has been in operation for as long as I can remember, so I would say at least since 1945. My father, Ben Rowland, told me that the milk plant was started by his father (my grandfather) in the year 1903. My father was born February 14, 1906, and raised on the family farm like myself. He told me stories of milking cows and working at the milk plant from when he was young. Attached hereto as Exhibit A is a photograph taken in the year 1932 that shows the milk plant as it appeared then. My father is on the very left and would have been 26 years old at the time. For these reasons, I believe the milk plant has been in operation since 1903.

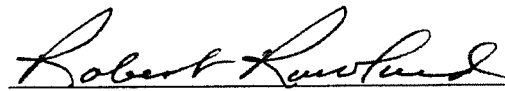
5. When I was a teenager my family milked around 200 Guernsey cows and we processed that milk in the milk plant. We also processed milk from other dairy farmers in the area. I first began working in the milk plant when I was in junior high school, which would have been in 1952. At that time the milk 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. That homogenizer was installed during World War II so that the milk plant could supply homogenized milk to the Army Air Base located at the present site of the Pocatello Regional Airport. I don't know the exact date when it was installed, but I would estimate 1943.

6. As explained in my prior affidavit, a diaphragm pump was used to divert water from a groundwater well inside the milk plant to an elevated 5,000 gallon storage tank on the hill next to the plant. I was aware of the diaphragm pump from about the age of six because I remember being with my father and watching him repair the pump at that age. I am quite certain, however, that the pump was in operation long before then. It was used to supply culinary water to the home that I grew up in which was constructed in 1937, so the pump must have been in operation by then. Since it also supplied water for the milk plant, it must have been in operation by 1932 when the picture attached as Exhibit A was taken of the milk plant. Since the milk plant was in operation long before 1932 I suspect the diaphragm pump was as well.

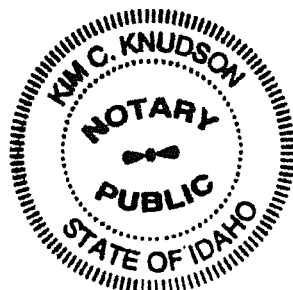
7. As explained in my prior affidavit, in 1964 a new well was drilled outside of the milk plant on the hill near my home to replace the old well and diaphragm pump.

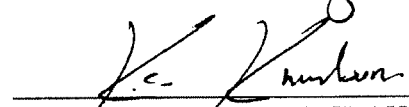
FURTHER YOUR AFFIANT SAITH NAUGHT.

DATED this 19 day of AUGUST, 2011.


ROBERT ROWLAND

SUBSCRIBED AND SWORN TO before me this 19 day of August, 2011.




NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID
My Commission Expires: 04-16-2016

CERTIFICATE OF MAILING

I certify that on this _____ day of August, 2011, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

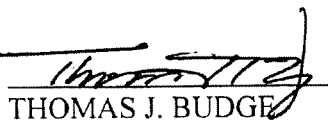
Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

ROWLAND BROS. DAIRY

EXHIBIT "A"

